

**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 wholesale vehicle purchasing and selling through online automobile auctions. In order to meet the DMV requirements to obtain a Vehicle Dealer Certificate, the applicant must show approval from the zoning official for the jurisdiction where business is located, in compliance with any land use ordinances of the corresponding jurisdiction. The online wholesale purchasing and selling of automobiles (utilizing online auctions) would be operated by a resident of the property within the dwelling located on the property; the applicant will be the only employee. The wholesale vehicles will be sold online, with the exception of one wholesale vehicle located on applicants' property at a time. The applicant has indicated that there will be no public sales on property and that property will not be used as a car lot; all vehicle repairs and detailing will be performed off-site at applicant's shop. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040 (K), "Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section". Tax Lot 800 contains approximately 0.18 acres and is located in the Residential Low-Density (R-1) Zone.

APPLICANT AND

PROPERTY OWNER: Coltin Prichard & Michelle Hayes

FILE NUMBER: CU25-01

PROPERTY LOCATION: 1207 43rd Avenue, located in Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 33AC, Tax Lot 800.

REVIEW AND

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

HEARING DATE & TIME: June 5, 2025, 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: May 29, 2025

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 Medium Density (R-2)	Medium Density Residential
Property East	Residential Low Density (R-1) Residential Medium Density (R-2)	Medium Density Residential
Property South	Residential Low Density (R-1)	Medium Density Residential
Property West	Residential Low Density (R-1)	Medium 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.

Access: The subject property has access to Long Street via a 25-foot access easement through Tax Lot 700.

Services: The subject property has existing City water and sewer services from Long Street.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: April 21, 2025
 Notice Published in Newspaper: April 30, 2025
 Planning Commission Public Hearing: June 5, 2025
 120-Day Deadline: August 16, 2025
 Notice was provided as required by SHMC 17.126.01

II. COMMENTS

Jaysen Cunningham

Building Division: Building has no comments

CEDD Engineering: No comments as of the issuance of this Staff Report.

Public Works Dept.: No comments as of the issuance of this Staff Report.

Ray Grundy

Code Enforcement: Code Enforcement has several concerns:

1. Property blight stemming from the storage of an excessive amount of vehicles (Chapter 10, 10.16.020 DECLARATION OF PUBLIC NUISANCE)
2. Fire/life/safety access due to the property being located on a flag lot. Will vehicles be stored to allow proper access for emergency services?
3. See Chapter 8, section 8.04.130 OPEN STORAGE of our municipal code. Are all vehicles to be located in a driveway?

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.

Staff Findings: The applicant is requesting approval of a Conditional Use Permit to establish a home occupation on their residential property. The proposed use involves wholesale vehicle purchasing and sales conducted through online automobile auctions. This business activity is intended to operate within the applicant's residence, with the applicant serving as the sole employee.

The proposed use aligns with Sweet Home Municipal Code (SHMC) Chapter 17.10.040(K), which allows for "other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section." The underlying zoning permits home occupations as conditional uses, provided they are consistent with the zone's intent and development standards.

As part of the process to obtain a Vehicle Dealer Certificate from the Oregon DMV, the applicant is required to demonstrate that the business is permitted under local land use regulations and has received zoning approval.

The proposed home occupation will involve the online wholesale buying and selling of vehicles, with transactions conducted entirely online. The applicant has stated that there will be no public sales or retail activity occurring on the property. Furthermore, the property will not function as a car lot, and all vehicle repairs and detailing will be conducted off-site at the applicant's commercial shop.

Only one wholesale vehicle is intended to be present on the property at any given time. However, the applicant acknowledges that due to the scheduling and timing of auctions, there may occasionally be a brief overlap resulting in more than one vehicle on-site.

Staff recommends approval of the conditional use permit with the condition that the number of wholesale vehicles stored on the property at any one time be limited, to minimize impacts on the surrounding neighborhood and to maintain compliance with the intent of the zoning district.

With the above conditions, staff finds the application complies with these 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.

Staff Findings: The property located at 1207 43rd Avenue is situated at the end of an access easement that runs through Tax Lot 700, beginning at Long Street. According to the Sweet Home Infrastructure Map, the site includes approximately 700 square feet of off-street parking area. In addition, the property has an attached garage.

Under the Residential Low Density Development Standards, all single-family homes and duplexes are required to include a garage or carport, as well as two additional hard-surfaced parking spaces. Any other uses permitted in this zone must comply with the standards outlined in Chapter 17.44 of the Sweet Home Municipal Code (SHMC 17.10.070(A)).

