



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to allow for the former Fir Lawn Lutheran Church to be used as the American Legion Timber City Post 133. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040 (B): Houses of worship, club, lodge, fraternal organization. Tax Lot 200 contains approximately 49,654 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT: American Legion Timber City Post 133
PROPERTY OWNER: Fir Lawn Lutheran Church, Inc.
FILE NUMBER: CU24-02
PROPERTY LOCATION: 109 W Holley Rd, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E31CB Tax Lot 00200.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040, 17.104, 17.126.
HEARING DATE & TIME: October 17, 2024, at 6:30 PM
HEARING LOCATION: City Hall Council Chambers at 3225 Main Street, Sweet Home, Oregon 97386
STAFF CONTACT: Angela Clegg, Associate Planner
 Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov
REPORT DATE: October 10, 2024

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Low Density Residential
Property North	Residential Low Density (R-1)	Medium Density Residential
Property East	Residential Low Density (R-1)	Low Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Low Density Residential

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property abuts the Special Flood Hazard Area from on the south and east property lines.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has frontage and access from Holley Road and 1st Avenue.

Services: The subject property has access to City water and sewer services in Holley Road and 1st Avenue.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: September 11, 2024
Notice Published in Newspaper: September 18, 2024
Planning Commission Public Hearing: October 17, 2024
120-Day Deadline: January 8, 2025
Notice was provided as required by SHMC 17.126.01

II. COMMENTS

Ray Grundy

Building Division: Building department has no comments or concerns at this time. It is up to the applicant to ensure all proper building permits are obtained for remediation of the structure, and a certificate of occupancy is issued before the building is habitable.

CEDD Engineering: No comments as of the issuance of this Staff Report.

Blake Patterson

Public Works Dept. No comments from Public Works.

Sweet Home Fire District:

No comments as of the issuance of this Staff Report.

Public Comments: Attachment C

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

17.104.050 DECISION CRITERIA

A Conditional Use shall be approved if the applicant provides supporting evidence that all the requirements of this Development Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district and complies with the development requirements of the underlying zone.

Staff Findings: The subject property is in the Residential Low Density zone. The applicant is requesting a conditional use permit to allow for the former Fir Lawn Lutheran Church to be

used as the American Legion Timber City Post 133. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040(B): Houses of worship, club, lodge, fraternal organization. The proposed use shall comply with the development standards listed in SHMC Chapter 17.10.060.

Based on the above information, staff finds the application complies with these criteria.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

Staff Findings: Property Line Adjustment application PLA23-03 was approved for Fir Lawn Lutheran Church on October 30, 2023, separating the church property from the single family residence. The applicant, American Legion Timber City Post 133, is in the process of purchasing the church property from Fir Lawn Lutheran Church. There are no changes to the site proposed with this conditional use application.

The site size, shape, location, topography, location of improvements, and natural features are adequate for the proposed use.

Based on the above information, staff finds that the application complies with these criteria.

C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

Staff Findings: Staff finds that the proposed American Legion post is timely. There is no additional development planned for the site. Fir Lawn Lutheran Church caught fire on February 25, 2023. The American Legion shall renovate the damaged portions of the building through the building permit process once ownership is obtained. The American Legion shall not occupy the building until a Certificate of Occupancy is issued by the City of Sweet Home Building Department. Staff recommends a condition of approval that the applicant shall complete all building renovations and repairs within one year of the date of the approval of Application CU24-02. If the applicant is unable to complete renovations within one year, they may apply for an extension from the building department. The applicant shall obtain and comply with all applicable local, state, and federal permits and requirements. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU24-02.

Per SHMC 17.44.060(D) Vehicle and Bicycle Parking Space Requirements for a Club or Lodge: Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc. 2 bicycle spaces per 20 vehicle spaces are required. Per SHMC 17.44.060(D) Vehicle and Bicycle Parking Space Requirements for public assembly, churches, auditorium, stadium, theater: 1 space per 4 seats or every 8 feet of bench length, or 60 sq. ft. of area w/o fixed seats. 1 bicycle space per 20 vehicles spaces are required. Staff recommends a condition of approval to comply with the parking standards of SHMC 17.44.060(D).

There is access to the building from Holley Road and 1st Avenue. City water, storm water and sewer services are existing for the site.

There are no existing or planned development for the site that will be affected by the planned use.

With the above conditions, staff finds that the application complies with these criteria.

- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.***

Staff Findings: Abutting the subject property in all directions are residential neighborhoods. The subject property was historically used as a house of worship. Staff finds that the use of the subject property as an American Legion Hall will be similar in use to that of a church. Fraternal organizations are in the same use category as houses of worship per SHMC 17.10.040(B). Staff finds that the proposed use will not alter the character of the surrounding area.

Based on the above information, staff finds that the application complies with these criteria.

- E. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.***

Staff Findings: Staff has not identified any negative impacts to adjacent properties. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section IV of this report.

Based on the above information, staff finds that the application complies with these criteria.

