



CITY OF SWEET HOME PLANNING COMMISSION MEETING AGENDA

October 15, 2018, 7:00 p.m.
City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

1. Call to Order and Pledge of Allegiance
2. Roll Call of Commissioners:
Lance Gatchell (Chairperson); Henry Wolthuis; Eva Jurney; Edith Wilcox; Greg Stephens; Thomas Herb
3. Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.
4. Review and Approval of Minutes: July 2, 2018
5. Public Hearing. File P18-05. The applicant is requesting to partition the property located at 980 Mountain View Road, Sweet Home, OR 97386. The property is identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 4734. Applicant: Mark Rose.
6. Public Hearing. File ZC 18-03. The applicant is proposing to change the zoning of the approximately 5.3-acre property located at 3225 Main Street, Sweet Home, OR 97386 from R-1 to C-2. This is the location of the new City Hall, and is identified on the Linn County Assessor's Map as 13S01E33B Tax Lot 101. Applicant: City of Sweet Home.
7. Public Hearing. File CU 18-12. The applicant is requesting to use the property located at 3225, 3227 and 3229 Main Street, Sweet Home, OR 97386 for governmental use as the location of the new City Hall facility. The property is identified on the Linn County Assessor's Map as 13S01E33B Tax Lots 101, 200, 300, and 400. The property contains approximately 6.5 acres. Applicant: City of Sweet Home.
8. Staff Update on Planning Projects.
9. Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the Community and Economic Development Office at (541) 367-8113.

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend.

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 1140 12th Ave, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”
- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant’s Testimony
 - Proponents’ Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents’ Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue

- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
- Recommendation made by Planning Commission—City Council makes final decision.
- If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8969
Fax 541-367-5007
www.sweethomeor.gov

PLANNING COMMISSION MEETING
JULY 2, 2018
CITY HALL ANNEX - COUNCIL CHAMBERS
1140 12TH AVENUE

PUBLIC MEETING CALL TO ORDER AT 7:01 PM

ROLL CALL ATTENDING:

Edith Wilcox Henry Wolthuis (Absent) Eva Jurney Thomas Herb
Greg Stephens Lance Gatchell (Chairperson) Anay Hausner

STAFF:

Jerry Sorte, Community and Economic Development Director (CEDD)
Lagea Mull, Project Assistant

REGISTERED VISITORS:

Sean Morgan

COMMENTS FROM THE PUBLIC: None

PUBLIC HEARING OPENED AT 7:03PM: File CU18-04

Due to an error in notice, this public hearing was opened and immediately continued until July 16, 2018 at 7:00 PM in the same location. There was a statement error in the newspaper ad. The statement was re-noticed.

PUBLIC HEARING OPENED AT 7:05PM: File CU18-08 and VR18-04

Due to an error in notice, this public hearing was opened and immediately continued until July 16, 2018 at 7:00 PM in the same location. There was a statement error in the newspaper ad. The statement was re-noticed.

CEDD Jerry Sorte stated he spoke with both applicants about the hearings being continued. They would have been here.

Election of Vice-Chair:

Commissioner Stephens nominated Commissioner Henry Wolthuis as Vice-Chair.
Commissioner Wilcox seconded the nomination.

Discussion Ensued about the possibility of changing meeting time from 7:00pm to earlier. The decision was made to maintain the current schedule. There will be one meeting in August.

Code Updates: CEDD Jerry Sorte recommends the Planning Commission review municipal codes 4.1-4.4. He will provide his recommendations.

Commissioner Gatchell would like 4-14 maintain current code. Leave the Variance & Fence Permits items alone due to the extensive work already done.

CEDD Jerry Sorte stated certain codes are broken.

Commissioner Gatchell would like to see the model code compared to the current code.
Commissioner Stephens would like to see the comparative side by side.

ADJOURNMENT AT 8:02PM

To the best of the recollection of the members of the Planning Commission, the foregoing is a true copy of the proceedings of the Public Meeting of July 2, 2018.

Lance Gatchell Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Lagea Mull, Project Assistant

DRAFT



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.ci.sweet-home.or.us

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting to partition an approximately 38,332 square foot property into three parcels. Proposed Parcel 1 would contain approximately 10,400 square feet. Proposed Parcel 2 would contain approximately 8,114 square feet. Proposed Parcel 3 would contain approximately 17,478 square feet. The applicant may further divide parcel 3 in the future. The subject property is located in the Residential Low-Density (R-1) Zone.

APPLICANT: Mark C. Rose

PROPERTY OWNER: Trimel Opportunities LLC

FILE NUMBERS: P18-05

PROPERTY LOCATION: 980 Mountain View Road, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 4734.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.16.030, 16.16.040, 16.16.050(A), 16.12.030, 16.12.075, and 17.24.040 through

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

I. PROPERTY DESCRIPTION

Property Information:

Zoning Designation: Residential Low-Density (R-1) Zone

Comprehensive Plan
Map Designation: High-Density Residential

Floodplain: The subject property is located outside of the 100-year floodplain as depicted on the FEMA FIRM Map, panel 41043C0914G, dated September 29, 2010.

Wetlands: The subject property does not contain significant wetlands that are depicted on the Sweet Home Local Wetlands Inventory or the National Wetlands Inventory Map.

Access: Proposed Parcel 2 and 3 would have frontage along Mountain View Road. Proposed Parcels 1 and 3 will have access from a driveway easement that runs along the north and west property line of Parcel 2.