The City of Sweet Home Code Enforcement Officer has raised concerns about the number of vehicles being stored on-site and potential issues with fire and life safety access (see Section II for details).

Staff recommends including a condition of approval requiring the applicant to comply with SHMC Chapter 8.04.130 and Chapter 10.16.020. Specifically, all personal vehicles and those related to the online auction business must be parked within the designated driveway area, ensuring the access easement remains clear and unobstructed for emergency vehicles at all times.

With the above conditions, staff finds that the application complies with these 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.

Staff Findings: The proposed home occupation—an online wholesale vehicle purchasing and sales business—will be conducted by the applicant within the existing single-family residence located at 1207 43rd Avenue. The business involves no customer traffic to the site and no public sales activity. All transactions will occur online, and the applicant will be the sole operator of the business. No employees or clients will access the property for business purposes, and vehicle repair or detailing will be performed off-site.

Access to the property is provided via an existing easement through Tax Lot 700 from Long Street, and approximately 700 square feet of off-street parking area is available on-site, in addition to an attached garage. These existing features are adequate to accommodate the limited vehicle storage and traffic associated with the home occupation.

Given the low intensity of the proposed use, existing transportation infrastructure, public services, and utilities are sufficient and will not require upgrades or expansion. The business is not expected to place additional demand on city infrastructure or impact the delivery of public services in the area.

Therefore, the proposed development is considered timely and appropriate, based on the adequacy of existing transportation systems and public facilities serving the site.

Based on the above information, staff finds that the application complies with these criteria.

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.

Staff Findings: The proposed use is a home occupation involving online wholesale vehicle sales, to be operated by the property owner within the existing single-family dwelling at 1207 43rd Avenue. The use will not include public sales, customer visits, or on-site vehicle repair, and the property will not function as a car lot. All wholesale transactions will occur online,

and only one vehicle will be present on the property at any given time, with occasional overlap due to auction timing.

The business is designed to maintain a low profile and operate in a manner consistent with the residential character of the neighborhood. There will be no visible signage, increased noise, or activity that would distinguish the property from others in the area. The applicant has sufficient off-street parking and will ensure that access easements and emergency vehicle routes remain unobstructed.

As such, the proposed use will not alter the residential character of the surrounding area nor interfere with the primary residential uses allowed in the underlying zone. The home occupation is compatible with the neighborhood and will not substantially limit, impair, or preclude the continued residential use of adjacent properties.

Based on the above information, staff finds that the application complies with these 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.

Staff Findings: The proposed home occupation, which involves the online wholesale purchase and sale of vehicles, is expected to have minimal impact on adjacent properties and the public due to its low-intensity nature. The applicant is the sole operator, and all business activity will take place online or off-site. No customers will visit the property, and no vehicle repairs or detailing will occur on-site.

The applicant has indicated that only one wholesale vehicle will be present on the property at a time. However, due to auction scheduling, there may occasionally be brief overlaps with more than one vehicle on-site. To mitigate potential visual or traffic-related impacts, staff recommends a condition of approval limiting the number of wholesale vehicles allowed on the property at one time.

Additionally, existing development standards and city code provisions (including SHMC Chapters 8.04.130 and 10.16.020) provide mechanisms to address potential concerns related to vehicle storage, obstruction of access easements, and emergency vehicle access. Compliance with these standards and the proposed conditions of approval will ensure that the use remains compatible with the surrounding residential area.

Therefore, any potential negative impacts of the proposed use can be effectively mitigated through existing code requirements and reasonable conditions of approval, ensuring the protection of adjacent properties and the public.

Based on the above information, staff finds 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 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 CU25-01:

1. The applicant shall limit the number of wholesale vehicles stored on the property at any one time.

2. All personal vehicles and those related to the online auction business must be parked within the designated driveway area, ensuring the access easement remains clear and unobstructed for emergency vehicles at all times.
3. The applicant shall comply with all applicable sections of Sweet Home Municipal Code Chapters 17.10, 8.04, and 10.16.
4. The property owner and tenant shall obtain and comply with all applicable local, state, and federal permits and requirements. 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 CU25-01.

