

**City of Sweet Home**

Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to allow for an access easement for Proposed Parcel 3 of pending Partition P21-14. Per SHMC 16.12.030 (F), *Access easements*. Where no other practical access to lots or parcels exists, the city may allow an access easement for actual access to lots or parcels. Approval of an easement that is a joint use driveway may be approved pursuant to the standards listed in 17.08.100(C)(6). The subject property is in the Industrial (M) Zone.

Conditional Use Application CU21-11 is pending the approval of Partition Application P21-14. Application P21-14 is being filed simultaneously with Application CU21-11.

APPLICANT: The City of Sweet Home

PROPERTY OWNER: The City of Sweet Home

FILE NUMBER: CU21-11

PROPERTY LOCATION: 1400 24th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29 Tax Lot 02201.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.44.020, 17.44.030, 17.80.040

HEARING DATE & TIME: October 7, 2021 at 6:30 PM

HEARING LOCATION: City Hall at 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

REPORT DATE: September 30, 2021

I. PROJECT AND PROPERTY DESCRIPTION**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Industrial (M)	Planned Recreation Commercial
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Industrial (M) Commercial Highway (C-2)	Light Industrial Highway Commercial
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Recreation Commercial (RC) Commercial Highway (C-2)	Planned Recreation Commercial Highway Commercial

Floodplain Based on a review of the September 29, 2010 FEMA FIRM Maps; Panel 41043C0914G, the subject property is located outside of the 100-year floodplain.

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 along 44th Avenue.

Services: The property has access to City water and sewer services in 44th Avenue.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: September 8, 2021

Notice Published in Newspaper: September 15, 2021

Planning Commission Public Hearing: October 7, 2021

120-Day Deadline: December 25, 2021

Notice was provided as required by SHMC 17.12.120

II. COMMENTS

Building Division: The Building Program has no issues with this request.

Engineering Division: Regarding the Conditional Use for 1400 24th Ave, the access to Lot 3 can only be by easement since Lot 2 is maxed out to its allowable depth (2.5x width). This leaves a remaining area that would be not very usable if not made into a separate parcel. CEDD-ES has no concerns with this Conditional Use application.

Public Works Dept. Since it is stated in the narrative that this will be a shared driveway, I recommend creating a deed restriction on Parcel 2 of the partition so that it can't have a driveway outside of the shared driveway easement area. Otherwise, there will likely end up being two driveways, and Public Works wants to minimize the number of driveways accessing the future arterial street that 24th Ave will become.

Sweet Home Fire District: The Fire District has no issues with this request.

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. The applicant's findings are included in their written statement included in Attachment D.

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.80.040(A)]

Staff Findings: The subject property is in the M Zone. The applicant is requesting a conditional use permit to allow for an access easement for Proposed Parcel 3 of pending Partition P21-14. Per SHMC 16.12.030 (F), *Access easements*. Where no other practical access to lots or parcels exists, the city may allow an access easement for actual access to lots or parcels. Approval of an easement that is a joint use driveway may be approved pursuant to the standards listed in

17.08.100(C)(6).The subject property is in the Industrial (M) Zone. Conditional Use Application CU21-11 is pending the approval of Partition Application P21-14. Application P21-14 is being filed simultaneously with Application CU21-11.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. 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 CU21-11.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

- 1. Building size;**
- 2. Parking;**
- 3. Traffic;**
- 4. Noise;**
- 5. Vibration;**
- 6. Exhaust and emissions;**
- 7. Light and glare;**
- 8. Erosion;**
- 9. Odor;**
- 10. Dust;**
- 11. Visibility;**
- 12. Safety;**
- 13. Building, landscaping or street features. [SHMC 17.80.040(B)]**

Staff Findings: The applicant is requesting a conditional use permit to allow for an access easement for Proposed Parcel 3 of pending Partition P21-14. Application P21-14 is being filed simultaneously with Application CU21-11.

Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

The application complies with this criterion.

C. 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. [SHMC 17.80.040(C)]

Staff Findings: Staff has not identified any negative impacts to adjacent properties. In order 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.

The application complies with this criterion.

