

**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 duplexes in a Residential Low-Density Zone. Duplexes not meeting SHMC 17.25.020(B) are allowed via a Conditional Use per SHMC 17.24.030(M). The subject property contains approximately 142,523 square feet and is in the Residential Low-Density (R-1) Zone.

The applicant intends to apply for a three-lot partition on the subject property (see Attachment B). As of the date of this notice, the partition application has not been received.

**APPLICANT:** Andrei Snegirev

**PROPERTY OWNER:** Uprise Investing

**FILE NUMBER:** CU22-07

**PROPERTY LOCATION:** 3715 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AD Tax Lot 00900.

**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](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 | 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.

A wetland delineation was completed in 2021 by Turnstone Environmental Consultants. Wetlands were identified on the southern half of the subject property (see attachment C).

**Access:** The subject property has frontage and access along Long Street.

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

**TIMELINES AND HEARING NOTICE:**

Mailed/Emailed Notice: March 1, 2022

Notice Published in Newspaper: March 9, 2022

Planning Commission Public Hearing: April 7, 2022

120-Day Deadline: June 28, 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 proposal for duplex development off Long Street between 37<sup>th</sup> and 38<sup>th</sup> Avenues, Long Street is classified as a Minor Arterial. Grouping of multiple accesses into one are required by the Transportation System Plan for Arterial roadways. Full utility services are available at the street for any development. Without additional details of the development, other conditions may apply.

**Trish Rice**

**Public Works Dept.** With the applicant's stated intent to partition the property, Public Works prefers for there to be one shared driveway into the property. We also prefer for the water and sewer services to have mainline extensions under the driveway into the property with services to each dwelling connecting onto the extensions, rather than having twelve connections into the street (six each for water and sewer). These preferences are similar to what was just built for the new homes on 49<sup>th</sup> Avenue.

**Chief Barringer**

**Sweet Home Fire**

**District:** The Fire District has no issues with this request if turnarounds meet code.

**Public Comments:** See Attachment D

### 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 zone. The applicant is requesting a conditional use permit to allow for duplexes in a Residential Low-Density 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 CU22-07.

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 duplexes in a Residential Low-Density Zone. As proposed, the applicant has limited development area due to identified wetland constraints.

The applicant shall provide access through one shared driveway off Long Street. The City of Sweet Home Street Design and Access Management Standards states a Minor Arterial shall have shared driveway access [TSP Table 4.3].

Staff finds that the site size, dimensions, location, and topography are adequate for the proposed use.

With the above conditions, 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.

The City of Sweet Home Public Works Department prefers that the water and sewer services have mainline extensions under the driveway into the property with services to each dwelling connecting onto the extensions, rather than having twelve connections into the street.

With the above conditions, 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 CU22-07:

1. The applicant shall apply for and be approved for a three-lot partition.
2. The applicant shall provide one shared driveway access for all proposed parcels.
3. The applicant shall provide mainline extensions for water and sewer services under the shared driveway, with services to each dwelling, connecting onto the extensions.
4. The applicant shall maintain the designated wetland portion of the property in accordance with the Sweet Home Municipal Code 17.72.070 and the Department of State Lands Waterways and Wetlands regulations.
5. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
6. 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.