17.104.060 CONDITIONS OF APPROVAL

In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and The City as a whole.

- A. These conditions may include, but are not limited to, the following:***

- 1. Requiring larger setback areas, lot area, and/or lot depth or width;***
- 2. Limiting the hours, days, place and/or manner of operation;***
- 3. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;***
- 4. Limiting the building height, size or lot coverage, or location on the site;***
- 5. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;***
- 6. Increasing the number of required parking spaces;***
- 7. Requiring street rights-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;***
- 8. Limiting the number, size, location, height and lighting of signs;***
- 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;***

10. **Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;**
11. **Designating sites for open space or outdoor recreation areas;**
12. **Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;**
13. **Requiring ongoing maintenance of buildings and grounds;**
14. **Setting a time limit for which the conditional use is approved.**

B. Uses existing prior to the effective date of this Chapter and classified in Title 17 as a conditional use shall meet the criteria for modification of approved plans and developments.

C. The Planning Commission may require the applicant of an approved conditional use permit to enter into an agreement with The City for public facility improvements.

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval listed in Section IV of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

IV. CONCLUSION AND RECOMMENDATION

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU24-02:

1. The applicant shall complete all building renovations and repairs within one year of the date of the approval of Application CU24-02.
2. The applicant shall obtain and comply with all applicable local, state, and federal permits and requirements. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU24-02.
3. The applicant shall comply with the parking standards of SHMC 17.44.060(D).

V. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, the Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this

matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval if the application is approved.

Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU24-02; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU24-02; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Application
- C. Public Comment



W HOLLEY RD

SUBJECT PROPERTY

1ST AVE

Subject Property Map
CU24-02

Date: 9/10/24



1 inch = 48 feet



Land Use Application

- Adjustment
- Annexation
- Comprehensive Plan Map Amendment
- Conditional Use
- Home Occupation
- Interpretations
- Nonconforming Uses
- Partition
- Property Line Adjustment
- Site Development Review
- Subdivisions and Planned Developments
- Text Amendments
- Variance
- Zone Map Amendment

Date Received: 09.05.24
 Date Complete: 09.10.24
 File Number: CU24-03
 Application Fee: 650.00
 Receipt #: 5773
 Planning Commission Hearing Date: 10.17.24
 City Council Hearing Date:

Within 30 days following the filing of this application, the Planning Department will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name: American Legion timber
 Applicant's Address: PO Box 134 Sweet Home City
OR 97386 Post 133

Applicant's Phone Number: 541-554-6376
 Applicant's Email Address: Katsander.sen17@gmail.com

Property A
 Owner's Name: Fir Lawn Lutheran Church Inc
 Owner's Address: 109 W Holley Sweet Home
 Owner's Phone Number: 541-409-1029 Mindy Lee-Realtor
 Owner's Email: ~~mindy.lee@realtor.com~~
 Property Address: 109 W Holley Rd Sweet Home

Property B
 Owner's Name: _____
 Owner's Address: _____
 Owner's Phone Number: _____
 Owner's Email: _____
 Property Address: _____

Assessor's Map and Tax Lot: 13501E31CB 00200
 Property Size Before: 8516 sqft 1.11 acres Property Size After: 8516 sqft 1.11 acres
 Zoning Classification: R1 zone Comprehensive Plan: _____
wood density

Assessor's Map and Tax Lot: _____
 Property Size Before: _____ Property Size After: _____
 Zoning Classification: _____ Comprehensive Plan: _____

Nature of Applicant's Request
 Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.
for the American Legion, Timber City, Post 133

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: Barbara Moody - President
 Property Owner's Signature: Robert D. Cinsworth - Treasurer
 Property Owner's Signature: American Legion timber City
 Property Owner's Signature: Kat Sanderson-Cox, Commander Post 133

Date: 09-04-24
 Date: 09-04-24
 Date: 09-04-24
 Date: 09-04-24

Handwritten notes:
 Barbara Moody
 Robert D. Cinsworth
 American Legion timber City
 Kat Sanderson-Cox
 Post 133
 1st Vice Commander Post 133



APPENDIX D

CONDITIONAL USE

A conditional use is one which is generally acceptable as a land use activity in a particular zone, but due to certain aspects of the activity, buffering, screening, time limitations or other conditions are necessary to ensure compatibility with adjacent property. Conditional uses are presumed to be allowed unless conditions to ensure their compatibility cannot be established. [SHMC 17.104.010]

Conditional Use shall be reviewed in accordance with the Type III review procedures specified in Chapter 17.126. [SHMC 17.104.020]

An application for a conditional use shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126 [SHMC 17.104.030]

SHMC 17.104.040 SUBMITTAL REQUIREMENTS

The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)

The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The site plan shall show pertinent information to scale to facilitate the review of the proposed development.

- A. The following general information shall be shown on the site plan:
 - Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.
 - North arrow and scale of drawing.
 - Tax map and tax lot number or tax account of the subject property.
 - Dimensions and size in square feet or acres of the subject property.
 - Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.
 - Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
 - A site plan clearly indicating the proposed location of the proposed conditional use including the dimensions of any existing, expanded, or new structure proposed to house the conditional use along with all site improvements including parking, lighting, screening, landscaping, etc.

