



**Staff Report Presented to the Planning Commission**

**REQUEST:** The applicant is requesting a conditional use permit to construct an 840 square foot shed for storage, firewood, and lawn equipment. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040(I), secondary use on a lot without a primary use. Tax Lot 142 contains approximately 11,250 square feet and is in the Residential Low Density (R-1) Zone.

**APPLICANT**

**PROPERTY OWNER:** Mike Thompson

**FILE NUMBER:** CU23-03

**PROPERTY LOCATION:** Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32AD Tax Lot 00142.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.10.040, 17.10.060, 17.104

**HEARING DATE & TIME:** March 21, 2024, at 6:30 PM

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

**STAFF CONTACT:** Diane Golden, Associate Planner  
 Phone: (541) 367-8113; Email: dgolden@sweethomeor.gov

**REPORT DATE:** March 14, 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)	Low 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 41043C0914G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

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 off Kalmia Street.

Services: The subject property has access to City water and sewer services in Kalmia Street.

**TIMELINES AND HEARING NOTICE:**

Letter of Incomplete Mailed: November 20, 2023

Application Deemed Complete: February 1, 2024

Mailed/Emailed Notice: February 20, 2024

Notice Published in Newspaper: February 28, 2024

Planning Commission Public Hearing: March 21, 2024

120-Day Deadline: May 31, 2024

Notice was provided as required by SHMC 17.126.01

**II. COMMENTS**

**Building Division:** Building has no comments or concerns at this time.

**CEDD Engineering:** Utilities: I have no comments on utility connections, as none are proposed.  
Street: Kalmia is a paved, undeveloped street with no adjacent sidewalks, curb, or gutter. Development of this property requires a concrete or asphalt hard surface approach to be constructed.  
Storm: There is a shallow ditch at the front of the property which is available for drainage.

**Public Works Dept.** No comments from public works.

**Sweet Home Fire District:** No concerns.

**Public Comments:** No comments as of the issuance of this Staff Report.

**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.***

Applicant's Comments: When house is finished it will meet and comply with all city codes and standards.

Staff Findings: The subject property is in the R-1 zone. The applicant has requested to construct a shed for storage, firewood and lawn equipment. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040(I), secondary use on a lot without a primary use.

Based on the above information, staff find 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.***

Applicant's Comments: Yes.

Staff Findings: Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone: Minimum lot area 7,000 square feet; minimum width at building line 70 feet; front yard setback 15 feet; garage/carport 20 feet; interior side yard 5 feet minimum and 12 feet both sides combined; rear yard 15 feet; and maximum lot coverage 40%.

Tax Lot 142 is an approximately 11, 250 square foot vacant lot. The proposed 840 square foot shed will cover approximately 7% of the lot. The front of the shed is more than 70 feet from the street abutting the front yard and is therefore permitted to be built within 5 feet of the rear and interior side lot lines. The proposed rear setback is approximately 6 feet, the proposed eastern side setback is approximately 14 feet, and the proposed western side setback is approximately 15 feet. The front setback is approximately 105 feet. There are no topographical or natural features in the location of the proposed shed. Staff find that the site is suitable for the proposed use.

Based on the above information, staff find 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.***

Applicant's Comments: Yes.

Staff Findings: Staff finds that the proposed shed is timely. The property abuts Kalmia Street and shall allow for adequate transportation needs to the facility. There are no residential dwellings proposed with this application, however there are City water and sewer services available in Kalmia Street should there be future development.

Based on the above information, staff find 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.***

Applicant's Comments: When finished building home it will appear a well kept residential home.

Staff Findings: All abutting properties are in the Residential Low Density (R-1) Zone. The proposed shed is proposed to be located at the rear of the lot. The proposed use will not alter the character of the surrounding area.

Based on the above information, staff find 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.***

Applicant's Comments: This would only be positive impacts on the very run down neighborhood!

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.

With the above condition, 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 CU23-03:**

1. The final configuration of the proposed shed shall substantially conform to the plot plan reviewed in this application (see attachment B).
2. A new Right-of-Way (ROW) permit and hard surface approach will be required.
3. The property owner 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 CU23-03.