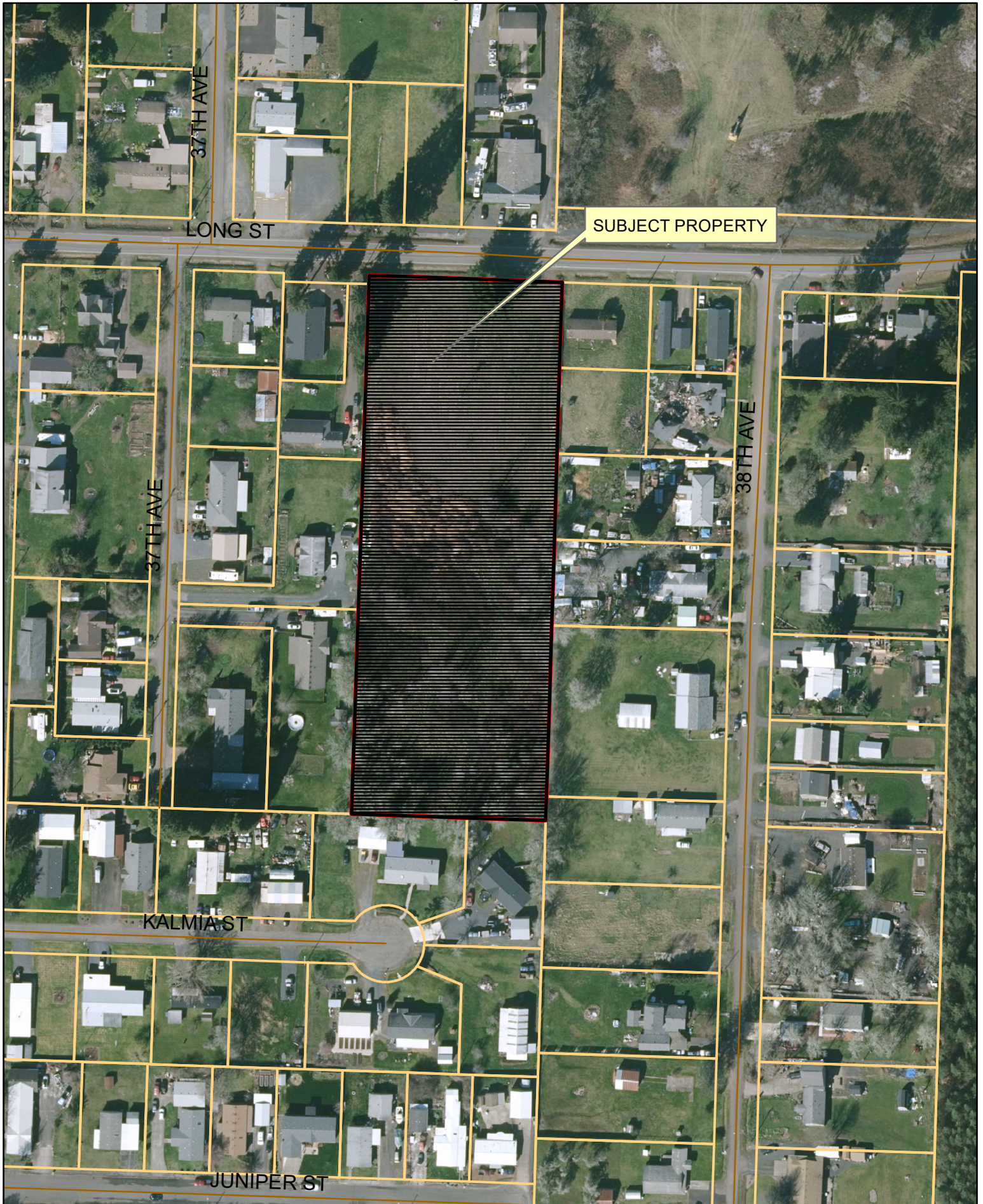
Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-07; 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 CU22-07; 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
- D Public Comments





1 inch = 143 feet

Subject Property Map  
CU22-07  
13S01E32AD00900

Date: 2/28/22



# ATTACHMENT B

SCALE:



LONG ST. RIGHT OF WAY WIDTH VARIES

10.00' RIGHT OF WAY DEDICATION

PARCEL 1  
10,000 SF

PARCEL 2  
10,000 SF

PROPOSED LOT LINE

16.42'  
20.00'

20' EMERGENCY VEHICLE  
TURNAROUND  
EASEMENT

PARCEL 3  
120,665 SF

WETLAND LIMITS PER  
TURNSTONE ENVIRON.  
2021 DELINEATION





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

## Community and Economic Development Department

## Application for a Conditional Use Permit

Date Received: 02.28.22  
Date Complete: 02.28.22  
File Number: CU22-07  
Application Fee \$: 615.00  
Receipt #: 4767  
Hearing Date: 04.07.22

Applicant's Name:

Andre Swegiver

Applicant's Address:

1331 Main St Suite 8' Summit

Applicant's Phone and e-mail:

503-341-0940  
ateamoffices@gmail.com

Subject Property Address:

3715 Long St

Subject Property Assessor's Map and Tax Lot:

13501E 32A000900

Subject Property Size:

3.27 acres

Subject Property: Zoning Classification

Comprehensive Plan Classification:

## Nature of Applicants Request

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

SEE ATTACHED

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

SEE ATTACHED

## 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:

2-28-2022

Property Owner's Signature:

Date:

2-28-2022

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.