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. The 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 CU25-01; 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 CU25-01; 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. Application



1 inch = 72 feet

Subject Property Map
1207 43rd Avenue
CU25-01

Date: 4/10/25



City of Sweet Home

Community and Economic Development Department- Planning Program

3225 Main Street, Sweet Home, OR 97386 541-367-8113

Land Use Application

- ☐ Adjustment
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment
- ☐ Conditional Use
- ☐ Home Occupation
- ☐ Interpretations
- ☐ Nonconforming Uses
- ☐ Partition
- ☐ Property Line Adjustment
- ☐ Site Development Review
- ☐ Subdivisions and Planned Developments
- ☐ Text Amendments
- ☐ Variance
- ☐ Zone Map Amendment

Date Received: 04.10.25

Date Complete: _____

File Number: CU25-01

Application Fee: \$450.00 (credit from HO)

Receipt #: 5970

Planning Commission Hearing Date: June 5, 2025

City Council Hearing Date: _____

Within 30 days following the filing of this application, the Planning Department will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name: _____

Coltin Pritchard

Applicant's Address: _____

1207 43rd Ave

Applicant's Phone Number: _____

541 971 5766

Applicant's Email Address: _____

coltinpritchard@yahoo.com

Property A

Owner's Name: _____

Coltin Pritchard & Michelle Hayes

Owner's Address: _____

1207 43rd Ave

Owner's Phone Number: _____

541 971 5766 & 541 905 8883

Owner's Email: _____

coltinpritchard@yahoo.com

Property Address: _____

1207 43rd Ave

Assessor's Map and Tax Lot: _____

33 AC / 800

Property Size Before: _____

0.18 Acres

Property Size After: _____

0.18 Acres

Zoning Classification: _____

R1

Comprehensive Plan: _____

Property B

Owner's Name: _____

Owner's Address: _____

Owner's Phone Number: _____

Owner's Email: _____

Property Address: _____

Assessor's Map and Tax Lot: _____

Property Size Before: _____

Property Size After: _____

Zoning Classification: _____

Comprehensive Plan: _____

Nature of Applicant's Request

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

use property to buy and sell vehicles online
from auction to auction. need Dealer License but

will not be a car lot

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: _____

Coltin Pritchard

Property Owner's Signature: _____

Michelle Hayes

Property Owner's Signature: _____

Michelle Hayes

Property Owner's Signature: _____

Date: _____

4/10/25

Date: _____

4/10/25

Date: _____

4/10/25

Date: _____



APPENDIX D

CONDITIONAL USE

A conditional use is one which is generally acceptable as a land use activity in a particular zone, but due to certain aspects of the activity, buffering, screening, time limitations or other conditions are necessary to ensure compatibility with adjacent property. Conditional uses are presumed to be allowed unless conditions to ensure their compatibility cannot be established. [SHMC 17.104.010]

Conditional Use shall be reviewed in accordance with the Type III review procedures specified in Chapter 17.126. [SHMC 17.104.020]

An application for a conditional use shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126 [SHMC 17.104.030]

SHMC 17.104.040 SUBMITTAL REQUIREMENTS

The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)

The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The site plan shall show pertinent information to scale to facilitate the review of the proposed development.

- A. The following general information shall be shown on the site plan:
- ☐ Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.
 - ☐ North arrow and scale of drawing.
 - ☐ Tax map and tax lot number or tax account of the subject property.
 - ☐ Dimensions and size in square feet or acres of the subject property.
 - ☐ Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.
 - ☐ Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
 - ☐ A site plan clearly indicating the proposed location of the proposed conditional use including the dimensions of any existing, expanded, or new structure proposed to house the conditional use along with all site improvements including parking, lighting, screening, landscaping, etc.
- B. Is the use listed as a conditional use in the underlying district and does it comply with the development requirements of the underlying zone? Explain:

The use of address is to get the car dealership license, with ~~one~~ parking of one car at the location. All will be online sales no public ~~will~~ will be on property

- C. Are the characteristics of the site suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features? Explain:

yes, the proposed use is using the address for online wholesale of vehicles, with the exception of one vehicle stored on property in between auctions, otherwise will not affect property

- D. Is the proposed development timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use? Explain:

beyond parking one vehicle, property use and function will not change at all.

- E. The applicant shall address how 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.