Sidewalk: There are no sidewalks on Mountain View Road. A development agreement, included as Attachment E, should be required as a

condition of approval. This would require the applicant to provide “half street” improvements. “Half street” development requires new driveway aprons, sidewalk, curb drainage, catch basin, and roadway infill if necessary. The timing is listed as TBD, to be determined, to allow some flexibility in the timing of this development. These improvements would be consistent with SHMC 16.24.050

Water and Sewer
Services:

Parcel 1, Parcel 2 and Parcel 3 have water and sewer services.

Road Right-of-Way:

Mountain View Road is a collector road with a 40 foot right-of-way. The City will require a 5 foot right-of-way dedication.

Property Information and Land Use Permit History

There are no prior Land Use Applications.

The subject property is identified as 2475 Cedar Street, Sweet Home, Oregon (County Survey 16649), dated January 17, 1979.

Notice and Timelines

Application Submitted: 6/21/18

Application Complete: 8/14/18

Notice Mailed: 9/21/18. Notice mailed to property owners and residents within 100 feet of property as well as City Department Heads and service providers

120-Day Decision Deadline 12/12/18

II. COMMENTS RECEIVED

Engineering: The sewer main on Mountain View Rd is in the road shoulder and is quite deep at this location – it varies around 12-15 feet deep. I would prefer if both new sewer services for Parcel 2 and Parcel 3 could be installed in the same trench at the same time, to minimize the construction impacts on the road and minimize construction costs for the property owner(s). Trish Rice, Engineering Technician

Streets & Stormwater: The right of way of Mtn View Road is 40 feet wide, with 22 feet of pavement. Stormwater is conveyed in a ditch line on the property after crossing Mtn View Road at Juniper St. The drainage comes from the 28th Ave and Juniper St. area. The stormwater ditch is close, within 10 feet of the property line, and is approximately 10 feet deep. Runoff drainage from these proposed residences will flow to the channel. The ravine angles to the NW as it crosses to the western portion of the property. The inlet at the bottom of the hill on 23rd Ave is near the Cul-de-Sac of 23rd Ave on a

different property. The inlets are checked by the City Streets Crew for access and flows.

Water & Sanitary: City Water is in Mtn View Road and is a 10in line. The City Sewer also in Mtn View Road, but is very deep. Due to the location of the water and sewer systems, the water and sewer services to the proposed Lot 3, may need to be routed to the Lot 1 & 2 driveway easement area. The noted Access Easement may need to become an Access and Utility Easement.

Comments & Recommendations: Further partition plans on Lot 3 may be possible, the services for that parcel should be added to the utility work for Lot 2 and 3. Joseph Graybill, Staff Engineer.

Building: The Building Program has no issues with this request for partition.

OR Department Of State Lands As far as wetlands or waterways are concerned, a state removal-fill permit is not required for tax lot line adjustments. It looks like there may be a low area on the south end of the tax lot (parcel 3), that area should be checked out prior to development, especially if more than 50 cubic yards of fill is required. Lauren Brown, Wetland Ecologist

Community: See Attachments D1, D2, and D3

III. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a land partition is subject to the review criteria listed in Sweet Home Municipal Code Section (SHMC) 16.16.040. SHMC Section 16.16.030(2) authorizes the City Manager, or designee to conduct such review and render a decision on this matter. Staff findings of fact and analysis are as follows:

A. Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

1. **The information required by this chapter has been provided. [SHMC 16.16.040(A)]**

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application. The applicant provided revised 24 x 36 tentative partition plan, which included information needed for staff to review this partition application.

With this condition, the application complies with this criterion.

2. **The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable. [SHMC 16.16.040(B)]**

LOTS SIZE AND WIDTH

- a) **The minimum lot area shall be 8,000 square feet; and [SHMC 17.24.040 (A)]**
- b) **The minimum lot width at the front building line shall be 80 feet. [SHMC 17.24.040 (B)]**

YARD SETBACKS

- a) **Size and shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated. [SHMC 16.12.030(A)]**
- (1) **The front yard shall be a minimum of 20 feet; [SHMC 17.24.050(A)]**
 - (2) **Each side yard shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of 13 feet; [SHMC 17.24.050(B)]**
 - (3) **The street side yard shall be a minimum of 15 feet.; [SHMC 17.24.050(C)]**
 - (4) **The rear yard shall be a minimum of 15 feet.; [SHMC 17.24.050(D)]**
 - (5) **On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet; [SHMC 17.24.050(E)]**
 - (6) **Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard. [SHMC 17.24.050(F)]**

Applicants Response: The size, width, shape, and orientation are appropriate for the zone and location, given the site constraints presented by the topography and original lot shape.

Staff Findings: The R-1 zone has a minimum parcel size of 8,000 square feet. The proposed partition creates three parcels. Parcels 1 and 3 will be a flag lots. Both would contain an existing driveway to Mountain View Road. The proposed property lines that divide Parcel 1 from Parcel 2 and Parcel 3 would comply with the fifteen foot minimum setback requirement of the R-1 zone. The proposed property lines that divide Parcel 2 from Parcel 3 would comply with the fifteen foot minimum setback requirement of the R-1 zone. The proposed Partition creates a new front property line for Parcel 1. Parcel 2 and Parcel 3 would be vacant.

- b) **No lot or parcel shall be dimensioned to contain a part of an existing or proposed street. [SHMC 16.12.030(B)]**

Staff Findings: Staff finds that no parcels contain a part of the existing Mountain View.

The application complies with this criterion.