# UPRISE INVESTING LLC

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2698 Progress Way, Woodburn, OR 97071 (office email : [ateamoffices@gmail.com](mailto:ateamoffices@gmail.com))

## PROPERTY SITE PARTITION AND CONDITIONAL USE

DATE: 2-20-2022

TO: CITY OF SWEET HOME

PROPERTY ADDRESS : 3715 LONG ST , SWEET HOME OR 97386

TAX LOT : 13S01E32AD00900 226' X 630' 3.27 ACRES

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### PROPOSED NARRATIVE

UPRISE INVESTING LLC , PURCHASED THIS PROPERTY A FEW YEARS AGO , WITH THE INTENTION OF DEVELOPING THE PROERTY FOR AFFORDABLE HOUSING ( 14 DUPLEX LOTS ) DUE TO THE " WETLANDS PRESENT ON PROPERTY SEE EXIBIT " A " WE ARE PROPOSE A DIFFERENT APPROACH WITH A 3 LOT PARTITION SEE EXIBIT " B " WITH THE WETLANDS TO BE AS A GREEN SPACE AND USED BY THE OWNERS OF PARCEL 1 , 2 AND 3 . AND SEE EXIBIT " C " WITH THE PROPOSED DUPLEX PLAN

ALSO WITH THE CITY IN REACH OF 10,000 POPULATION THIS YEAR , MY PROPOSAL FOR THIS PROPERTY WILL BE ACCEPTABLE PER STATE CODE FOR HOUSING REGULATIONS

UPRISE INVESTING LLC IS FAMILY OWNED AND OPERATED BY ANDY SNEGIREV AND HIS 4 SONS , FRED, MARK , DANIEL AND JOE

## IMPACT ON NEIGHBORHOOD

THE PROPOSED USE ON THE PROPERTY WILL ACTUALLY DECREASE THE IMPACT ON THE NEIGHBORHOOD WITH " WETLANDS GREEN SPACE " . NOTE : THE IMPACT ON THE COMMUNITY IS BY THE APARTMENTS BEING BUILT ACROSS THE STREET , THE NOISE AND CONSTRUCTION WILL BE A TEMPORAY IMPACT ON THE NEIGHBORHOOD ONLY WHLE HOMES ARE BEING CONSTRUCTED

NOTE : THERE WAS AN APPROVED PARTION ON THIS PROPERTY SIMILAR ON WHAT WE ARE PROPOSING

- 1) SEE ATTACHED MAP : EXIBIT " A " BY ( TURNSTONE ENVIRONMENTAL CONSULTANTS ) JEFF REAMS 503-510-3630
- 2) SEE SITE MAP : EXIBIT " B " BY UDEL ENGINEERING ( KYLE ) WITH THE "WETLAND OVERLAY " AND PROPSED PARTION 541-451-5125
- 3) SEE ATTACHED PROPOSED DUPLEX " EXIBIT C"

WITH ANY QUESTIONS PLEASE CALL ANDY SNEGIREV 503-341-0940

EMAIL : [ateamoffices@gmail.com](mailto:ateamoffices@gmail.com)



### Legend

-  Road  
 Study Area  
 Tax Lots  
 Fill Area  
 Ditch  
 Culvert  
 Wetlands  
**Sample Plots**  
 Upland  
 Wetland  
 Photo Point

**Notes:**

1. All wetland points and boundary features were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
2. Tax lot boundaries provided by Linn County, spatial accuracy unknown.
3. Fill area wetland intersection totals about 0.27 acres.
4. Native size of map layout is 11"x17"



Exit "B"