#### **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 CU23-03; 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 CU23-03; 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. Site Plan
- C. Application

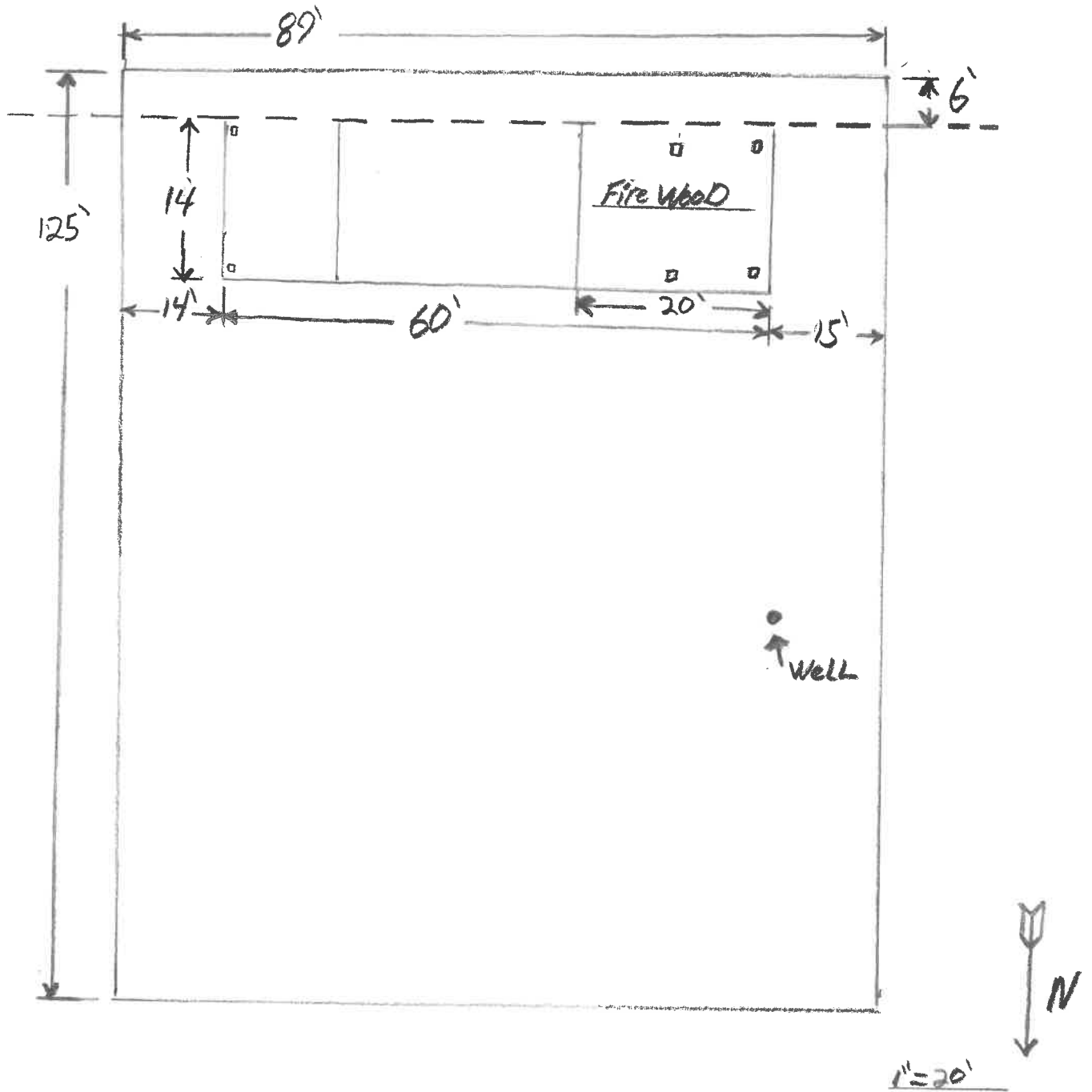




Subject Property Map  
CU23-03

Date: 02/20/2024

±  1 inch = 68 feet



Kalmia Street 3531





**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: 10.23.23  
 Date Complete: 10.30.23  
 File Number: CA23-03  
 Application Fee: 650.00  
 Receipt #: 5445  
 Planning Commission Hearing Date: 12.7.23  
 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: Mike Thompson  
 Applicant's Address: 3531 Kalmia Street

Applicant's Phone Number: 541-409-2875  
 Applicant's Email Address: mt56@CenturyTel.MeT

**Property A**

Owner's Name: Mike Thompson  
 Owner's Address: 3531 Kalmia Street  
 Owner's Phone Number: 541-409-2875  
 Owner's Email: mt56@CenturyTel.MeT  
 Property Address: 3541 Kalmia Street  
 Assessor's Map and Tax Lot: 32AD0142 257952  
 Property Size Before: 11250 SF Property Size After: \_\_\_\_\_  
 Zoning Classification: R-1 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.  
Shed for storage and wood shed for fire wood and lawn mower storage.

