

**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 construction of an approximately 28,200 square foot memory care facility consisting of 48 beds and 23 additional parking spaces. A memory care facility may be approved per SHMC 17.36.030 (K): Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section. Per the approval of the pending Partition Application P21-11, the subject property shall contain approximately 385,506 square feet and is in the Commercial Highway (C-2) zone.

Application CU21-09 is pending the approval of P21-11. Application P21-11 is being filed simultaneously with Application CU21-09.

APPLICANT: Samaritan Health Services, Inc.

PROPERTY OWNER: Mid-Valley Healthcare, Inc.

FILE NUMBER: CU21-09

PROPERTY LOCATION: 5050 Mountain Fir Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lot 2510.

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

HEARING DATE & TIME: July 1, 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: June 24, 2021

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

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	Mixed Use Residential
Property North	Residential Low Density (R-1) Commercial Highway (C-2)	Mixed Use Residential
Property East	Residential Low Density (R-1) Residential High Density (R-2)	Mixed Use Residential Planned Recreation Commercial
Property South	Residential High Density (R-2)	High Density Residential
Property West	Residential Low Density (R-1) Commercial Highway (C-2)	High Density Residential Highway Commercial

Floodplain	Based on a review of the September 29, 2010 FEMA FIRM Maps; Panel 41043C0916G, 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 49 th Avenue and Mountain Fir Street.
Services:	The property has access to City water and sewer services in 49 th Avenue and Mountain Fir Street.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice:	June 7, 2021
Notice Published in Newspaper:	June 9, 2021
Planning Commission Public Hearing:	July 1, 2021
120-Day Deadline:	October 2, 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 21-09 for Samaritan Health Services Inc development of a Memory Care Facility. The new Memory Care Facility will connect to the existing private street of Mountain Fir. The roadway network are private driveways and parking lots. The proposed plan indicates a new parking lot off Mountain Fir for the Memory Care. The City Water system runs through Mountain Fir Street in an easement, connections are readily available. The sanitary sewer system is a private collection network between all the buildings that tie into the City system at the intersection of Main St and 49 th Avenue. CEDD-ES has no concerns with the Conditional Use application.
Public Works Dept.	Mountain Fir St is a private street. The water system on site is public and is available for connection. The sewer system on site is private and is owned by the applicant. Stormwater detention may be required upon development.
Sweet Home Fire District:	The Fire District has no issues with this request.
Public Comments:	See Attachment C

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: The subject property is in the C-2 Zone. The applicant is requesting a conditional use permit to allow for the construction of an approximately 28,200 square foot memory care facility consisting of 48 beds and 23 additional parking spaces. Per SHMC 17.36.030 (K): Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section

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 CU21-09.

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 the construction of the construction of an approximately 28,200 square foot memory care facility consisting of 48 beds and 23 additional parking spaces.

Public Comment: Samaritan Health Services, Inc. current lighting for street and housing on Mountain View (Fir) are intrusive to the homes on Mimosa Circle on the south side of Mountain View (Fir), requiring additional light blocking drapes because of the light placement on the Samaritan property. We feel additional lighting for the new construction will add to light pollution to the homes on Mimosa Circle. Samaritan's additional housing and staff will increase the traffic on Mountain View (Fir). A noise abatement requirement should be addressed and required.

Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use. When submitting building permits, staff recommends that the applicant submit a lighting and traffic plan for review.

With the above conditions, 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 V of this report.

When submitting building permits, staff recommends that the applicant submit a lighting and traffic plan for review.

With the above conditions, 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 CU21-09:

1. The Memory Care Facility will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. Vehicles related to the Memory Care Facility shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.
3. The applicant shall provide a lighting plan acceptable to the Sweet Home Municipal Code requirements of 17.44.090.
4. 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 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.