SCALE:



LONG ST. RIGHT OF WAY WIDTH VARIES

10.00' RIGHT OF WAY DEDICATION

PARCEL 1  
10,000 SF

PARCEL 2  
10,000 SF

PROPOSED LOT LINE

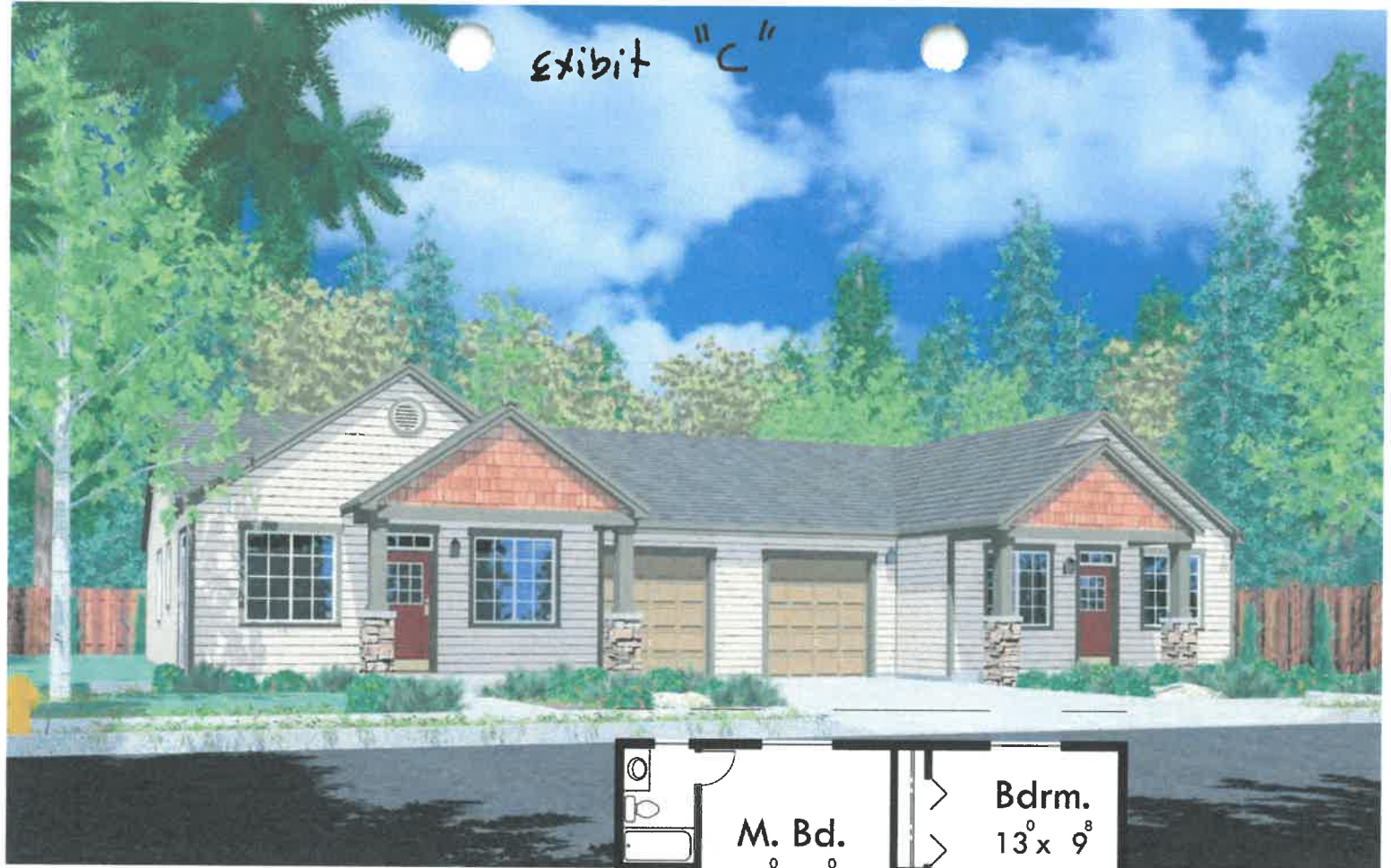
20' EMERGENCY VEHICLE  
TURNAROUND  
EASEMENT