- c) **Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17. [SHMC 16.12.030(C)]**

Staff Findings: After dedication of right-of-way, as required under Condition 2, the final configuration of proposed Parcel 1 would be approximately 10,400 square feet and has a width of approximately 85 feet. Proposed Parcel 2 is approximately 7,609 square feet and has a width of approximately 100 feet. Proposed Parcel 3 is approximately 17,478 square feet and has a width of approximately 140 feet.

Staff finds that Parcel 1 and Parcel 3 meet the minimum lot area of 8,000 square feet and the minimum lot width at the front building line of 80 feet. Parcel 2 would not meet the minimum

Parcel size after the required roadway dedication, but does meet the minimum lot width at the front of building line. Parcel 2 would need to be expanded by approximately 400 square feet in order to meet the minimum lot size off 8,000 square feet.

d) Lot depth shall not exceed two and one-half times the average width. [SHMC 16.12.030(D)]

Staff Findings: Proposed Parcel 1 would have a depth of approximately 105 feet and a width of approximately 85 feet. Proposed Parcel 2 would have a depth of approximately 150 feet and a width of approximately 100 feet. Proposed Parcel 3 would have a depth of approximately 110 feet and a width of approximately 140 feet. Based on these dimensions, the lot depth of the proposed parcels would not exceed two and one-half times the average width.

The application complies with this criterion.

e) Frontage. Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet. [SHMC 16.12.030(E)]

Applicants Response: Each parcel, including Parcel 1, abuts Mountain View Road for at least 25 feet. Please see the attached revised tentative plan (Attachment C). Previously submitted tentative plat contained a drafting error that indicated Parcel 1 width at the street was 24.91 feet.

Staff Findings: As depicted on the plot plan, Attachment C, Parcel 1 is a flag lot and would have frontage of approximately 25 feet along Mountain View Road. Proposed Parcel 2 would have approximately 100.84 feet of frontage along Mountain View Road. Proposed Parcel 3 has a 25 foot driveway access easement from Proposed Parcel 1. All three parcels meet the minimum requirement of 25 feet of frontage along a publicly owned street.

The application complies with this criterion.

f) Access easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels. [SHMC 16.12.030(F)]

Applicants Response: Parcel 1 does not require an access easement, as it is a flag lot. Parcels 2 and 3 do not require access easements as they have frontage on Mountain View Road, however due to the topography of the property accessing Mountain View Road directly would require the construction of bridges across the adjacent ravine. Providing an access easement for Parcels 2 and 3 is proposed as a more economically and environmentally viable option. As proposed, all parcels would use the easement.

Staff Findings: Proposed Parcel 3 has a proposed access easement. Staff recommends that it be developed to a Residential Neighborhood Street [SHMC 16.12.020 (Table)]. The paved street shall have an unobstructed driving surface width of not less than 20 feet, and dead end for apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround [Linn County Fire Code, Chapter 5]. There is no other practical access to the Parcel due to topographic constraints including steep terrain and a deep storm water ditch that run the entire length of the Parcels frontage (Attachment B).

g) Through lots should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation. [SHMC 16.12.030(G)]

(1) A planting screen easement of at least ten feet in width and across which there shall be no right of access may be required

along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses. [SHMC 16.12.030(G)(1)]

(2) Lots shall be served from only one side via a local street. [SHMC 16.12.030(G)(2)]

(3) A through lot shall have the yard abutting a street that has no access to the back yard, and shall utilize setbacks for a back yard as per the underlying zone standards. [SHMC 16.12.030(G)(3)]

Staff Findings: The applicant is not proposing a through lot.

The application complies with this criterion.

h) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [SHMC 16.12.030(H)]

(1) Topographical conditions or street configurations may warrant an angle. [SHMC 16.12.030(H)(1)]

(2) Generally, any angle should not exceed 30° from a right angle to the street. [SHMC 16.12.030(H)(2)]

Applicant's Response: The goal of this process is to eventually partition this property into 4 parcels using the serial partition process. Due to the constraints imposed by the lot shape and topography of the original property the resultant parcels cannot be rectangular. Per our in-person discussion at the Planning Desk, the proposed lot line configurations allow for 4 homes to be sited on the property and comply with the setback, minimum lot width and minimum lot area requirements imposed by the zone.

Staff Findings: The proposed partition would create a new front property line and Flag Pole for Parcel 1 and side property lines between Parcels 2 and 3. As depicted on the applicant's plot plan, Attachment B, the dividing line between the Parcel 1 flag pole and Parcel 2 intersects the Mountain View Road front property line at an irregular angle. The dividing line between Parcel 2 and Parcel 3 intersects the Mountain View Road front property line at an irregular angle.

Staff finds insufficient evidence of why the property lines don't come in at right angles to conform with SHMC 16.12.030(H)(2).

i) Flag Lots. Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements. [SHMC 16.12.030(I)]

Staff Findings: Proposed Parcel 1 is a flag lot. The flag pole was not used to determine lot size, lot width or setback requirements. Mountain View Road is the only available public street fronting the property. The surrounding properties on the north and west sides are not available for access due to being private properties with residences built on them. The surrounding property on the south is not available due to the topography of the parcel (Attachment B).

The application complies with this criterion.

j) If special setbacks are to be established in a subdivision or partition through the variance process, they shall be shown on the tentative

plan and final plat and included in the deed restrictions. [SHMC 16.12.030(J)]

Staff Findings: The applicant has not proposed any special setbacks.

The application complies with this criterion.

2. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]

Applicant's Response: The goal of this process is to eventually partition this property into 4 parcels using the serial partition process. Due to the constraints imposed by the lot shape and topography of the original property the resultant parcels cannot be rectangular. Per our in-person discussion at the Planning Desk, the proposed lot line configurations allow for 4 homes to be sited on the property and comply with the setback, minimum lot width and minimum lot area requirements imposed by the zone.

Staff Findings: Based on the applicant's proposal and email response, each parcel would be irregularly shaped. Parcel 2 and Parcel 3 have frontage along Mountain View Road and Parcel 1 is a flag lot that has access frontage on Mountain View Road. Staff finds that based on the evidence in the record, if these parcels remain under the same ownership, they would be able to be developed in accordance with the SHMC.

The application complies with this criterion.

3. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes. [SHMC 16.16.040(D)]

Staff Findings: Staff has not identified any features of this proposed partition that would inhibit development on adjoining property.

The application complies with this criterion.

4. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title. [SHMC 16.16.040(E)]

Staff Findings: The applicant has not proposed to create any new streets as a part of this partition. All parcels would retain frontage along a public street.

The application complies with this criterion.

5. The location and design allows development to be conveniently served by public utilities. [SHMC 16.16.040(F)]

Staff Findings: The proposed partition would allow each proposed parcel to maintain frontage along Mountain View Road. Access would be feasible to all parcels, as would connection to the existing water and sewer services located in Mountain View Road.

Engineering Technician: The sewer main on Mountain View Rd is in the road shoulder and is quite deep at this location – it varies around 12-15 feet deep. I would prefer if both new sewer services for Parcel 2 and Parcel 3 could be installed in the same trench at the same time, to minimize the construction impacts on the road and minimize construction costs for the property owner(s).

City Engineer: City Water is in Mountain View Road and is a 10in line. The City Sewer also in Mountain View Road, but is very deep. Due to the location of the water and sewer systems, the water and sewer services to the proposed Lot 3, may need to be routed to the Lot 1 & 2

driveway easement area. The noted Access Easement may need to become an Access and Utility Easement.

The application complies with this criterion.

6. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law. [SHMC 16.16.040(G)]

Staff Findings: Proposed Parcel 1, 2, and 3 do not contain inventoried wetlands, and are located outside of the 100 year floodplain. Based on topographic constraints (Attachment B), the east, south, and west portions of the property have a steep topography. Staff has not identified any specific features that need to be protected through the partitioning process. Local, state, and federal rules may apply to development on the property; depending on the type of development proposed.

Portion of the letter from Gary Pritchard, dated October 4, 2018: "I have experienced consistent drainage problems due to the wetland area location of the proposed development and insufficient existing drainage. This silt from the property location of the proposed development continually fills in the existing drainage which then flows to the drop inlet city storm drain, then gets covered/clogged with silt, leaves and debris. This causes the water to back up in the ditch which erodes and affects the integrity of my driveway and property. The City of Sweet Home continually, as well as myself have to dig out a massive amount of silt and debris in order clear the drop inlet, to allow the water to flow into the storm drain and not back up into the ditch. The City of Sweet Home has even used a backhoe several times in order to clear the silt and debris. In the past years the property owner(s) of the proposed development have negatively impacted the existing drainage because there have not been any precautionary efforts during their construction to protect the drainage during work such as tree removal, brush removal and construction with the moving of ground. In summary, I believe it is the responsibility of the City of Sweet Home to require the developer to correct the existing ongoing drainage problem. Obviously, in the future developments, there will be hard surfaces/roofs which will contribute to even more runoff into a drainage system that already is inadequate to handle to run off as it exists." [Attachment D3]

The right of way of Mountain View Road is 40 feet wide, with 22 feet of pavement. Stormwater is conveyed in a ditch line on the property after crossing Mountain View Road at Juniper St. The drainage comes from the 28th Ave and Juniper St. area. The stormwater ditch is close, within 10 feet of the property line, and is approximately 10 feet deep. Runoff drainage from these proposed residences will flow to the channel. The ravine angles to the NW as it crosses to the western portion of the property. The inlet at the bottom of the hill on 23rd Ave is near the Cul-de-Sac of 23rd Ave on a different property. The inlets are checked by the City Streets Crew for access and flows. [Joe Gaybill, Staff Engineer]

The application complies with this criterion.

7. If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development. [SHMC 16.16.040(H)]

Applicant's Response: The goal of this process is to eventually partition this property into 4 parcels using the serial partition process. Due to the constraints imposed by the lot shape and topography of the original property the resultant parcels cannot be rectangular. Per our in-person discussion at the Planning Desk, the proposed lot line configurations allow for 4 homes

to be sited on the property and comply with the setback, minimum lot width and minimum lot area requirements imposed by the zone.

Staff Findings: The proposed partition would create a new front property line and Flag Pole for Parcel 1 and side property lines between Parcels 2 and 3. As depicted on the applicant's plot plan, Attachment B, the dividing line between the Parcel 1 flag pole and Parcel 2 intersects the Mountain View Road front property line at an irregular angle. The dividing line between Parcel 2 and Parcel 3 intersects the Mountain View Road front property line at an irregular angle. Staff finds insufficient evidence of why the property lines don't come in at right angles to conform with SHMC 16.12.030(H)(2). The applicant is seeking to divide a property within the R-1 zone that fronts Mountain View Road. Staff has recommended conditions of approval, listed in Section IV below, that act to ensure that the final partition plat comply with the application that has been proposed. Staff recommends that a development agreement, included as Attachment E, be required as a condition of approval. [SHMC 12.04.010 (C)]. This would require the applicant to provide "half street" improvements. "Half street" development requires new driveway aprons, sidewalk, curb drainage, catch basin, and roadway infill if necessary. The timing is listed as TBD, to be determined, to allow some flexibility in the timing of this development. These improvements would be consistent with SHMC 16.24.050. See Attachment E. Staff finds that these improvements would be reasonable and proportional to the proposed development. The applicant is proposing a partition that would result in increased density in the neighborhood. This density would bring additional roadway users. Half street improvements would mitigate those impacts adjacent to the subject property.

