



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to construct an approximately 200-square-foot residential accessory structure on the subject property. The property, located at 2309 Harding Street, is an approximately 22,780-square-foot vacant lot. Under SHMC 17.10.040(I), a conditional use permit is required to allow a secondary use on a lot that does not contain a primary use. The subject property is located within the Residential Low-Density (R1) Zone.

APPLICANT AND

PROPERTY OWNER: Gail Heine

FILE NUMBER: CU26-01

PROPERTY LOCATION: 2309 Harding Street, Sweet Home, Oregon 97386; Identified on the Linn County Assessor’s Map as 32CA, Tax Lot 3500.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040(I), 17.70, 17.104, 17.126

HEARING DATE & TIME: April 16, 2026, at 6:30 PM

HEARING LOCATION: City Hall Council Chambers at 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Planning & Building Manager
 Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

REPORT DATE: April 9, 2026

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 Statewide 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 on Harding Street.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: March 2, 2026
Notice Published in Newspaper: March 11, 2026
Planning Commission Public Hearing: April 16, 2026
120-Day Deadline: June 24, 2026
Notice was provided as required by SHMC 17.126.01

II. COMMENTS

**Jaysen Cunningham
Building Dept:**

Building being under 200 square feet, no requirement for building permit. However, structure will still need to be placed within the required setbacks for the R-1 zone. If building exceeds 200 square feet, building permit will be required.

**Matt Cook
CEDD Engineering:**

CEDD Engineering has reviewed the request and has no comments at this time.

**Blake Patterson
Public Works Dept.**

Full utilities to property with a usable drainage ditch/culvert out front. No comments from Public Works.

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.

Applicants Comment: I was told I needed a permit for an “unpermitted” (200 sq.ft. or less) shed because there is no existing house on the property.

Staff Findings: The applicant is requesting a conditional use permit to construct an approximately 200 square foot residential accessory structure on the subject property. 2309 Harding Street is a vacant lot and based on SHMC Chapter 17.10.040(I) a conditional use is required for a secondary use of a lot without primary use.

Based on the above findings, staff conclude that the application complies with the applicable conditional use 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.

Applicants Comment: Yes, it's a shed, near to or even on where the previous house was.

Staff Findings: Unless otherwise specified by this Development Code, the following minimum dimensional standards apply to all development within the R-1 zone: a minimum lot area of 7,000 square feet; a minimum lot width of 70 feet at the building line; a front yard setback of 15 feet; a garage/carport setback of 20 feet; interior side yard setbacks of 5 feet minimum with a combined total of 12 feet; a rear yard setback of 15 feet; and a maximum lot coverage of 40 percent.

The subject property is an approximately 22,780-square-foot vacant lot. The applicant proposes to construct a residential accessory structure of about 200 square feet, which would occupy only 0.9% of the total lot area.

Based on the submitted site plan, Attachment B, the front setback shall be approximately 73 feet, the rear setback shall be approximately 195 feet (not shown on the site plan), the east side setback shall be 60 feet, and the west side setback shall be 5 feet.

Staff finds that the site's size, shape, location, topography, and natural features are adequate to accommodate the proposed use.

Based on the above findings, staff conclude that the application complies with the applicable 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.

Applicants Comment: Again, it's a shed. It will house a lawnmower and other small tools to help maintain the otherwise empty lot.

Staff Findings: The applicant is requesting a conditional use permit to construct an approximately 200-square-foot residential accessory structure. A conditional use permit is required because a secondary structure cannot be established without a primary dwelling.

The proposed development is considered timely. The accessory structure does not require any public facilities or services, nor does it generate any increase in transportation demand. As noted by the applicant, the structure is a simple shed intended to store a lawnmower and small tools for maintaining the otherwise vacant lot.

Based on this information, staff finds that the application satisfies the applicable review criterion regarding the adequacy and timing of transportation systems and public facilities.

- 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.**

Applicants Comment: It's much smaller than the previously existing house and will impact nothing, except to ease my maintenance on the property.

Staff Findings: The subject property is bordered by single-family dwellings to the north, east, and west. To the south there is a large vacant lot. The proposed use is compatible with the surrounding development and will not alter the character of the area or interfere with the continued use of neighboring properties.

Based on this information, staff finds that the application meets the applicable 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.**

Applicants Comment: There aren't any negative impacts.

Staff Findings: Staff have 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 find 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 recommend 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 CU26-01:

1. The applicant/property owner shall not construct an accessory structure larger than 200 square feet under this Conditional Use approval without first obtaining a building permit.
2. The applicant/property owner shall obtain and comply with all applicable local, state, and federal permits and requirements. Copies of all required permits and licenses shall be submitted to the Sweet Home Community and Economic Development Department for inclusion in the CU26-01 record.
3. The applicant/property owner shall comply with the dimensional standards of SHMC 17.10 at the time of development.