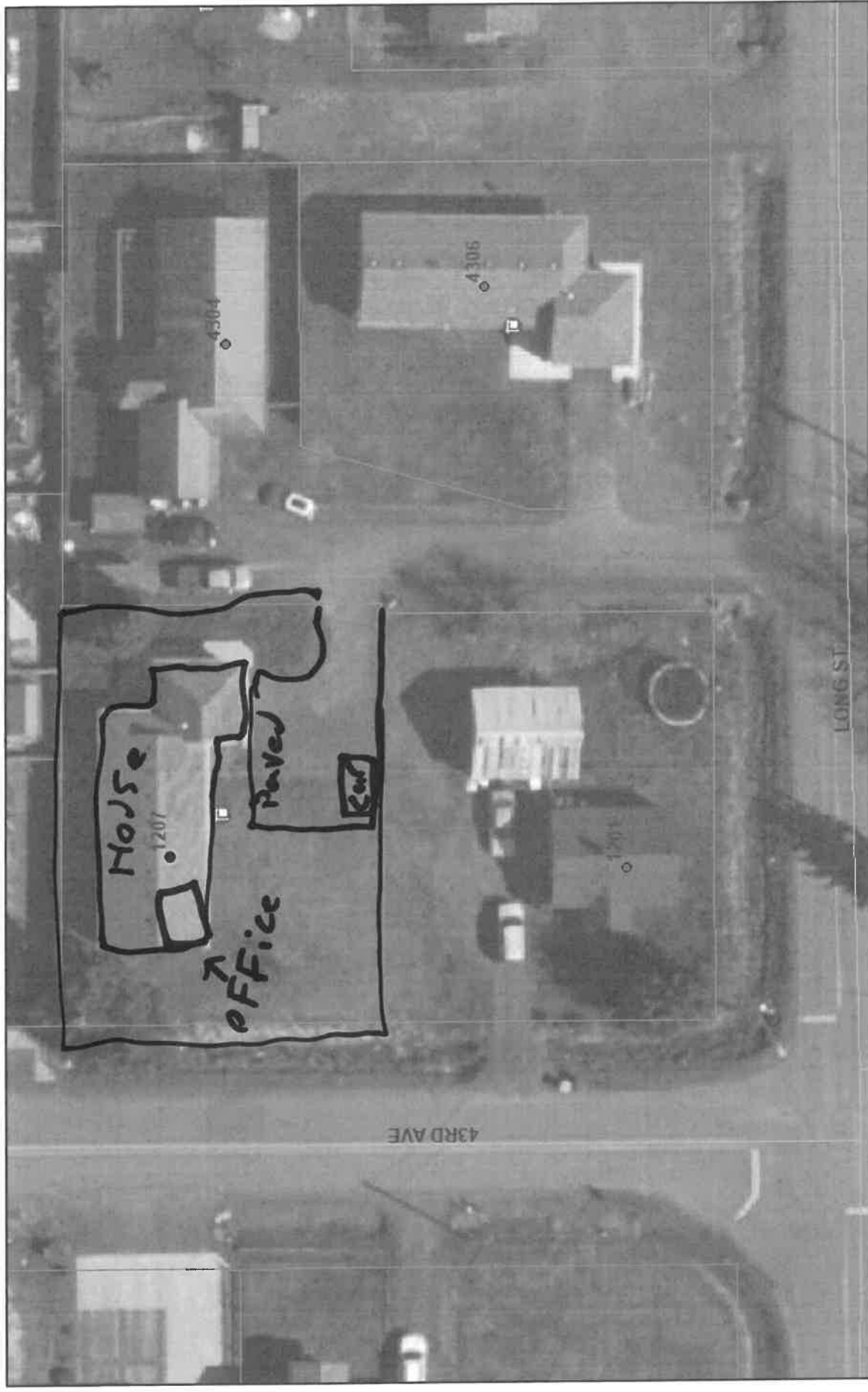
use will mostly be online sales, so will not affect property or surrounding properties, only need property to store one car and obtain car dealer license to access car auction online.

- F. The applicant shall address how 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.

there will be no negative impact on property or adjacent properties because it will not be used to meet public or used to store more than one vehicle, will be online wholesale cars from one auction to another, repairs and detailing will be done offsite. only need to use address to obtain Dealer License to get access to online auto auctions.

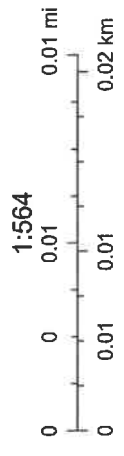
Linn County Planning Application

.18 acres



4/10/2025, 8:37:52 AM

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



Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of Lyons, City

Map created using the Linn County Oregon web mapping application
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