D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use. [SHMC 17.80.040(D)]

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

The application complies with this criterion.

E. Home occupations must meet the following standards:

1. The home occupation shall be secondary to the residential use.

Staff Findings: The applicant is not proposing a home occupation.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Staff Findings: The applicant is not proposing a home occupation.

3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.

Staff Findings: The applicant is not proposing a home occupation.

4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.

Staff Findings: The applicant is not proposing a home occupation.

F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

J. 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. [SHMC 17.80.050]

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 in order 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." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of development listed in Section V of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

K. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, staff recommends that a condition of approval require that the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

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 CU21-11:

1. Application P21-14, being filed simultaneously with application CU21-11, be approved by Administration.
2. The applicant shall create a deed restriction on Parcel 2 of Partition P21-14 to minimize the number of driveways accessing the future 24th Avenue arterial street.
3. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

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 V.

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 CU21-11; 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 CU21-11; 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 Site Plan
- B Subject Property Map
- C Application

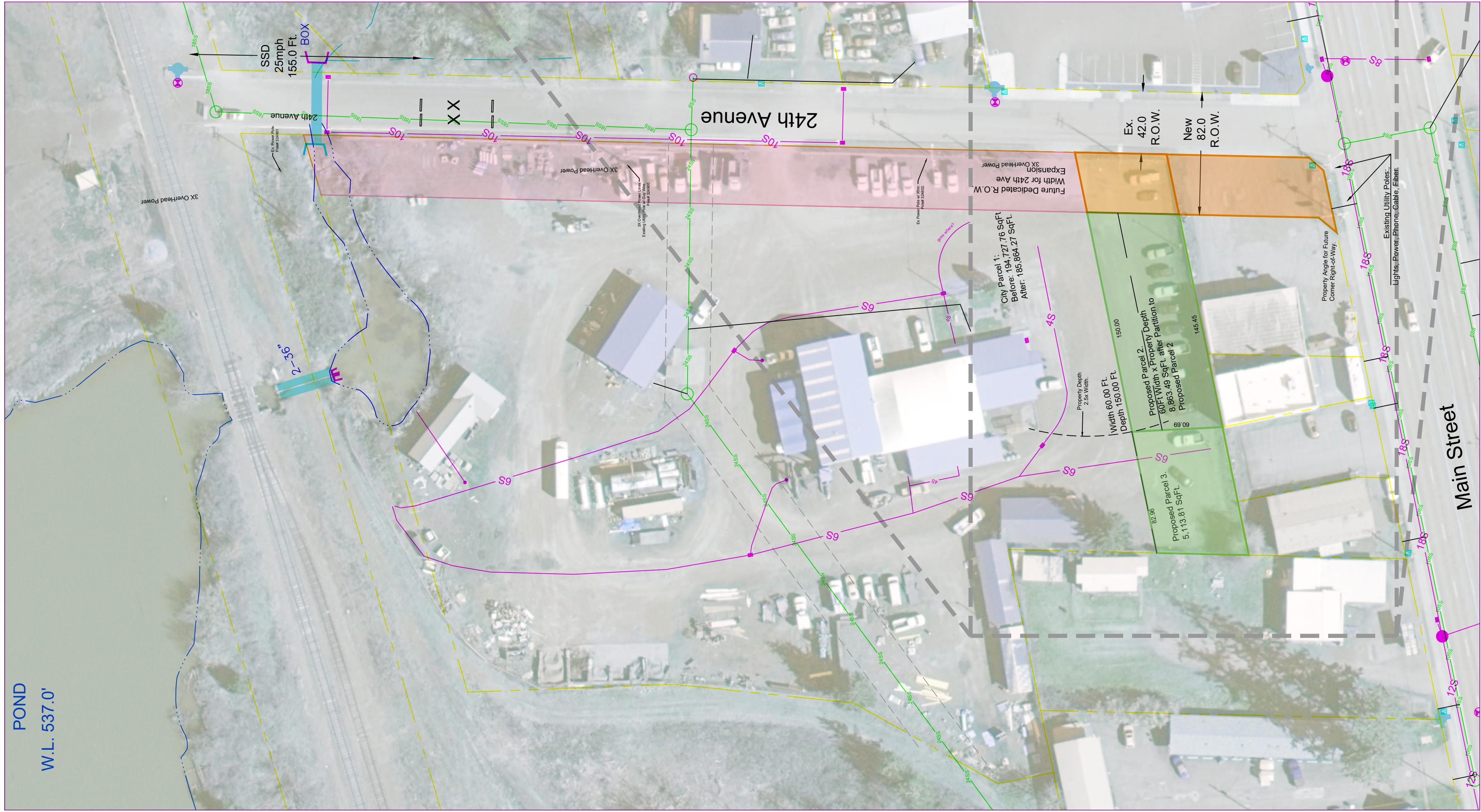


Subject Property Map
CU21-11

Date: 8/27/21



1 inch = 222 feet



City Maintenance Yard Land Partition

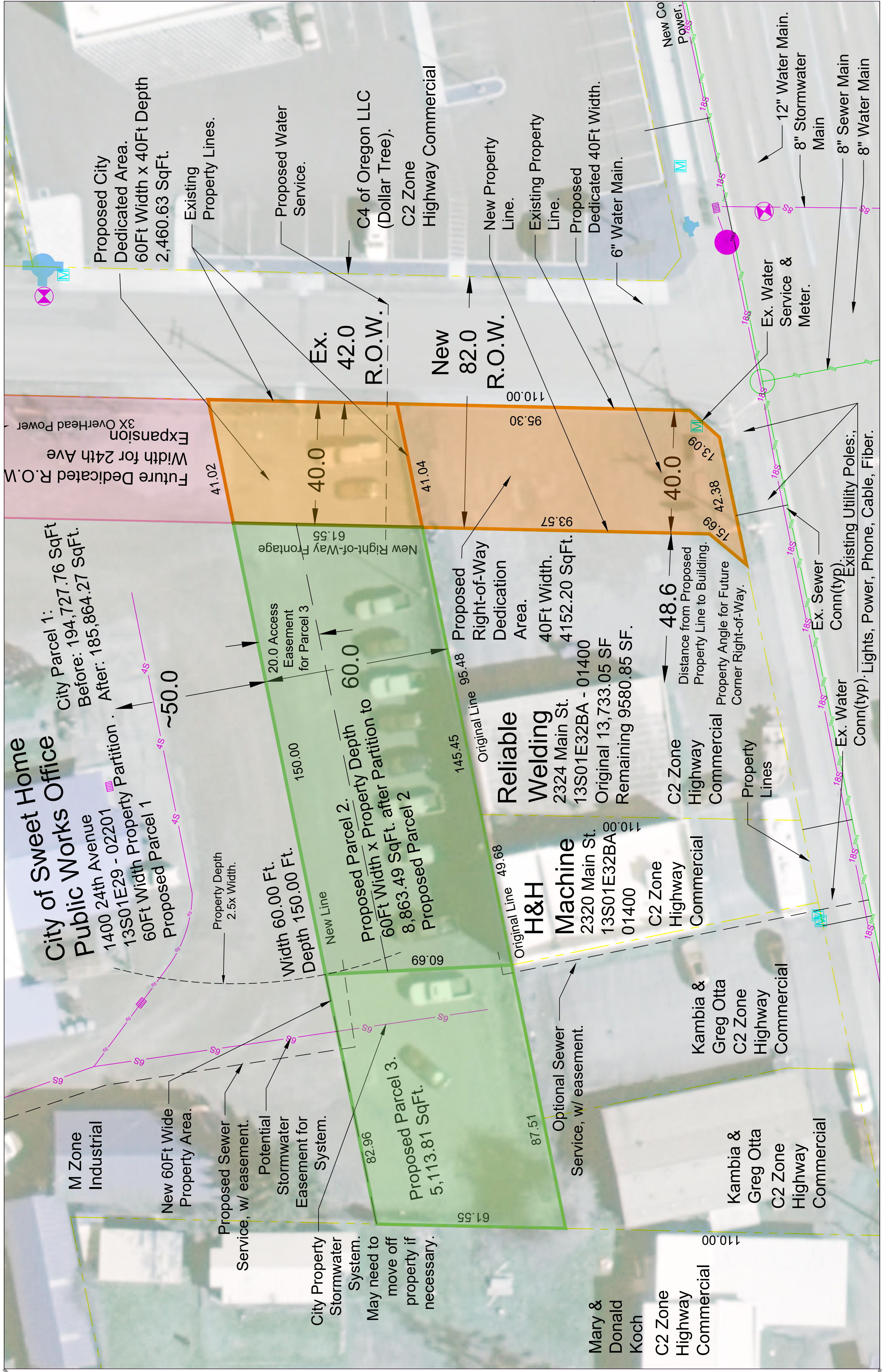
Horizontal Scale 1" = 50'

