

**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 single-family residence in a Commercial Highway Zone. Single-family residences or manufactured homes meeting standards 17.24.090 are allowed via a Conditional Use per SHMC 17.36.030.E. The subject property contains approximately 6,514 square feet and is in the Commercial Highway (C-2) Zone.

**APPLICANT:** L&G Property Management, LLC

**PROPERTY OWNER:** Lee and Gladis Olson

**FILE NUMBER:** CU22-06

**PROPERTY LOCATION:** 1325 19<sup>th</sup> Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BB Tax Lot 01400.

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

**HEARING DATE & TIME:** April 7, 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:** March 31, 2022

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

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	Highway Commercial
Property North	Commercial Highway (C-2)	Highway Commercial
Property East	Commercial Highway (C-2)	Public
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Commercial Highway (C-2)	Highway Commercial

**Floodplain** Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, 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 along 19<sup>th</sup> Avenue.  
Services: The subject property has access to City water and sewer services in 19<sup>th</sup> Avenue.

**TIMELINES AND HEARING NOTICE:**

Mailed/Emailed Notice: February 24, 2022  
Notice Published in Newspaper: March 2, 2022  
Planning Commission Public Hearing: April 7, 2022  
120-Day Deadline: June 24, 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 application for a home placement on 19<sup>th</sup> Avenue off Main Street, this property has previously been connected to city services. The residence at this location was removed sometime between 2012 and 2014. There is a driveway apron on 19<sup>th</sup> Avenue, street curb, and concrete sidewalk in front of the property. CEDD-ES has no issues with the proposal.

**Trish Rice**

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

**Chief Barringer**  
**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.

**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 a single-family residence in a Commercial Highway Zone.

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 CU22-06.

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 single-family residence in a Commercial Highway Zone.

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. 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 CU22-06:

1. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
2. 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 CU22-06; 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 CU22-06; 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

C2

19TH AVE

MAIN ST



1 inch = 45 feet

Subject Property Map  
CU22-06  
13S01E32BB01400

Date: 2/24/22



## Community and Economic Development Department

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

### Application for a Conditional Use Permit

Date Received: 02.24.22  
Date Complete: 02.24.22  
File Number: CU22-06  
Application Fee \$: 1015.00  
Receipt #: 4760  
Hearing Date: 04.07.22

Applicant's Name:

L&G Property Management, LLC

Applicant's Address:

2987 Grace Hill Dr NW Salem, OR 97304

Applicant's Phone and e-mail:

Lg. Propertymanagement11@gmail.com

Subject Property Address:

1325 19th Ave. Sweet Home, OR

Subject Property Assessor's Map and Tax Lot:

1400 - TAX ID 258380

Subject Property Size:

Aprox 6,000

Subject Property: Zoning Classification

C5

Property Owner:

Lee.olsonh1@gmail.com  
Lee I Olson

Owner's Address:

2987 Grace Hill Dr NW Salem, OR

Owner's Phone and email:

97304  
503-348-6438  
Lg. Propertymanagement11@gmail.com  
503-560-0901

13501E32BB-01400

Comprehensive Plan Classification:

#### Nature of Applicants Request

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

Single-Family residences

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

Outside Construction

#### 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:

[Signature]

Date:

2/23/2022

Property Owner's Signature:

[Signature]

Date:

2/23/2022

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.