- 8. An application for residential development can be denied based on a lack of school capacity if: [SHMC 16.16.040(I)]**
- a) The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; and [SHMC 16.16.040(I)(1)]**
 - b) The city has considered option to address school capacity; and [SHMC 16.16.040(I)(2)]**
 - c) The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540. [SHMC 16.16.040(I)(3)]**
 - d) This section does not confer any power to the school district to declare a building moratorium. [SHMC 16.16.040(I)(4)]**

Staff Findings: The City has not been informed by the Sweet Home School District that their adopted school facility plan has identified a lack of school capacity. Staff does not recommend that this application be denied based on a lack of school capacity.

The application complies with this criterion.

B. Conditions of Approval.

- 1. The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria. [SHMC 16.16.050(A)]**
- 2. Conditions of approval may include, but are not limited to, the following: [SHMC 16.16.050(B)]**
 - a) Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.**

- b) **Storm water drainage plans**
- c) **Fencing.**
- d) **Landscaping.**
- e) **Public land dedication.** [SHMC 16.16.050(B)(1 through 5)]

Staff Findings: The applicant is seeking to divide a property within the R-1 zone that fronts Mountain View Road. Staff has recommended conditions of approval, listed in Section IV below, that act to ensure that the final partition plat comply with the application that has been proposed. Staff recommends that a development agreement, included as Attachment E, be required as a condition of approval. [SHMC 12.04.010 (C)]. This would require the applicant to provide “half street” improvements. “Half street” development requires new driveway aprons, sidewalk, curb drainage, catch basin, and roadway infill if necessary. The timing is listed as TBD, To Be Determined, to allow some flexibility in the timing of this development. These improvements would be consistent with SHMC 16.24.050. See Attachment E. Staff finds that these improvements would be reasonable and proportional to the proposed development. The applicant is proposing a partition that would result in increased density in the neighborhood. This density would bring additional roadway users. Half street improvements would mitigate those impacts adjacent to the subject property.

The existing right-of-way width for Mountain View Road is 40 feet. The full right-of-way width for a Mountain View Road, a collector street, is 60 feet. [SHMC 16.12.020] In order to accommodate future road improvements associated with the proposed partition and anticipated development, staff recommends a condition of approval that the property owner dedicate five-feet of the subject property along Mountain View Road. This dedication would have the property owner contribute half of the right-of-way needed to bring the existing 40-foot right-of-way up to a right-of-way of 45 feet with a full right-of-way maximum of 60 feet. [SHMC 17.80.050 (A.7.)].

C. Duration of Tentative Plan Approval. [SHMC 16.16.070]

1. **Approval of a tentative plan shall be valid for 12 months from the date of approval of the tentative plan, provided that if the approved tentative plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of § 16.16.060 of this chapter.** [SHMC 16.16.070(A)]
2. **If any time limitation is exceeded, approval of the tentative subdivision plan, or of any un-platted phase of the tentative subdivision plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new application.** [SHMC 16.16.070(B)]

Staff Findings: This approval shall be valid for 12 months. The applicant has not proposed a phased development. Extensions shall be permitted as allowed under SHMC 16.16.080.

D. Final Partition Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. [SHMC 16.20.010(B)(1)]

Staff Findings: In order to complete the partition once land use authorization is obtained, the applicant will need to submit a final partition plat as outlined in SHMC 16.20.010(B). The plat shall comply with the Final Plat Review Criteria listed in SHMC 16.20.020 and shall contain all of the elements described in the SHMC 16.20.030; Final Plat Submittal.

IV. CONCLUSIONS

Based on the Review Criteria above, Staff Recommends that the application be approved for a land partition. The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.). Public improvements may be required upon future development of the property as described in the Engineering Division comments and required by the Sweet Home Municipal Code.

Recommended Conditions of Approval:

1. The final configuration of proposed Parcels 1, 2 and 3 shall substantially conform to the plot plan reviewed in this application. See Attachment C. Each Parcel shall contain a minimum of 8,000 square feet [SHMC 17.24.050 A)].
2. The property owner shall dedicate the easternmost five feet of the subject property adjacent to Mountain View Road to the City of Sweet Home as public right-of-way.
3. The applicant shall sign and record the development agreement included as Attachment E.
4. The new property lines shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-1 zone. See SHMC 17.24.050.
5. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of the Sweet Home Municipal Code (SHMC) 16.20 and the provisions of ORS Chapter 92. The applicant shall submit the final plat for City review as required by SHMC 16.20. The final partition plat shall include the information listed in SHMC 16.20.030.
6. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

V. ATTACHMENTS

- A - Subject Property Map
- B - Topographic Map
- C - Proposed Partition Map
- D - Public Comments
- E - Development Agreement

