

**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 establish a home occupation (home business) on their property. The home occupation would consist of cosmetology and counseling services operated by a resident of the property within the dwelling located on the property. The applicant expects to see between zero and four clients per day with hours ranging from one to four per client. The applicant will contain all parking on the subject property. The applicant will be the only employee

The subject property contains approximately 13,174 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT: Lorri Rai Roberts

PROPERTY OWNER: Donald and Lorri Roberts

FILE NUMBER(S): CU21-03

PROPERTY LOCATION: 2250 Ironwood Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 05800.

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

HEARING DATE & TIME: **April 5, 2021 at 6:30 PM**

HEARING LOCATION: City Hall, Council Chambers at 3225 Main Street, Sweet Home, Oregon 9738

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

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

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Medium Density Residential
Property North	Residential High Density (R-2)	Medium Density Residential
Property East	Residential Low Density (R-1) Residential High Density (R-2)	Medium Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Medium Density Residential

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0914G dates September 29, 2010, the subject property is not located in the 100-year floodplain.

Wetlands: The subject property does not contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory or the National Wetlands Inventory (NWI) Map.

Access: The subject property has frontage along Ironwood Street.

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

TIMELINES AND HEARING NOTICE:

Application Received: February 26, 2021

Application Deemed Complete: February 26, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: March 1, 2021

Notice Published in New Era Newspaper: March 3, 2021

Date of Planning Commission Hearing: April 5, 2021

120-Day Processing Deadlines: June 26, 2021

II. COMMENTS

CEDD Engineering: Regarding CU21-03, for the home occupation at 2250 Ironwood St, the CEDD-ES have no concerns.

Public Works Division: Public Works has no issues with this request.

Building Division: The Building Program has no issues with this request for a Conditional Use.

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

Public Comments: No comments as of the issue of this Staff Report.

III. REVIEW AND DESIGN 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: A home occupation is defined as: “a lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.” [SHMC 17.04.030 Definitions]

The standards for home occupations are listed in SHMC 17.80. Home occupations are not discussed in the individual zoning chapters. Based on the above, it is staff’s interpretation of the SHMC that home

occupations can be established accessory to a residential use under the conditional use criteria listed in SHMC 17.80.

With the application of SHMC 17.80 and the above referenced condition, the application complies with this criterion.

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 [17.80.040(B)].

Staff Findings: The applicant is requesting this conditional use permit in order to establish a home occupation of a cosmetology and counseling services 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)].

Staff Findings: The applicant has proposed a cosmetology and counseling service business. The home occupation would consist of cosmetology and counseling services operated by a resident of the property within the dwelling located on the property. The applicant expects to see between zero and four clients per day with hours ranging from one to four per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. No potential impacts are identified.

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: As the proposed use has no employees. The client stated she will have 0-4 clients per day visiting the home. There would be no traffic or parking impact and no need for any public facilities improvements.

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 [SHMC 17.80.040(E)(1)].**

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 [SHMC 17.80.040(E)(2)].**

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 [SHMC 17.80.040(E)(3)].**

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 [SHMC 17.80.040(E)(4)].**

Staff Findings: No additional vehicles would be involved in the home business other than the normal vehicles associated with a residential use. The applicant stated she will have 0-4 clients per day visiting the home. The applicant will contain all parking on the subject property. Staff finds that there would be no traffic or parking impact

The application complies with this criterion.

F. 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]

- 1. These conditions may include, but are not limited to, the following:**
 - a) Requiring larger setback areas, lot area, and/or lot depth or width;**
 - b) Limiting the hours, days, place and/or manner of operation;**

- c) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;
- d) Limiting the building height, size or lot coverage, or location on the site;
- e) Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;
- f) Increasing the number of required parking spaces;
- g) 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;
- h) Limiting the number, size, location, height and lighting of signs;
- i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- j) 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;
- k) Designating sites for open space or outdoor recreation areas;
- l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;
- m) Requiring ongoing maintenance of buildings and grounds;
- n) Setting a time limit for which the conditional use is approved. [SHMC 17.80.050(A)]

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.

If this application is approved, staff recommends the Planning Commission impose no conditions of approval as there are no potential impacts which need mitigation except for procedural conditions to assure the operation of the home occupation as represented by the applicant.

G. 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, 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. As stated in the SHMC, 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 Boards of Appeals (LUBA) may only be based on Review and Decision Criteria listed above.

Recommended Conditions If the Application is Approved:

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.