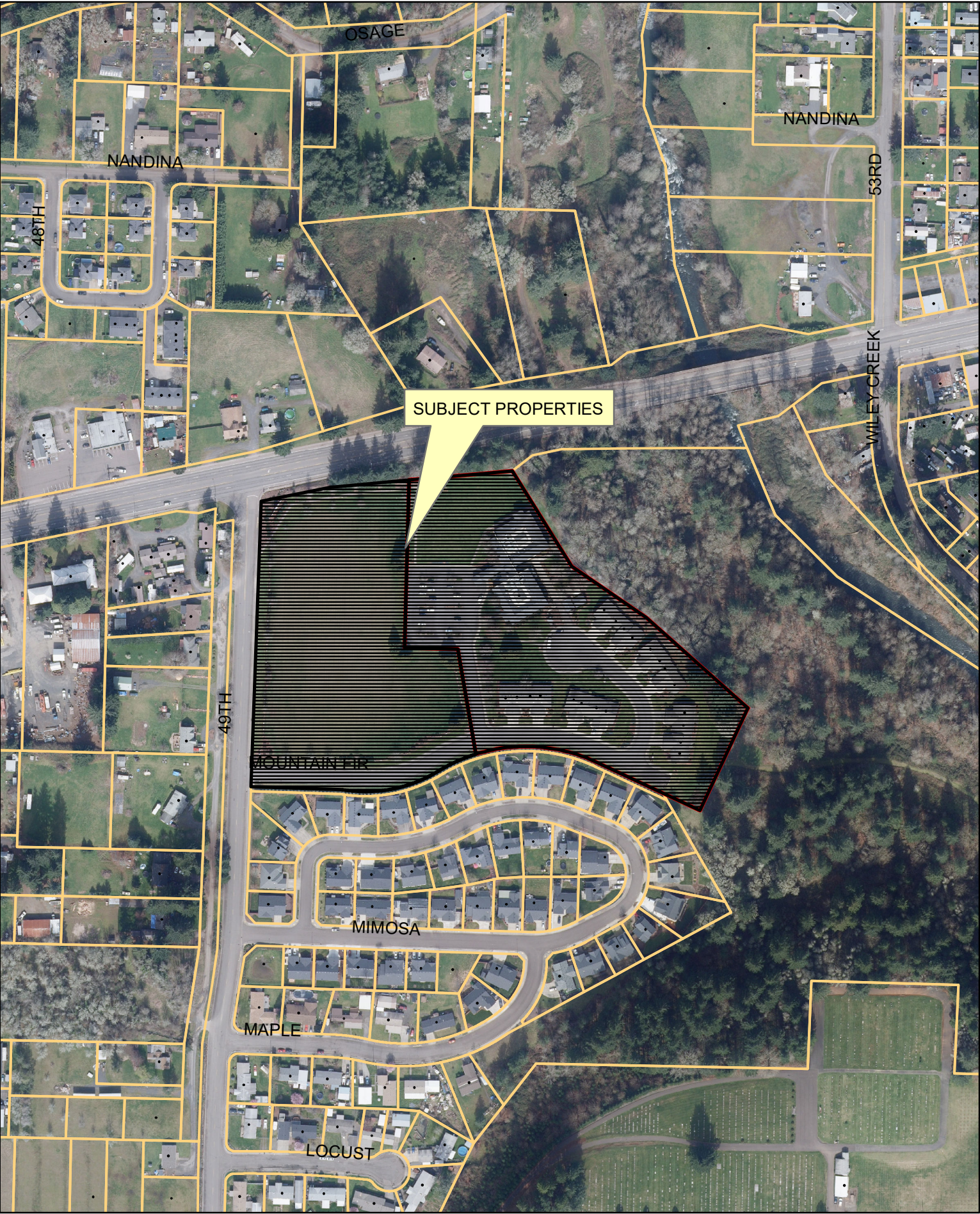
Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; 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 CU21-09; 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 CU21-09; 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 Site Plan
- B Subject Property Map
- C Public Comments
- D Application



1 inch = 271 feet

CU21-09
Subject Property Map

Date: 6/4/21

July 17, 2021

Community and Economic Development Department
3225 Main St.
Sweet Home, Oregon 97386

Angela Clegg Associate Planner:

File Number: CU21-09, P21-11, CU21-010, PLA21-11.

We request that the planning department consider the following:

Light Pollution:

Samaritan Health Services, Inc. current lighting for street and housing on Mountain View are intrusive to the homes on Mimosa Circle on the south side of Mountain View, requiring additional light blocking drapes because of the light placement on the Samaritan property.

We feel additional lighting for the new construction will add to light pollution to the homes on Mimosa Circle. We ask that the planning department investigate and require a lighting system that is less intrusive to the surrounding properties.

Noise Pollution:

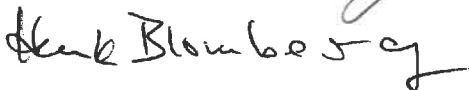
Samaritan's additional housing and staff will increase the traffic on Mountain View. A noise abatement requirement should be addressed and required.

Sincerely,

Diane Blomberg



Hank Blomberg



4918 Mimosa Circle

Sweet Home, Oregon 97386



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: 06.01.21
Date Complete: 06.04.21
File Number: CU21-09
Application Fee \$: 1015.00
Receipt #: 4397
Hearing Date: 07.01.21

Applicant's Name:
Samaritan Health Services, Inc.

Applicant's Address:
3600 NW Samaritan Dr. Corvallis, OR 97330

Applicant's Phone and e-mail:
541-768-4478 / tjacobsen@samhealth.org

Subject Property Address:
5050 Mountain Fir St. Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:
13S01E27C & 02510

Subject Property Size:
8.85 acres after property line adjustment

Subject Property: Zoning Classification
C2 (Highway Commercial)

Property Owner:
Mid-Valley Healthcare Inc.

Owner's Address:
3600 NW Samaritan Dr. Corvallis, OR 97330

Owner's Phone and email:
541-768-4478 / tjacobsen@samhealth.org

Comprehensive Plan Classification:
Mixed-Use Residential

Nature of Applicants Request

Narrative describing the proposed use: Brief Description on this form and attach extra sheets if needed.
New approximate 28,200 sf memory care facility; additional parking.

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

Additional traffic at HWY 20 and 49th Street intersection. All required parking will be provided on site. No unanticipated noise, odor, or dust impacts.

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.

DocuSigned by:

Applicant's Signature:

Date: 5/27/2021

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Tyler Jacobsen, General Counsel

Property Owner's Signature:

Date: 5/27/2021

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Tyler Jacobsen, General Counsel

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.