Property for Proposed Partition

R1

JUNIPER

MOUNTAIN VIEW RD

2655 JUNIPER ST990 27TH AVE

1001 MOUNTAIN VIEW RD

970 27TH AVE

950 27TH AVE

VIEW RD

930 27TH AVE

JEFFERSON

2643 JEFFERSON ST

2683 JEFFERSON ST

830 27TH AVE

2620 HARDING ST

Date: 8/7/2018

1 inch = 151 feet

Attachment B

1006 MOUNTAIN VIEW RD

1006

980

R1

933

90

909 MOUNTAIN VIEW RD

MOUNTAIN VIEW

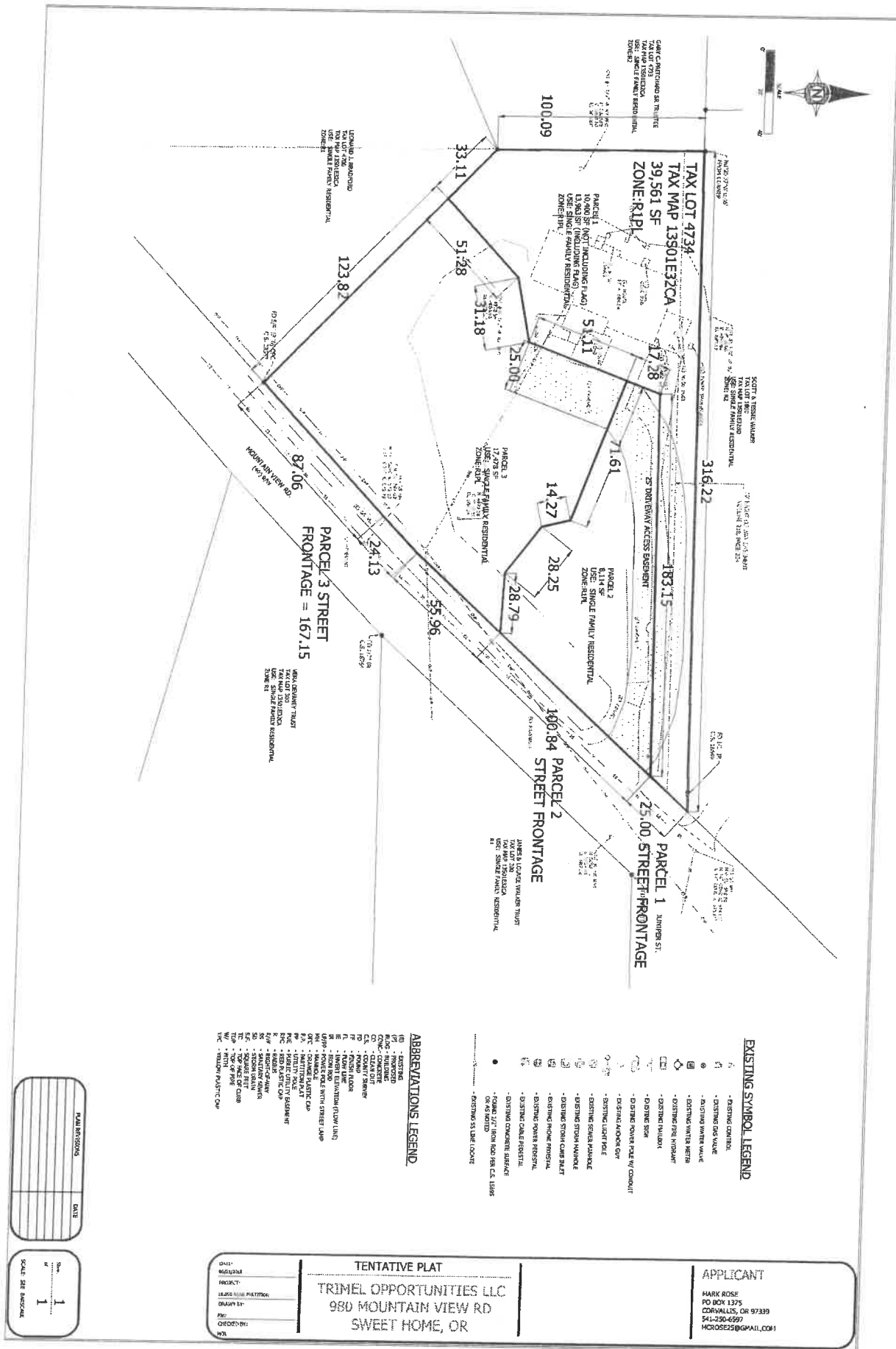


1 inch = 45 feet

**Topography Map for P 18-05
Proposed Partition**

Date: 8/7/2018

Attachment C



Attachment D1

Angela Clegg

From: Scott Walker <madronehill1@yahoo.com>
Sent: Tuesday, September 25, 2018 7:19 PM
To: Angela Clegg
Subject: File P18-05

Date: 9/25/2018

In Re: P18-05

Property Location: 980 Mountain View Road

Applicant: Mark C. Rose; aka: Trimel Opportunities LLC

Re: Hearing October 15 at 7 PM.

This letter is from the

Adjoining Property Owners: Scott Walker and Tessie Walker

Address: 1006 Mountain View Road, Sweet Home OR

This is a written comment to the City of Sweet Home - regarding the above property located next door to us at 980 Mountain View Road. Sweet Home, OR

We would like to address our concerns regarding this pending application and are summarized in this letter.