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: Mike Thompson  
 Property Owner's Signature: Mike Thompson  
 Property Owner's Signature: \_\_\_\_\_  
 Property Owner's Signature: \_\_\_\_\_

Date: 10-23-23  
 Date: 10-23-23  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_

## Land Use Application Checklist:

- All applicable sections of the Land Use Application have been filled in.
- The Land Use Application has been signed and dated by all applicable parties.
- I have received the applicable criteria for the Land Use Action that I am applying for.
  - Appendix A: Adjustments**
    - Chapter 17.100 Adjustments; and
    - Applicable Zoning Criteria
    - Chapter 17.124 Type II Applications and Review Procedures (optional)
  - Appendix B: Annexations**
    - Chapter 17.118 Annexations; and
    - Applicable Zoning Criteria
    - Chapter 17.128 Type IV Applications and Review Procedures (optional)
  - Appendix C: Comprehensive Plan Map Amendment**
    - Chapter 17.112 Comprehensive Plan Map Amendment; and
    - Applicable Zoning Criteria
    - Chapter 17.128 Type IV Applications and Review Procedures (optional)
  - Appendix D: Conditional Use**
    - Chapter 17.104 Conditional Use; and
    - Applicable Zoning Criteria
    - 2019 OR Structural Building Code, Section 419, Live/Work Units (if applicable)
    - Chapter 17.126 Type III Applications and Review Procedures (optional)
  - Appendix E: Home Occupation**
    - Chapter 17.94 Home Occupation; and
    - Chapter 17.68 Home Occupations
    - Applicable Zoning Criteria; and
    - 2019 OR Structural Building Code, Section 419, Live/Work Units
    - Chapter 17.122 Type I Application and Review Procedures (optional)
    - Appendix D: Conditional Use (if applicable)
  - Appendix F: Interpretations**
    - Chapter 17.96 Interpretations; and
    - Applicable Zoning Criteria
    - Chapter 17.122 Type I Application and Review Procedures (optional)
  - Appendix G: Nonconforming Uses**
    - Chapter 17.108 Nonconforming Uses; and
    - Applicable Zoning Criteria
    - Chapter 17.126 Type III Applications and Review Procedures (optional)
  - Appendix H: Partitions**
    - Chapter 17.98 Partitions
    - Applicable Zoning Criteria
    - Chapter 17.124 Type II Applications and Review Procedures (optional)
  - Appendix I: Property Line Adjustment**
    - Chapter 17.92 Property Line Adjustment
    - Applicable Zoning Criteria
    - Chapter 17.122 Type I Application and Review Procedures (optional)

- Appendix J: Site Development Review**
  - Chapter 17.102 Site Development Review
  - Applicable Zoning Criteria
  - Chapter 17.126 Type III Applications and Review Procedures (optional)
  
- Appendix K: Subdivisions and Planned Developments**
  - Chapter 17.110 Subdivisions and Planned Developments
  - Applicable Zoning Criteria
  - Chapter 17.126 Type III Applications and Review Procedures (optional)
  
- Appendix L: Text Amendments**
  - Chapter 17.116 Text Amendments
  - Applicable Corresponding Chapter
  - Chapter 17.128 Type IV Applications and Review Procedures (optional)
  
- Appendix M: Variance**
  - Chapter 17.106 Variance
  - Applicable Zoning Criteria
  - Chapter 17.126 Type III Applications and Review Procedures (optional)
  
- Appendix N: Zone Map Amendment**
  - Chapter 17.114 Zone Map Amendment
  - Applicable Zoning Criteria
  - Chapter 17.128 Type IV Applications and Review Procedures (optional)



**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:

*Yes. When house is finished it will meet and comply with all city codes and standards.*

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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:

yes

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:

yes

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.

When Finished Building Here it will appear a well kept Residential Home

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.

This would be only Positive impacts on the very Run down Neighbor Hood!