

**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 the conversion of the existing office building to a residence for a site watchman. The office building is located near the corner of 22nd Avenue and Tamarack Street. Per SHMC Chapter 17.60.030(D) a conditional use is required for residential uses not related to or conjunction with a recreation development. Tax Lot 2200 contains approximately 6,400,358 square feet (146.68 acres) and is in the Recreation Commercial (RC) Zone.

APPLICANT: Joshua Victor

PROPERTY OWNER: Joshua Victor

FILE NUMBER: CU22-13

PROPERTY LOCATION: 2210 Tamarack Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29 Tax Lot 2200.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.60.030, 17.80.040

HEARING DATE & TIME: November 17, 2022, 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: November 10, 2022

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

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Recreation Commercial (RC)	Planned Recreation Commercial
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Residential Industrial Transition (RMT)	Medium Density Residential
Property South	Industrial (M) Recreation Commercial (RC) Commercial Highway (C-2)	Light Industrial Planned Recreation Commercial Highway Commercial Public General Industry
Property West	Industrial (M) Residential High Density (R-2) Residential Low Density (R-1)	Light Industrial Medium Density Residential High Density Residential

Floodplain	Based on a review of the FEMA FIRM Maps; Panels 41043C0912G, 41043C0913G, and 41043C0914G dated September 29, 2010, the subject property is not in the 100-year floodplain. Based on the City of Sweet Home's ArcGIS Floodplain layer, there is a 100-year floodplain in the upper northwest corner of the property.
Wetlands:	The subject property does show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map: SSR-48A, SSR-47D, SSR-45, SSR-45B, SSR-44, SSR-43, SSR-42, SSR-47A, SSR-47C, SSR-46A, SSR-46B, and SSR-46C. See Attachment C.
Access:	The subject property has access from Tamarack Street, 22 nd Avenue, 24 th Avenue, Yucca Street, and Clark Mill Road. The building will be accessed via Tamarack Street.
Services:	There are City water and sewer services in Tamarack Street and 22 nd Avenue.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice:	October 11, 2022
Notice Published in Newspaper:	October 19, 2022
Planning Commission Public Hearing:	November 17, 2022
120-Day Deadline:	February 8, 2023
Notice was provided as required by SHMC 17.12.120	

II. COMMENTS

Adam Leisinger Building Division:

Building Dept has no issues with the Conditional Use, except that currently the proposed building is illegal for residency. In order to be made legal for a residence, please see the notes below from the Building Official.

Shawn Eaton Building Official

Before a Certification of Occupancy is issued, the following items shall be resolved:

1. Complete plans need to be turned in at the city hall (3 copies), along with application for a permit. (R106.1)
2. In the plan, please identify the size and span of the floor joists/beams, walls studs, ceiling joists/rafter, etc. All statements must be identified as the minimum or better in the Oregon Residential Special Code.
3. Identification on setback of resident and other surrounding building. (R106.2)
4. Identify footing and foundation. (R403.3)
5. Identify all plumbing used. (OPSC)
6. Identify all mechanical, HVAC, exhaust fans, kitchen hood, etc. (OMSC)
7. Identify required smoke detectors (inside and outside of bedrooms), interconnected wiring). (R314.2)
8. Identify all egress windows in all of the bedrooms and means of egress. (R311.1).

9. Electrical Permits Rough In and Final Inspection.
 10. Identify minimum insulation. (Table N1101.1(1))
 11. Energy Measurement needs to be filled out. (to be given out with application for a permit) (Table N1101.1(2))
 12. All headers in walls need to be identified, minimum must be applied. (Table R602.7(2))
 13. The proper address shall be installed. (R318.1)
- All references are in the Oregon Residential Specialty Code 2021.

Joe Graybill

Engineering Division: Regarding the conversion of the former mill office to a site watchman residence, the building is connected to city sewer but not to city water. The applicant/landowner is requesting a new water meter setup from the adjacent 6" water system, and an account for service if the use is approved. The building is approximately 2,900 square feet in area.

Tamarack Street is 40 feet wide for right-of-way, and 22nd Avenue is 30 feet to the property line. The east half of the apparent street width on 22nd Avenue is on the mill property; it is unknown if there is a formal easement for access over that area. The roadways on Tamarack Street and on 22nd Avenue are paved, storm drainage in the paved parking lot is in a catch basin, and no sidewalks are in place in the neighborhood.

CEDD-ES has no infrastructure issues with the request.

Blair Larsen
CEDD Director

It is in the City's interest to have security on site at this property at night. The property owner has previously spoken with staff about having an RV or travel trailer parked on the site for this purpose. If a residential unit is approved, then the property would no longer qualify to have an occupied RV or travel trailer on site for a caretaker. Oregon DEQ has indicated that a residential use on this part of the property could be approved, as long as the soil is not disturbed through residential uses such as gardening or landscaping. As conditions of approval, staff recommend that residential activity be limited to the interior of the existing building only—that is, no garden, landscaping, children's play structures, or any other common outdoor residential use.