Firstly,

This development is in an area of town with homes still residing on parcels of and acre or more, we own the home located at 1006 Mountain View Rd. Developments of this size are out of character for this area of town that homes still reside on an acre or more. Our acreage is 1.27 and our neighbor has a few acres. This applicant even eludes to a further possible 4th subdivision of the subject property.

Secondly,

Applicant wishes to run driveway within inches, or feet of our property line and has made no efforts to increase our privacy daytime traffic and nighttime headlights are unwelcome and will intrude on our privacy and campfire area and yard. No provision has been made what so ever to improve the noise mitigation, **no buffer zone** for trees and privacy vegetation. Destruction of forest may be an issue along the property line.

Thirdly,

We have an existing driveway entering our property within only feet of this proposed entrance. The driveways are in a curvy section of Mountain View Rd. near the intersection of Juniper St, and surely increased traffic will be a danger at this intersection. Applicant wishes to more than triple traffic entering from 980 Mountain View Rd at virtually the same place as us.

We as neighbors wish the City of Sweet of Home to reject this request to partition and any subdivision to this property move the entrances away from our property and the intersection of Juniper St.

Dated This 25th Day of September 2018. Please acknowledge receipt of this letter of objection.

Attachment D2

Angela Clegg

From: Scott Walker <madronehill1@yahoo.com>
Sent: Sunday, September 30, 2018 1:56 PM
To: Angela Clegg
Subject: Re: RE: File P18-05

9/30/2018

In Re: P18-05

Property Location: 980 Mountain View Road

Applicant: Mark C. Rose; aka: Trimel Opportunities LLC

Dear Angela, the property at 980 Mountain View is overrun with hundreds or even thousands of Rats. I have discussed the matter with the neighbors here. I have even had someone from the public approach me at our home to tell me about them.

The former owner had perhaps tens of cars and other abandoned vehicles that were towed out from the property and the rats have stayed behind and are spreading throughout the neighborhood.

The current out of town owner, not living in the city of Sweet Home has taken no measures to mitigate the problem.

The rats from the property next door have now come onto our property. This is an unsafe situation and the owner has failed to mitigate the rat infestation.

The un-checked rat situation is just another indication that the owner has no interest in the neighborhood, and only wishes to profit from the property in the proposed subdivision which is a different matter.

Please advise the appropriate authorities at the city so that this matter can be addressed.

Thank you for your attention to this matter.

Scott A. Walker

1006 Mountain View Rd.
Sweet Home CA 97386

On Wednesday, September 26, 2018, 10:06:21 AM PDT, Angela Clegg <aclegg@sweethomeor.gov> wrote:

I have received your letter.

Attachment D3

October 4, 2018

Gary C. Pritchard
3854 San Juan Canyon Rd.
San Juan Bautista, CA 95045
Ph: 831-623-4577 Email: pritchhorse@aol.com

City of Sweet Home
c/o Angela Clegg, Associate Planner
1140 12th Avenue
Sweet Home, OR 97388

RE: Response to Notice of Public Hearing for File #P18-05

Dear Ms. Clegg & staff,

This is my response in regard to the proposed hearing for the development (File #P18-05) commonly known as 980 Mountain View Rd., Sweet Home, OR 97388; identified on Linn County's assessors map as 13S01E32CA Tax Lot 4734. I have owned the property at 953 23rd Ave, Sweet Home, OR 97388 for 13 years. The property consists of an eight-plex apartment building that borders the property in question, located at 980 Mountain View Rd. In my tenure of ownership, I have experienced consistent drainage problems due to the wetland area location of the proposed development and insufficient existing drainage. This silt from the property location of the proposed development continually fills in the existing drainage which then flows to the drop inlet city storm drain, then gets covered/clogged with silt, leaves and debris. This causes the water to back up in the ditch which erodes and affects the integrity of my driveway and property. The City of Sweet Home continually, as well as myself have to dig out a massive amount of silt and debris in order clear the drop inlet, to allow the water to flow into the storm drain and not back up into the ditch. The City of Sweet Home has even used a backhoe several times in order to clear the silt and debris. In the past years the property owner(s) of the proposed development have negatively impacted the existing drainage because there have not been any precautionary efforts during their construction to protect the drainage during work such as tree removal, brush removal and construction with the moving of ground. In summary, I believe it is the responsibility of the City of Sweet Home to require the developer to correct the existing ongoing drainage problem. Obviously, in the future developments, there will be hard surfaces/roofs which will contribute to even more runoff into a drainage system that already is inadequate to handle to run off as it exists.

Please understand that I'm not against the proposed development of the property question, but I'm adamant in protecting my investment and trying to relieve an ongoing maintenance problem for myself and the City of Sweet Home, eliminating the nuisance of the silt and debris along my parking lot, erosion of my property and affecting the integrity of the city storm drain. This drainage should be corrected before any future development takes place.

I would like to be informed and receive all documents of the progress of the hearing. I'm willing to pay any reasonable cost to receive the information. I would like any correspondence mailed to my address at 3854 San Juan Canyon Rd., San Juan Bautista, CA 95045.

Sincerely,

Gary C. Pritchard

Attachment E

After recording, return to:
City of Sweet Home
Public Works Engineering
1140 12th Avenue
Sweet Home OR 97386

COVENANT for
PROPERTY OWNER AGREEMENT
for
DEVELOPMENT IMPROVEMENTS

WHEREAS, the City of Sweet Home hereinafter referred to as City and Trimel Opportunities LLC hereinafter referred to as Owner enter into this agreement as provided for in Sweet Home Municipal Code S.H.M.C 16.24.010 in the case of a land division, and S.H.M.C 12.04.010 for a non-partitioned Tax Lot.

