

**City of Sweet Home**

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

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**Staff Report Presented to the Planning Commission**

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**REQUEST:** The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of a notary service for residential home loan document applicants, operated by a resident of the property, within the dwelling located on the property. The applicant expects to see between 1 to 2, but potentially up to 6 clients per day with hours ranging from 1 to 2 per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 19,222 square feet and is in the Residential Low Density (R-1) Zone.

**APPLICANT:** ChanTera Taft ABN: Mid Valley Signings

**PROPERTY OWNER:** James Ray Madison

**FILE NUMBER:** CU21-05

**PROPERTY LOCATION:** 4511 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AD Tax Lot 01800.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.36.030, 17.80.040

**HEARING DATE & TIME:** May 3, 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](mailto:aclegg@sweethomeor.gov)

**REPORT DATE:** April 26, 2021

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**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 September 29, 2010 FEMA FIRM Maps; Panel 41043C0918G, 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 Long Street.

Services: The property is connected to City water and sewer.

#### TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: March 9, 2021

Notice Published in Newspaper: March 17, 2021

Planning Commission Public Hearing: May 3, 2021

120-Day Deadline: July 7, 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 CU21-05 request for a Home Occupation at 4511 Long Street, the location has a wide concrete driveway and a gravel side addition to the driveway. The traffic impacts at the location appear to be minimal with number of clients anticipated. The resident structure is connected to City water and sewer services. CEDD-ES have no issues with this Conditional Use.

**Public Works Dept.** Public Works has no concerns with the request at this time.

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

**Public Comments:** No comments as of the issue 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. 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 R-1 Zone. notary service for residential home loan document applicants, operated by a resident of the property, within the dwelling located on the property. An in-home business may be established in the R-1 Zone as a conditional use under SHMC 17.24.030(P).

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 CU21-05.

**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;**

Applicants Comments: Home office is an 11'x10' room and includes a separate adjacent guest restroom for client use. Both rooms are partitioned from the rest of the home during duty hours.

**2. Parking;**

Applicants Comments: Up to 4 client vehicles can park in the off-street concrete driveway.

**3. Traffic;**

Applicants Comments: Client traffic will be minimal, as this is option availability is reserved for clients who can be better served when signing loan documents at my home office.

**4. Noise;**

Applicants Comments: There is no noise emitted from printing or signing loan documents.

**5. Vibration;**

Applicants Comments: There is no vibration emitted from printing or signing loan documents.

**6. Exhaust and emissions;**

Applicants Comments: There are no exhaust or emissions emitted from printing or signing loan documents.

**7. Light and glare;**

Applicants Comments: There is no light or glare emitted from printing or signing loan documents.

**8. Erosion;**

Applicants Comments: There is no erosion produced as a result of printing or signing loan documents.

**9. Odor;**

Applicants Comments: There is no odor emitted from printing or signing loan documents.

**10. Dust;**

Applicants Comments: There is no dust emitted from printing or signing loan documents.

**11. Visibility;**

Applicants Comments: Office building and address numbers are visible from Long Street. All exterior lighting is brightly lit enough to see in the dark to and from vehicle parking area.

**12. Safety;**

Applicants Comments: Printing and signing documents is not a safety hazard to the public or clients. Neighborhood is a no/low crime area with very low likelihood of being threatened or mugged.

**13. Building, landscaping or street features. [SHMC 17.80.040(B)]**

Applicants Comments:

Staff Findings: The applicant is requesting this conditional use permit in order to establish a home occupation of a notary service for residential home loan document applicants operated by a resident of the property within the dwelling located on the property. 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)]**

Applicants Comments: The applicant states that they have a good rapport with the neighbors and does not foresee a disruption for neighbors due to light traffic and low/no business noise at the residence.

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 V 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)]**

Applicants Comments: The applicant states that they will likely have no more than 2 clients signing loan documents at any given time. There is a seat for each of them. The guest restroom accommodates 1 user at a time.

Staff Findings: The subject property is currently served by 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.**

Applicants Comments: The applicant states that the home office is located within the home but has its own room with a privacy door for conducting loan signings.

Staff Findings: The applicant is the owner and resides on the subject property. The owner would be the sole participant in the business operation. The home occupation is secondary to the residential use.

The application complies with this criterion.

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

Applicants Comments: The applicant states that there is an interior entrance partition that separates the home office door and entrance door that directs clients from entering the rest of the home.

Staff Findings: The home occupation, according to the applicant, would be conducted within the existing house.

The application complies with this criterion.

**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.**

Applicants Comments: The applicant states that the business is conducted with standard business office equipment i.e. phone, high-speed internet, computer, laser printer, toner, fax and scanner.

Staff Findings: The applicant indicates the home occupation will not use any materials or mechanical equipment that will create any impacts on the neighborhood.

The application complies with this criterion.

**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.**

Applicants Comments: The applicant states that personal vehicles are parked inside the garage and the side gravel parking lot on the left side of the property. The concrete driveway pad will be reserved for clients during appointments.

**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. 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.

#### **V. RECOMMENDED CONDITIONS IF APPROVED**

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 CU21-05:

1. The home occupation will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. All aspects of the home occupation shall be contained and conducted within a completely enclosed building as proposed in this application. Parking may occur outdoors in compliance with the SHMC.
3. 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.
4. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

#### **VI. ATTACHMENTS**

- A Site Plan
- B Subject Property Map
- C Application





1 inch = 90 feet

Subject Property Map  
CU21-05  
13S01E33AD01800

Date: 03/09/21