B. Is the use listed as a conditional use in the underlying district and does it comply with the development requirements of the underlying zone? Explain:

1710.040K We will not be a church but rather a NON-PROFIT
 Veterans group: American Legion, Timber City Post 133
 Sweet Home, OR 97386 (P.O. Box 134)

C. Are the characteristics of the site suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features? Explain:

It is compatible with our use. The burned portion will be replaced (the roof) and refurbished (the electrical) by the owners insurance prior to closing.

D. Is the proposed development timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use? Explain:

We are changing the use of the building to American Legion Services as soon as it's purchased. It will be good for us, and the community.

E. The applicant shall address how the proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

We are only restoring the inside and will erect a new US Flag Pole.

F. The applicant shall address how any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.

No impacts that we are aware of.



Land Use Application

- Adjustment
- Annexation
- Comprehensive Plan Map Amendment
- Conditional Use
- Home Occupation
- Interpretations
- Nonconforming Uses
- Partition
- Property Line Adjustment
- Site Development Review
- Subdivisions and Planned Developments
- Text Amendments
- Variance
- Zone Map Amendment

Date Received: _____
 Date Complete: _____
 File Number: _____
 Application Fee: _____
 Receipt #: _____
 Planning Commission Hearing Date: _____
 City Council Hearing Date: _____

Within 30 days following the filing of this application, the Planning Department will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name: _____
 Applicant's Address: _____

Applicant's Phone Number: _____
 Applicant's Email Address: _____

Property A

Owner's Name: _____
 Owner's Address: _____
 Owner's Phone Number: _____
 Owner's Email: _____
 Property Address: _____
 Assessor's Map and Tax Lot: _____
 Property Size Before: _____ Property Size After: _____
 Zoning Classification: _____ Comprehensive Plan: _____

Property B

Owner's Name: _____
 Owner's Address: _____
 Owner's Phone Number: _____
 Owner's Email: _____
 Property Address: _____
 Assessor's Map and Tax Lot: _____
 Property Size Before: _____ Property Size After: _____
 Zoning Classification: _____ Comprehensive Plan: _____

Nature of Applicant's Request

Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: Barbara Moody - President
 Property Owner's Signature: Robert D. Clensworth - Treasurer
 Property Owner's Signature: _____
 Property Owner's Signature: _____

Date: _____
 Date: _____
 Date: _____
 Date: _____

Angela Clegg

From: Tim Walker <timsplace@centurytel.net>
Sent: Monday, October 7, 2024 3:49 PM
To: Angela Clegg
Subject: : Conditional Use for American Legion at Fir Lawn Lutheran Church

Greetings Committee Members,

Thank you for informing the local neighborhood about the special use application submitted by the American Legion to occupy/use the Fir Lawn Lutheran Church as a new meeting place. Please accept the following input.

- 1.) The activities of the American Legion are very different from those of the Lutheran Church. In the 17 years that I have lived here, the Lutherans have always assembled for Sunday services. Additionally, the Lutheran women met once weekly to sew quilts. The only evening activities included Easter and Christmas services. The American Legion, on the other hand, meets throughout the week and into the evening hours.*
- 2.) This change is not compatible with the surrounding R-1 zone. It will disturb the peace of the adjacent and surrounding neighborhoods, especially in the evenings and with the serving of alcoholic beverages, which the Lutheran congregation never did. This is not acceptable in the middle of a residential neighborhood. Please ask yourselves if it would be acceptable next door to your homes.*
- 3.) Allowing a corporate destination such as this will increase certain 'risks' that are inherent in residential neighborhoods. Risks such as those occurring between increased traffic (cars, trucks, motorcycles) and children, pedestrians, and bicycles. This is not fair to those who reside in this neighborhood. Remember, this location is surrounded by R-1 homes. I think it is safe to say that these neighbors never anticipated a dramatic and risky change such as this.*
- 4.) 'Spot zoning' such as this is what zoning is supposed to prevent. This is a case of what the overall zoning principles are intended to prevent. It also creates an unacceptable precedent when future zoning principles are challenged, especially when commercial properties are readily available in Sweet Home's commercial areas.*
- 5.) Over the years, the Fir Lawn Lutheran Church has opened its doors to several non-profit organizations such as The Red Cross and Winter Warming Shelters. These sorts of activities have been problematic with issues arising such as trespassing on and theft from adjacent R-1 properties.*
- 6.) Finally, this church was closed after the fire that seemed to have started in the church lobby. To my knowledge, repairs have not been made to the structure and/or the electrical systems. Are we not putting the cart before the horse when we discuss future plans for this building?*

*Respectfully Submitted,
Timothy Walker, 1061 1st Avenue, Sweet Home, Oregon 97386, (541) 367-1954
timsplace@centurytel.net*