Trish Rice
Public Works Dept.

Public Works has no issues with the request at this time.

Chief Tyler
Sweet Home Fire
District:

I would support the idea of someone onsite of this property 24/7. From a fire viewpoint, there is potential to have a large human caused fire on this property. Having a "watchman" onsite would provide a level of risk reduction.

Nancy Sawka
DEQ

I think it's probably ok since I don't think you're planning on living there for the long term and you are not really setting up a permanent residence. To be on the conservative side, I suggest you don't touch or dig in the soils around that area near the shops and don't track soils on your shoes indoors.

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.

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: Tax lot 2200 is in the Recreation Commercial (RC) Zone. The applicant is applying for a Conditional Use based on Sweet Home Municipal Code Chapter 17.60.030(D). 17.60.030(D) states: Residential uses not related to or in conjunction with a recreational development.

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 CU22-13.

Based on the above findings, the application complies with these criteria.

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 the conversion of the existing office building to a residence for a site watchman in a Recreation Commercial (RC) Zone.

In order to obtain a Certificate of Occupancy from the Sweet Home Building Department, the applicant shall resolve all issues listed in the comments in Section II by the Building Official, Shawn Eaton.

Oregon DEQ has indicated that a residential use on this part of the property could be approved, as long as the soil is not disturbed through residential uses such as gardening or landscaping.

With the above conditions, the application complies with these criteria.

- 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. 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 findings, the application complies with these criteria.

- 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 services. Staff finds that public facilities have adequate capacity to serve the proposed use.

Based on the above findings, the application complies with these criteria.

- E. Home occupations must meet the following standards:**

- 1. The home occupation shall be secondary to the residential use.**
- 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.**
- 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.**
- 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)]**
- G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]**
- H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]**
- 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 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.

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.

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 CU22-13:

1. The applicant shall comply with all building code standards before the proposed structure can be occupied.
2. The applicant shall only use the proposed structure for a night watch person and shall not rent it out as a residential dwelling.
3. Residential activity shall be limited to the interior of the existing building only—that is, no garden, landscaping, children's play structures, or any other common outdoor residential use.
4. The applicant shall remove all existing RVs from the property.
5. The applicant shall not use the property for open storage.
6. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
7. 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.

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 CU22-13, 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 CU22-13; 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 Wetland Map
- D Application



