

**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 allow for a non-dwelling accessory building and RV pad on the subject property. In the Residential Low Density (R-1) zone a secondary use on a lot without a primary use is allowed per a conditional use. [SHMC 17.24.030 (L)]. The subject property contains approximately 7,663 square feet and is in the Residential Low Density (R-1) Zone.

**APPLICANT:** Mike & Toni Worthington

**PROPERTY OWNER:** Mike & Toni Worthington

**FILE NUMBER:** CU22-09

**PROPERTY LOCATION:** Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01W36A Tax Lot 00202.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.24.030, 17.80.040

**HEARING DATE & TIME:** May 5, 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](mailto:aclegg@sweethomeor.gov)

**REPORT DATE:** April 28, 2022

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

<b>Property</b>	<b>Zoning Designation</b>	<b>Comprehensive Plan Designation</b>
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 FIRM Maps; Panel 41043C0913G dated September 29, 2010, the subject property is not in the 100-year floodplain.

**Wetlands:** The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

**Access:** The subject property has frontage along Meadowlark Lane.

**Services:** The subject property has access to City water and sewer services from Meadowlark Lane.

## TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: April 1, 2022  
Notice Published in Newspaper: April 6, 2022  
Planning Commission Public Hearing: May 5, 2022  
120-Day Deadline: July 30, 2022  
Notice was provided as required by SHMC 17.12.120

## II. COMMENTS

**Adam Leisinger**

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

**Joe Graybill**

**Engineering Division:** Regarding the Conditional Use for the non-dwelling accessory structure on this corner lot, CEDD-ES would recommend combining both lots into one property, and at this time has no concerns.

**Trish Rice**

**Public Works Dept.** The Public Works Department has no issues with this request.

**Chief Barringer**  
**Sweet Home Fire**  
**District:**

The Fire District has no issues with this request.

**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 202 is in the Residential Low Density (R-1) zone. The applicant is requesting a conditional use permit to allow for a non-dwelling accessory building and RV pad.

Chapter 17.24 allows for a secondary use on a lot without a primary use via a conditional use [SHMC 17.24.030.L].

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 CU22-09.

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 a non-dwelling accessory building and RV pad on the subject property.

The applicant owns Tax Lot 3802, directly south and abutting the subject property. The applicant explored other options with staff, including a property line adjustment to combine Tax Lots 3802 and 202. In the attached summary (Attachment B), that applicant states they are currently unable to do a property line adjustment due to the cost of the required survey.

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

Based on the above findings, 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 in Meadowlark Lane. Staff finds that the proposed use has adequate capacity.

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 CU22-09:

1. The applicant shall comply with applicable building code and the requirements of Chapter 17.24, R-1 Residential Low Density, when installing the accessory structure and RV pad.
2. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
3. 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.