V. PLANNING COMMISSION ACTION

In taking action on a Conditional Use Permit, the Planning commission will hold a public Hearing at which it may either approve or deny the application(s). 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: Staff's recommends 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 makes a decision, 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.

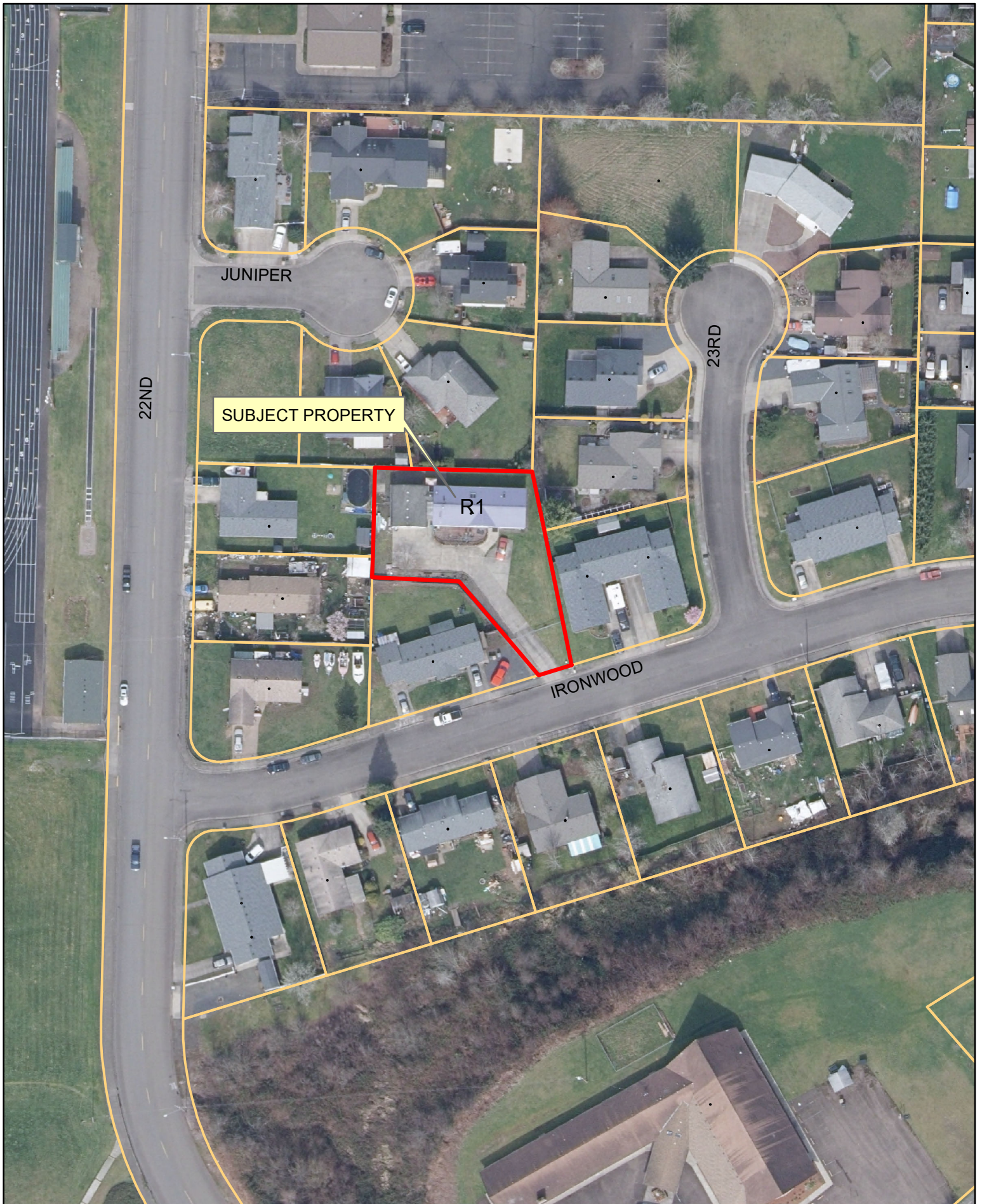
Motion : After opening the public hearing and receiving testimony, the Planning Commission's options include the following :

1. Move to approve application CU21-03; 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 CU21-03; 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

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.