1 inch = 260 feet

Subject Property Map
CU22-13

Date: 10/10/22



Google Earth

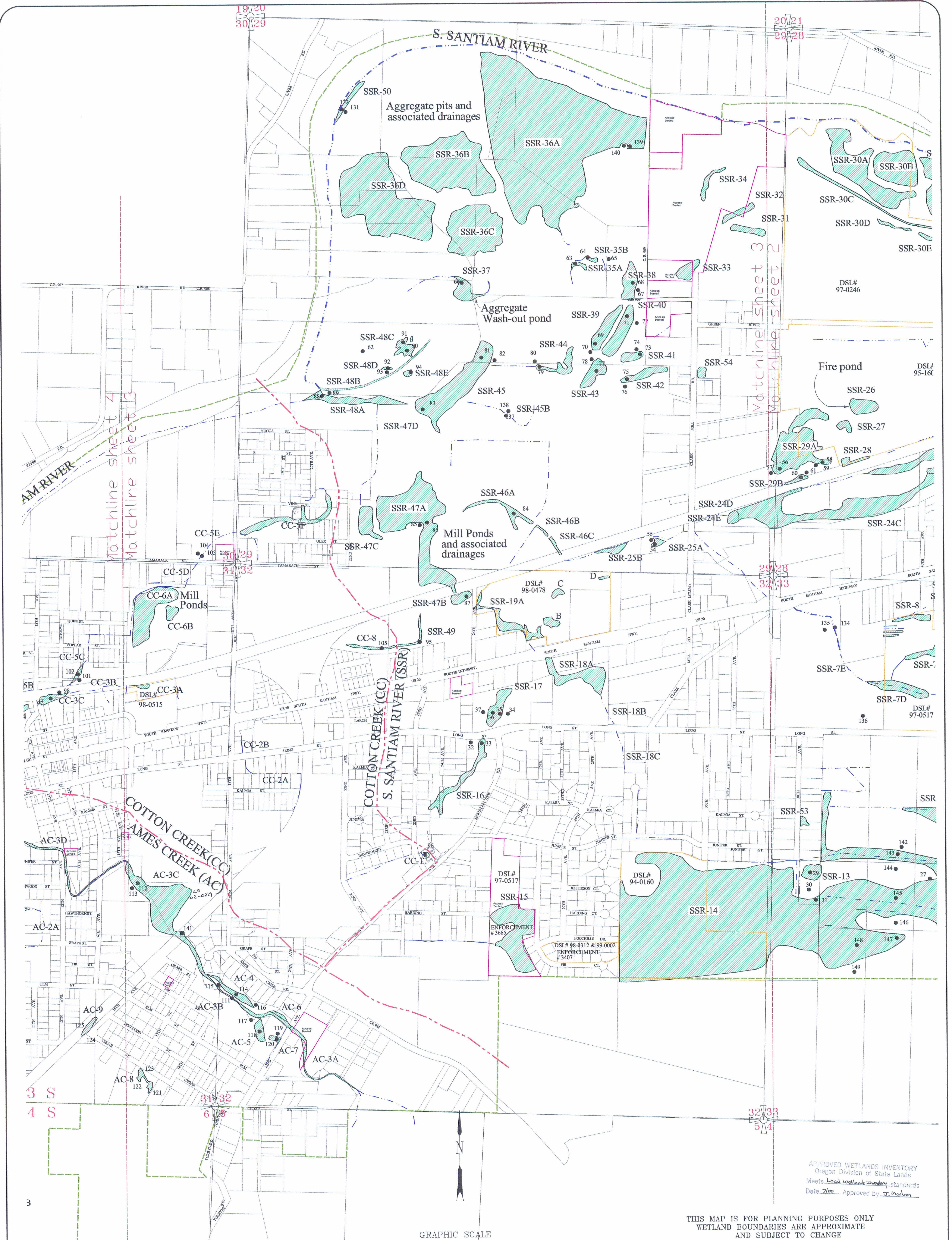
Imagery date: 8/13/20 - newer

20 m

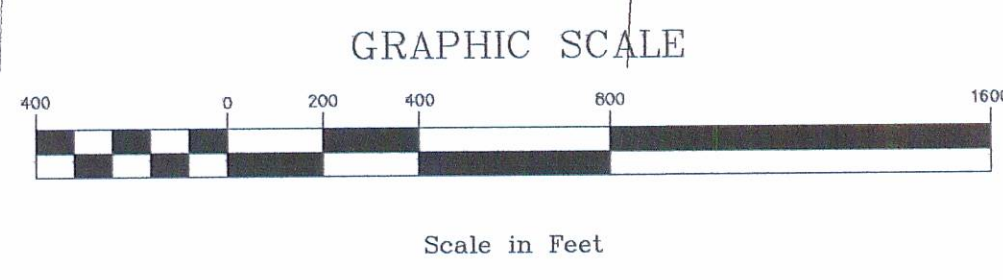
Camera: 322 m

44°24'11"N 122°43'08"W

164 m



Watershed Boundary
Drainage
Urban Growth Boundary
Access Denied
Wetland
Wetland Code
Sample Point
SSR-1
58



Funding for this project was provided by a grant from the Oregon Division of State Lands, Wetlands Planning Assistance grant program. This grant program is supported by a grant from the U.S. Environmental Protection Agency under authority of the Clean Water Act.

THIS MAP IS FOR PLANNING PURPOSES ONLY
WETLAND BOUNDARIES ARE APPROXIMATE
AND SUBJECT TO CHANGE
This map has NOT been approved by the wetland regulatory agencies for permitting purposes. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions. There may be additional wetlands within the study area that have not been identified. All wetlands, whether mapped or not, are subject to Federal and State permit requirements. There may also be areas of non-wetland within areas identified as wetlands on this map. In all cases, Federal and State agencies will use actual field conditions, rather than this map, to determine wetland boundaries.

DATE: June, 2000
BASE MAP INFO: Supplied by City of Sweet Home, and Linn County
JOB NO.: 9-1884

Sweet Home Local Wetlands Inventory

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
Phone: (503) 570-0800

Sheet: 3
of: 4



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: 10.05.22
Date Complete: 10.10.22
File Number: CU22-13
Application Fee \$: 615.00
Receipt #: 5049
Hearing Date: 11.17.22

Applicant's Name: Joshua Victor

Property Owner: Joshua Victor

Applicant's Address: PO. BOX 451 SH OR. 97386

Owner's Address: PO. BOX 451 Sweet Home OR.

Applicant's Phone and e-mail: 541-401-3193 / northern-investments@yahoo.com

Owner's Phone and email: 97386

Subject Property Address: 2210 Tamarack St. Sweet Home

Subject Property Assessor's Map and Tax Lot: 13501E290002200

Subject Property Size: 146.68 acres

Subject Property: Zoning Classification RC

Comprehensive Plan Classification:

Nature of Applicants Request

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

I would like to use the office building at 2210 Tamarack St as a watchman site, to keep people from destroying my property. I will move into it to keep watch, and be available for work to proceed in the future.

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

There will be less Trespassing, Less Camping in Vehicles or motorhomes, and less vandalizing in this area.

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: [Signature]

Date: 10/4/22

Property Owner's Signature: [Signature]

Date: 10/4/22

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.