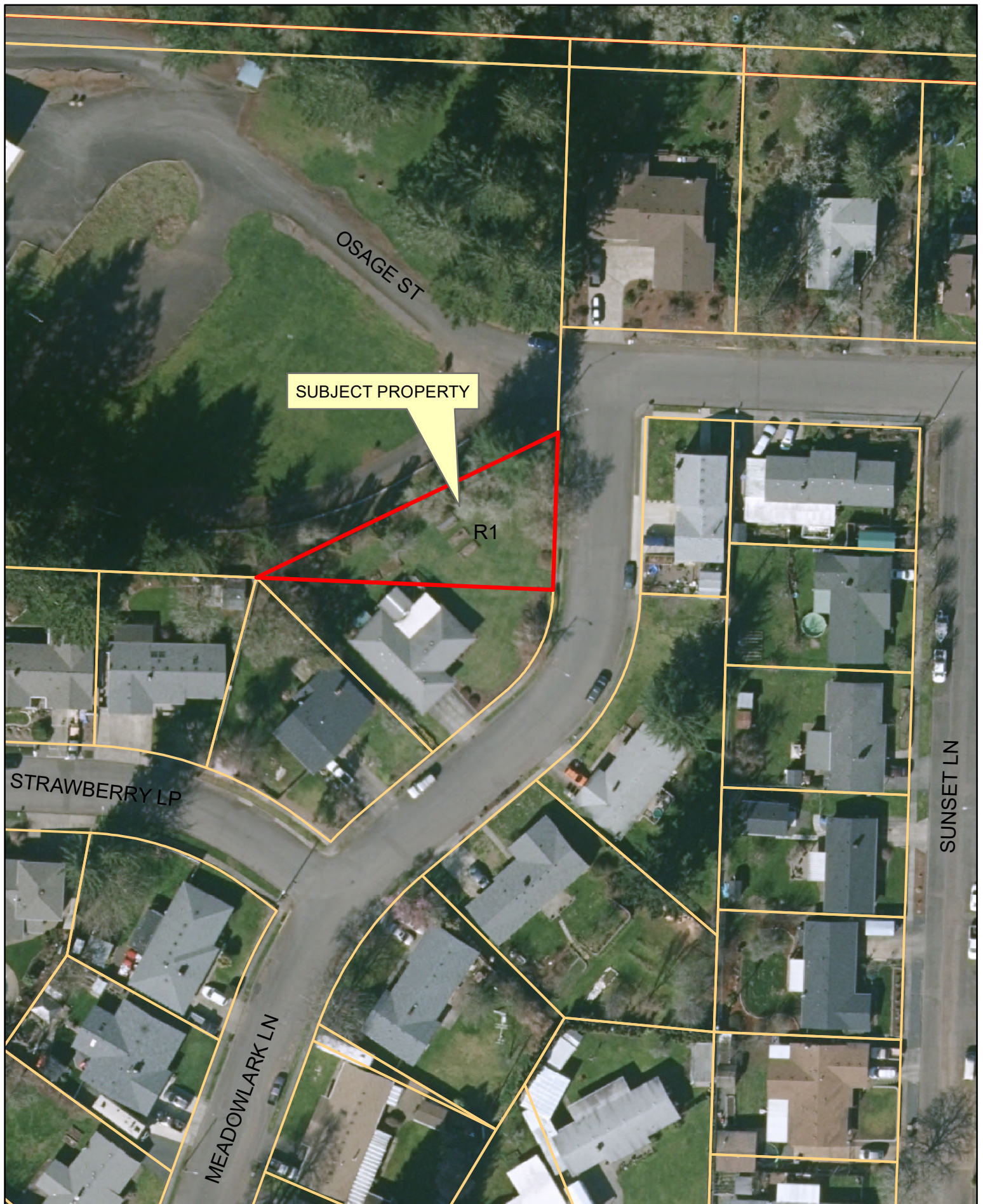
Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-09; 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 CU22-09; 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





SUBJECT PROPERTY

R1

OSAGE ST

STRAWBERRY LP

MEADOWLARK LN

SUNSET LN

Subject Property Map  
CU22-09

Date: 4/1/22





City of Sweet Home  
1140 12<sup>th</sup> Avenue  
Sweet Home, OR 97386  
541-367-8113  
Fax 541-367-5113  
www.ci.sweet-home.or.us

## Community and Economic Development Department

### Application for a Conditional Use Permit

Date Received: 04.01.22  
Date Complete: 04.01.22  
File Number: CU22-09  
Application Fee \$: 615.00  
Receipt #: 4808  
Hearing Date: 05.05.22

Applicant's Name:

Mike & Toni Worthington

Applicant's Address:

503-409-0507 Toni 62452@gmail.com

Applicant's Phone and e-mail:

1450 Meadowlark Lane

Subject Property Address:

1450 Meadowlark Lane

Subject Property Assessor's Map and Tax Lot:

36AD 202

Subject Property Size:

7663 SF

Subject Property: Zoning Classification

R1

Property Owner:

Mike & Toni Worthington

Owner's Address:

503-409-0507 Toni 62452@gmail.com

Owner's Phone and email:

com

Comprehensive Plan Classification:

low density

#### Nature of Applicants Request

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

See attached

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

See Attached

#### 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:

Toni Worthington

Date:

April 1, 2022

Property Owner's Signature:

Michael D Worthington

Date:

April 1 2022

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.

3/31/2022

Please consider our proposed use for a Shed and RV Pad on our property. The reason we are requesting a proposed use is because of the shapes of our two lots.

The lot with the house on it does not have room for our fishing boat (which is small) and a new shed in the back which isn't big enough to meet the requirements measurements for back and sides of back yard.

Mike and I own both lots. There would not be an impact to our surrounding neighborhood.

We just purchased our home Monday and moved in. We love our new neighborhood! Our home is what you would consider a "fix or upper". There are quite a few things that are expensive to address at this time. We cannot afford the amount of money that would be required to get a survey for a property line adjustment or partition plat.

We understand the side and set back required for the Shed. If we could put our shed on the other ~~lot~~ lot it would meet our requirements needed. We are also asking for a request to put our boat on the lot in the future. We understand this requires a concrete pad 20 ft.

Please consider our request. Thanking you for reading this and your time.

Sincerely, Toni & Mike Worthington