Narrative:

This Property Partition of the City of Sweet Home's Maintenance Service Yard will remove the south 60 ft from a portion of the yard. The maximum depth of Parcel 2 is 2.5x the average width, using 60 ft as the intended dimension, the maximum depth of Parcel 2 is 150.00 Ft. The large Parcel 1 will remain as the city yard facilities, the Parcel 2 partition area, which is the parking area, will be 1,324.12 SqFt. The Reliable Welding owners, will be dedicating the east 40Ft of their street frontage to 24th Avenue encompassing 4,152.20 SqFt. The City will also be dedicating a similar street frontage area of the east 40ft of the City parcel to the 24th Avenue Right-of-Way encompassing 2,460.63 SqFt, thus reducing the finished size of Parcel 2 to 8,863.49 SqFt. The remaining Parcel 3 with 5,113.81 SqFt, will be accessed by a 20Ft wide easement across Parcel 2.

Legend: Area of Land Parcels.

- Reliable Welding 24th Ave Dedication. 4,152.20 SqFt.
- City St 24th Ave Dedication 2,460.63 SqFt
- City Parcel 2 Pre-Dedication 11,324.12 SqFt
- City Parcel 2 Post-Dedication 8,863.49 SqFt
- City Parcel 3 5,113.81 SqFt



Expanded Detail

Horizontal Scale 1" = 20'

DWG No. in Map Projects\City Hall\24th Ave Property Swap\Phase1_CityPartition_Sheet 2.2b.dwg	Rev.	Description.	Date.
PRINT DATE		09-10-2019	
SCALE	1" = 20'	SIZE	
SHPW1861	Drawn:		
	Checked:		
	Approved:		
		D	

CITY OF SWEET HOME, Public Works Department
City Engineer: David L. Smith, P.E.
T: 541-367-6977, F: 541-367-6440



TITLE

City of Sweet Home
24th Avenue Economic Development Corridor

PHASE I: RELIABLE WELDING - CITY OF SWEET HOME PARTITION AND LAND DEDICATION
EXHIBIT A.

SHEET
NUMBER

2.2f



City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Application for a Conditional Use Permit

Date Received: 08.20.21
Date Complete: 08.27.21
File Number: CU21-11
Application Fee \$: 615.00
Receipt #: —
Hearing Date: 10.07.21

Applicant's Name:

The City of Sweet Home

Applicant's Address:

3225 Main Street, Sweet Home, OR 97386

Applicant's Phone and e-mail:

541-367-8113, blarsen@sweethomeor.gov

Subject Property Address:

1400 24th Avenue, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

13S01E29 02201

Subject Property Size:

194,678 SF (4.48 acres)

Subject Property: Zoning Classification

Industrial (M) Zone

Property Owner:

The City of Sweet Home

Owner's Address:

3225 Main Street, Sweet Home, OR 97386

Owner's Phone and email:

541-367-8113, blarsen@sweethomeor.gov

Comprehensive Plan Classification:

Planned Recreation Commercial

Nature of Applicants Request

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

The parcel is to be split into two parcels requiring an access easement. A Partition application is being filed simultaneously.

The easement is permitted via a Conditional Use Permit.

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

None

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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:

Date:

12 Aug 21

Property Owner's Signature:

Date:

12 Aug 21

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