PARCEL 3  
120,665 SF

WETLAND LIMITS PER  
TURNSTONE ENVIRON.  
2021 DELINEATION

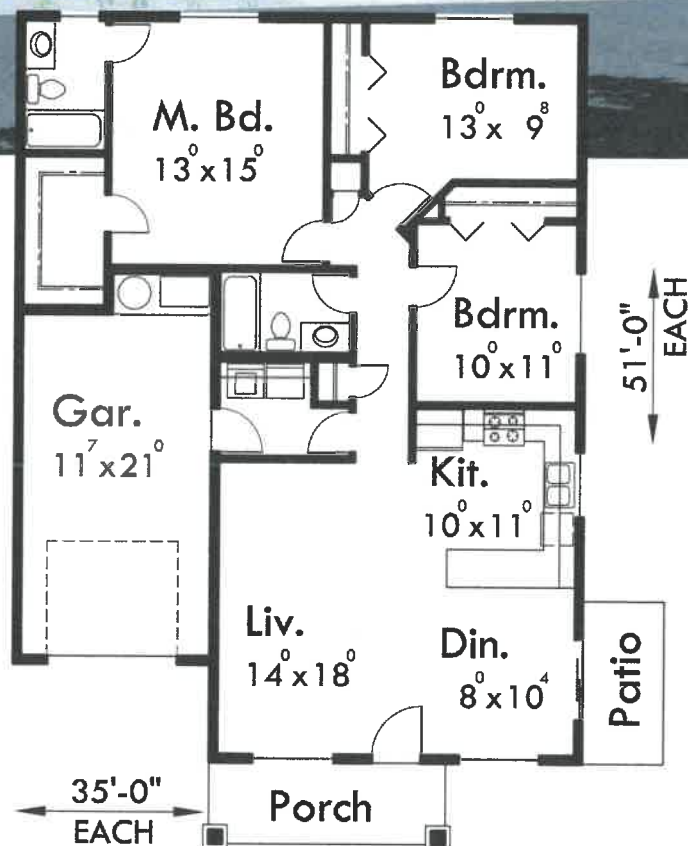


Exhibit "C"



### PLAN #D-459

MAIN FLR. 1265 SQ. FT.  
GARAGE 273 SQ. FT.



Bruinier & associates, inc. building designers  
503-246-3022 [www.houseplans.pro](http://www.houseplans.pro) & [www.bruinier.com](http://www.bruinier.com)  
1304 SW BERTHA BLVD. PORTLAND OREGON 97219

3/29/2022

File # CU22-07

Our biggest concerns about the Subject Property, is the rising water issue. We live on the South West side of the Subject Property and have been flooded 2x now since Subject Property dumped all the big piles of dirt onto Subject property. When water levels rise, there is a steady stream of water that comes from Subject property into neighboring ditches, then back flows into our ditch. There is no place for the water to go, except into our yard and around our house! If Subject Property can prevent anymore flooding issues from neighboring properties, it would be greatly appreciated,

Thank you,

David & Jessica Rome Jr.  
1101 37th Ave.  
Sweet Home, OR 97386  
(541) 401-3356



March 30, 2022

File # CU 22-07

3775 Long St

Sweet Home OR 97386

The above property goes back to my property at 3556 Kalnia St Sweet Home OR - I have lived there for over 26 years and the property has not been maintained not once since I moved in and even in the previous years of the other owners.

I have serious concerns in the summer when its so dry and overgrown that a fire could start and create a disaster. The trees are also quite high and I am concerned that they might fall on my property or house. They appear to be dead or diseased.

I have expressed my concerns to previous owners and the City of Sweet Home several times and so far no actions have been taken or any clean up done.

There has been clean up on the  
Long Street front property but  
the back has not been touched.

Please take the time to look at  
this back property and see  
if anything could be done. Woods  
cut and trees at least cut  
down or topped.

Thank you for your time  
and considering my concerns

Sally Wellham  
541-570-0231