



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to construct a metal RV cover. 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 300 contains approximately 17,129 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT

PROPERTY OWNER: Lynn Piha

FILE NUMBER: CU23-02

PROPERTY LOCATION: 2660 Juniper Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AC Tax Lot 300.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040, 17.104.040

HEARING DATE & TIME: September 7, 2023, 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: August 31, 2023

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 Juniper Street.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: August 9, 2023
Notice Published in Newspaper: August 16, 2023
Planning Commission Public Hearing: September 7, 2023
120-Day Deadline: December 7, 2023
Notice was provided as required by SHMC 17.126.01

II. COMMENTS

Daniel Hoskins

Building Division: The building Department requires that accessory structures have a foundation and that the structure must be fixed or attached to the foundation.

CEDD Engineering: No comments as of the issuance of this Staff Report.

Trish Rice

Public Works Dept. The existing gravel driveway was installed under Right-of-Way permit ROW 08-2014 with a requirement for a hard surface approach. The past owner installed the gravel driveway and allowed the permit to expire without completing the hard surface approach. A new ROW permit and hard surface approach will be required.

Sweet Home Fire

District: No comments as of the issuance of this Staff Report.

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: It is an RV canopy metal building structure. Could be portable.

Staff Findings: The subject property is in the R-1 zone. to construct a metal RV cover. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040(I) Secondary use on a lot without a primary use.

Building Permit 827-23-000158-STR is pending the approval of CU23-02. Per the building department comments in Section II above, the building department shall require an accessory structure to have a foundation and be fixed or attached to the foundation. Staff recommends a condition of approval that the metal canopy be fixed or attached to a foundation.

With the above condition, staff finds 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: The property has a metal garage shop building. This RV canopy would be next to it and fits into property area perfectly.

Staff Findings: The subject property has an existing 1,440 square foot metal building. The site size, dimensions, location, and topography are adequate for the proposed use.

The existing gravel driveway was installed under Right-of-Way permit ROW 08-2014 with a requirement for a hard surface approach. The past owner installed the gravel driveway and allowed the permit to expire without completing the hard surface approach. Staff shall require a condition of approval that a new ROW permit and hard surface approach will be required.

With the above condition, staff finds 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: Not applicable.

Staff Findings: Staff finds that the proposed RV canopy is timely. The property abuts Juniper 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 Juniper Street should there be future development.

Based on the above information, staff finds 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: This will not affect anyone, only one bordering property will even see it. Proposed metal canopy will be 168 feet back from Juniper Street. Oad only cars driving by could see it.

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

Based on the above information, staff finds 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: No negative impacts. This is quality made product with a 2021 Coachman Leprechaun motor home in it. Both are new or near new on the RV.

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 information, 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 CU23-02:

1. The final configuration of the proposed metal RV cover shall substantially conform to the plot plan reviewed in this application (see attachment B).
2. The metal cover shall be fixed or attached to a foundation.
3. A new Right-of-Way (ROW) permit and hard surface approach will be required.
4. 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 CU23-02.

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 CU23-02; 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 CU23-02; 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



1 inch = 85 feet

Subject Property Map
2660 Juniper Street
CU23-02

Date: 8/9/23

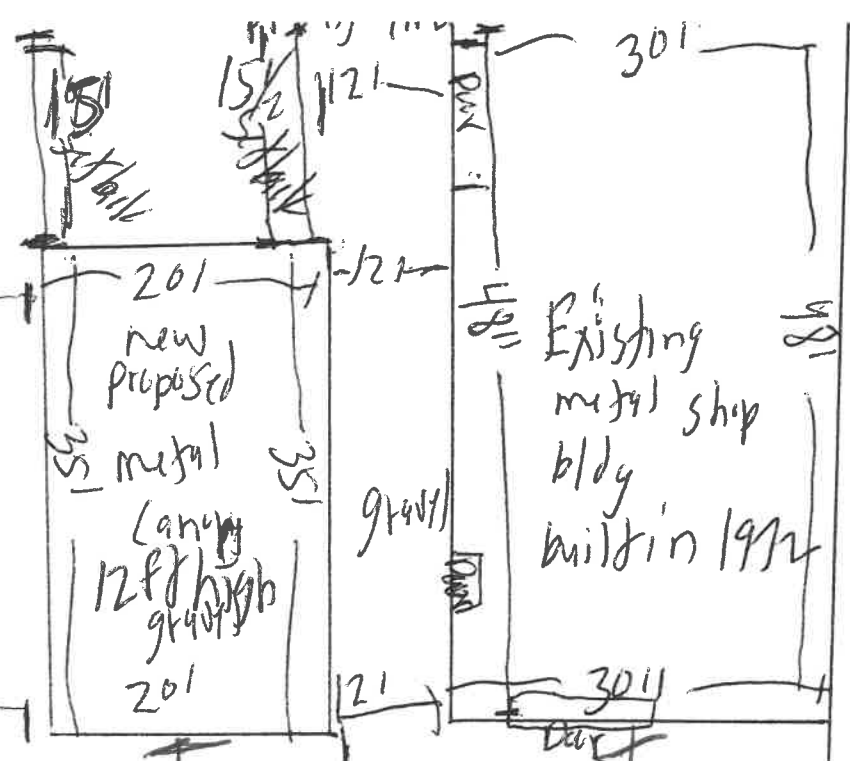
11/14/14 property line

gravel parking

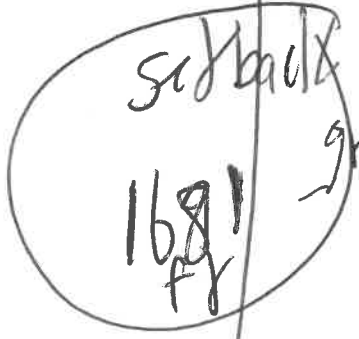
25' setback

gravel

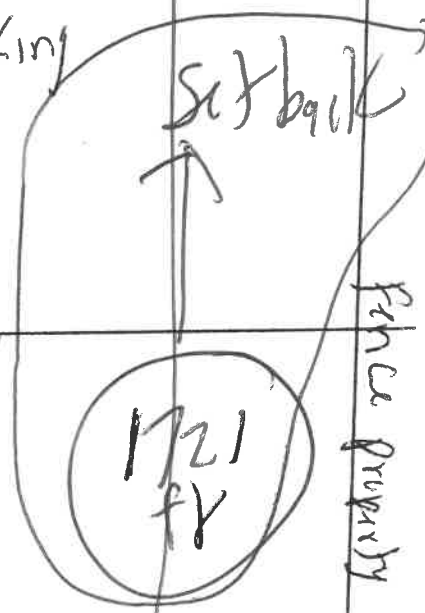
18' setback



gravel parking



gravel parking



Lynn Pihl

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Sweet Home OR 97386

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grass area with fruit trees & grapes

Road

grass area with blueberries & grapes

Fence property line

fence property line

15'

fence property line