

**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 teeth whitening and cosmetic services operated by a resident of the property within the dwelling located on the property. The applicant expects to see one client at a time and operate no later than 9:00 PM. The applicant will contain all parking on the subject property. The applicant will be the only employee

The subject property contains approximately 21,452 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT: Jodi Parker

PROPERTY OWNER: Jeff and Jodi Parker

FILE NUMBER: CU22-05

PROPERTY LOCATION: 1300 1st Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BC Tax Lot 01400.

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

REPORT DATE: March 31, 2022

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 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 1 st Avenue.
Services:	The subject property has access to City water and sewer services in 1 st 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 23, 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 Home Occupation Conditional Use, the property is a residential location connected to full city utilities and has a driveway large enough to accommodate off-street parking. CEDD-ES have no concerns.

Trish Rice

Public Works Dept. Public Works has no concerns with the request at this time.

**Chief Barringer
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 R-1. The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of teeth whitening and cosmetic services operated by a resident of the property within the dwelling located on the property. The applicant expects to see one client at a time and

operate no later than 9:00 PM. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 21,452 square feet and is in the Residential Low Density (R-1) 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 CU22-05.

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 establish a home occupation (home business) on their property. The applicant states that there is a dedicated interior space for the business, the applicant states that the property has approximately 3 off-street parking spaces, they plan to have one client at a time, and they will not operate past 9:00 PM.

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.

See Attachment C for comments from abutting neighbors.

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.

Staff Findings: As proposed, staff finds that the home occupation is secondary to the residential use. The applicant has stated that they have a dedicated, interior space within the home for the business.

Based on the above findings, the application complies with these criteria.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Staff Findings: As proposed, the applicant will contain the business within a dedicated space within the home. Staff finds that the home occupation shall be contained and conducted within an enclosed building.

Based on the above findings, the application complies with these criteria.

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 has not proposed to use any materials or mechanical equipment that are detrimental to residential use of the dwelling or the nearby dwellings.

Based on the above findings, the application complies with these criteria.

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: As proposed, the applicant will contain parking for the business within the subject property boundaries. The applicant states that they have 3 off-street parking spaces available.

Based on the above findings, the application complies with these criteria.

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 CU22-05:

1. The applicant shall contain the business within a dedicated space within the home.
2. The applicant shall contain parking for the business within the subject property boundaries.
3. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
4. 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 CU22-05; 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 CU22-05; 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
- C Public Comment



Subject Property Map
CU22-05
13S01E31BC01400

Date: 2/24/22



1 inch = 43 feet

ATTACHMENT B

**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: 02.18.22
Date Complete: 02.23.22
File Number: CU22-05
Application Fee \$: 615.00
Receipt #: 4757
Hearing Date: 04.07.22

Applicant's Name: Jodi ParkerProperty Owner: Jeff & Jodi ParkerApplicant's Address: 1300 1st Ave, S.H.Owner's Address: 1300 1st Ave S.H.Applicant's Phone and e-mail: 541 409 1490 parkerland6@yahoo.comOwner's Phone and email: sameSubject Property Address: 1300 1st Ave S.H.

Subject Property Assessor's Map and Tax Lot:

31BC/1400Subject Property Size: .49 acresSubject Property: Zoning Classification R-1Comprehensive Plan Classification: R-1**Nature of Applicants Request**

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

Teeth Whitening, Cosmetic Service 1 client car @ any one time
Interior Dedicated space Operating no later than 9 pm

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

Plenty of off street parking. No impact to neighborhood
OFF STREET PARKING FOR 3 CARS

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:

Date:

Property Owner's Signature:

Date:

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.

Map



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information

City of Sweet Home
Planning Dept.

3/3/22

RECEIVED
03.09.22

File # CU22-05
RE: Jeff + Jodi Parker
Conditional use permit

My name is Jessie Carter, property owner of 41 Wandina St. bordering neighbor to Jeff + Jodi.

I have no issues with this couple putting a small business in their home. I wish them all the best.

Sincerely
Jessie Carter
41 Wandina St.
Sweet Home, Or 97386
541-401-1620

REF:
File # CV22-05
Jodi Parker.

March 1, 2022

This is an unsolicited approval
of Parker's request from a next door
neighbor. I'm all for folks who want to
help themselves along.

Roger R Sherman

1347 Westwood Ln.

S. H. OR - 97386