1 inch = 89 feet

Subject Property Map
CU21-03
2250 Ironwood Street

Date: 02/26/21



1 inch = 64 feet

32" entagway door

2250 Ironwood

Exits X
Sign X
Parking X

Room of
Business

Date: 02/26/21



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: 02.26.21

Date Complete: 02.26.21

File Number: CU21-03

Application Fee \$: 615.00

Receipt #: 4248

Hearing Date: 04.05.21

Applicant's Name: Lorn Rai Roberts

Applicant's Address: 2250 Ironwood Street Sweet Home, OR 97386

Applicant's Phone and e-mail: 541-405-5320 rowlerairai@aol.com

Subject Property Address: 2250 Ironwood Street Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot: Map: 13S01E32CA Tax Lot: 5800

Subject Property Size:

Subject Property: Zoning Classification

R-1

Comprehensive Plan Classification:

Medium Density

Nature of Applicants Request

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

Proposed Use: Cosmetology/Counseling services zero to four patrons per day receiving multiple hair, face, nails & counseling services ranging one to four hours per patron. See attached

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

Neighborhood impact would be traffic of zero to four patrons a day, one to two hours apart. Parking contained within property - zero street parking.

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: Lorn Roberts

Date: 2/26/2021

Property Owner's Signature: Donald A. Roberts

Date: 2/26/2021

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.

SHMC 17.80.030 APPLICATION REQUIREMENTS

An application for a Conditional Use must meet the submittal requirements and the decision criteria noted below.

- ☐ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- ☐ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- ☐ 3. For commercial activities, a proposed plan of business operation;
- ☐ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- ☐ 5. The location and dimensions of entrances and exits;
- ☐ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- ☐ 7. Landscape plans;
- ☐ 8. A signage plan, if applicable;
- ☐ 9. Drawings of the exterior for new buildings;
- ☐ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

- ☐ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- ☐ 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
- ☐ 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.
- ☐ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- ☐ 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
- ☐ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- ☐ G. Marijuana facilities may not have any drive-up services.
- ☐ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- ☐ 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.



1 inch = 64 feet

32" entagway door

2250 Ironwood



Date: 02/26/21

February 26, 2021

Lorri Roberts
2250 Ironwood Street
Sweet Home, OR 97386

City of Sweet Home Community and Economic
Development Department-Planning Program
3225 Main Street
Sweet Home, OR 97386

Regarding:
Application for Conditional Use Permit

To Whom It May Concern,

This narrative is submitted in regard to business owner Lorri Roberts requesting a conditional permit to establish a commercial business within the homeowner's property belonging to Donald and Lorri Roberts at 2250 Ironwood in Sweet Home, OR 97386. The scope of practice by Lorri Roberts would be Cosmetology and Counseling of which are practiced in tandem presently as freelance only.

Licenses involved with this proposed use are Freelance Authorization COS-CI-10209545, Cosmetology Facility COS-FA-10209547, Certified Alcohol and Drug Counselor I and Qualified Mental Health Professional-Registered. All licensing is up to date and free and clear of any issues.

Business owner will keep all required licensing updated with Oregon Health Licensing in regard to cosmetology care as well as all required counseling licensing with Mental Health and Addiction Certification Board of Oregon. The business will not employ technicians or aides outside of business owner and will be operated by Lorri Roberts solely.

The area of the home to be used for services is a 12' 6" by 12' 6" room with walls floor to ceiling and door that shuts off from the rest of the house. The bathroom next to the room proposed for commercial business use has been set up as safe for public use and fully closes off from the rest of the house. The house has two exits both to be marked with "emergency exit" signs and a map to them in the room being used for the proposed business.

Business owner will strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in 17.80.040 in regard to parking, traffic and noise levels.

Clients will be instructed and required to park within property driveway area of which has plenty of space to turn around allowing driver to safely exit property with clear vision of outside property activity of neighbors and traffic flow.

Hours of operation shall be limited to between 9:00 A.M. and 9:00 P.M. with no walk-ins allowed but by established appointment only. Level of traffic of clients will be no more than zero to four clients a day with no less than an hour between each appointment.

Proposed signage: 4' by 2' white metal board containing the information of the business name; Rai's Full Service Salon, by appt only—no walk-ins and a phone number to make an appointment that is planned to be attached to the left side of front cyclone fence line facing the street of Ironwood upon approval:



Thank you very much for your time and consideration of this application for a Conditional Use Permit.

Sincerely,

Lorri Roberts MA, CADC I, QMHP-R

541-405-5320

rowerairai@aol.com