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 recommend 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 CU26-01; 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 application CU26-01; 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.

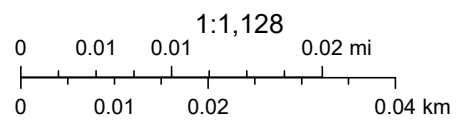
VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan

CU26-01 Subject Property Map



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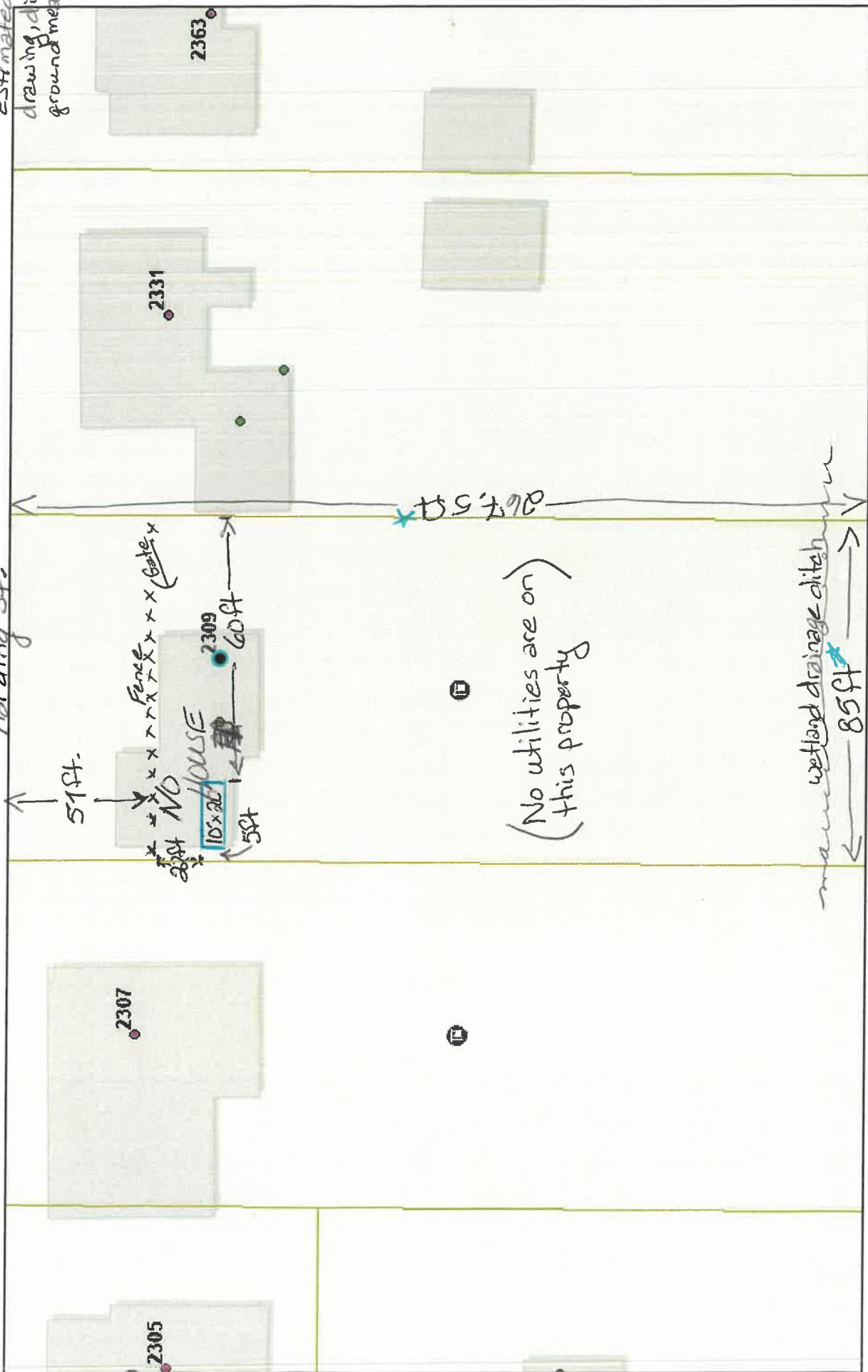


Microsoft, Vantor

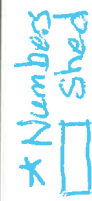


Linn County Planning Application

NOT TO SCALE
Measurements were estimated on drawing, did ground measuring



*Numbers from Plat map

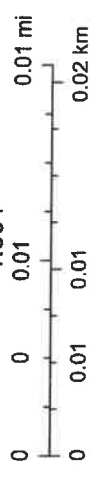


*Numbers from Plat map

- Sales
- Permits
- Tax Lots
- City Limits
- County Boundary

2/17/2026, 11:31:00 AM

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Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasyriser, Rijkswaterstaat, GSA, Geoland,

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