WHEREAS, Owner desires to place a new structure and/or an accessory structure for occupancy on his/her property adjacent to an unimproved street located at 980 Mountain View Rd, also known as Assessor’s Map 13S 01E 32CA and Tax Lot 4734, and legally as found in 2018-4227 Linn County Deed Records, Albany, Oregon.

WHEREAS, the Owner does not desire at the time of execution hereof to make required development infrastructure improvements to property

WHEREAS, the improvements of domestic water, sanitary sewer, stormwater surface drainage and facilities, streets, sidewalks, curbs, bicycle routes, and street name signs are required S.H.M.C 16.24.050 and built to City specifications S.H.M.C 16.24.040 for land divisions, or individually for separate service development on non-partitioned parcels.

WHEREAS, the Owner is not a part of a formal L.I.D. request for implementation of development standards.

WHEREAS, S.H.M.C 16.24.010 (B) states in the case of a land division:

The land divider may elect to execute and file with the city manager an agreement between himself and the City, specifying the period within which the required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the land divider. A performance guarantee as provided for in Section 16.24.010 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specific conditions.

WHEREAS, it is declared the duty of all owners of land adjoining any street in the City to construct, reconstruct, repair and maintain in good condition, the sidewalk, curbs, and driveways in front of said land S.H.M.C 12.04.010.

WHEREAS, this agreement will apply to all subsequent minor and major partitions of said Tax Lot.

WHEREAS, Owner elects to execute and file this agreement with the City Manager specifying the period in time which required improvements shall be completed.

WHEREAS, the Council may, after the hearing of remonstrances, discontinue the proposed project, reduce the scope of proposed work, or approve and by motion or resolution may order said work to commence and to be completed within a certain time; and if not done, to authorize the City Manager to cause the work to be done and assessed to the abutting land S.H.M.C 12.04.050 regardless of any land division action.

NOW THEREFORE, in consideration of the promises and terms hereof the parties hereby agree as follows:

1. That the following improvement and or repairs will be made on the following schedule as set forth herein

Infrastructure Improvement or Repair Location Description:	Completion Schedule:
“Half Street” format of new driveway aprons, sidewalk, curb drainage, catch basin, and roadway infill if necessary.	TBD.

or on an attached site map which by this reference is made a part hereof, and
2. That at the time of infrastructure development by the City or an adjacent property, the owner does agree to provide the proportionate share of cost of improvements as set forth above to said infrastructure abutting the remaining portion of the property described above, and

3. That the owner understands that failure to comply with this agreement may result in him/her being cited into Municipal Court as being in violation of Sweet Home Municipal Ordinances and/or that the City of Sweet Home may use other methods to enforce its ordinances that pertain to this matter and that each day’s violation is a separate offense, and

4. That the City can use all remedies available to it to enforce compliance with the Agreement and the terms and conditions thereof, and

5. That this agreement is binding upon the heirs, successors, and assigns of the parties hereto, and

6. That this agreement may be recorded by the City of Sweet Home, at the Owner’s expense, in the office of the Linn County Recorder, Albany, Oregon.

Owner _____ Date _____

STATE of OREGON)
County of LINN) ss. _____, 2018

Personally appeared _____ and _____ and acknowledged before me this _____ day of _____, 2018, the foregoing instrument to be his/her/their voluntary act and deed.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

RAYMOND TOWRY, City Manager, Ex-officio City Recorder Date _____

STATE of OREGON)
County of LINN) ss. _____, 2018

Before me appeared RAYMOND TOWRY, to me personally known, who being duly sworn did say that he, the said RAYMOND TOWRY, is the City Manager and ex-officio City Recorder of the City of Sweet Home, the within named corporation, and that the said instrument was signed and sealed on behalf of said corporation by authority of its Common Council, and RAYMOND TOWRY acknowledged the said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and last written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.ci.sweet-home.or.us

Staff Report Presented to the Planning Commission

REQUEST: Zone Change Application: ZC 18-03: The City of Sweet Home is proposing to change the zoning of an approximately 5.3 acre property; including adjacent Main Street (Highway 20) right-of-way, from the Residential Low-Density (R-1) Zone to the Commercial Highway (C-2) Zone. The property has a Comprehensive Plan Map designation of Highway Commercial, and the current R-1 zoning is not consistent with the existing Comprehensive Plan Map designation for the property. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and make a decision on this application.

APPLICANT/

PROPERTY OWNER: City of Sweet Home

PROPERTY LOCATION: 3225 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33B Tax Lot 101; Including adjacent right-of-way within Main Street (Highway 20).

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.12.025; OAR 660-012-0060

FILE NUMBER: ZC 18-03

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** October 15, 2018 at 7:00 PM
- **LOCATION:** City Hall Annex behind City Hall at 1140 12th Avenue, Sweet Home, Oregon 97386

CITY COUNCIL PUBLIC HEARING

- **DATE & TIME:** October 23, 2018 at 6:30 PM
- **LOCATION:** Sweet Home Police Department, 1950 Main Street, Sweet Home, Oregon 97386

REPORT DATE: October 5, 2018

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject property contains approximately 5.3 acres, and is part of a tract of land that was formerly used as a U.S. Forest Service facility. The property subject to this application includes the adjacent portion of right-of-way that extends to the center of Main Street (Highway 20). The property is currently zoned R-1, and the City would like to change the zoning to C-2 in order to implement the property's existing Comprehensive Plan designation of Commercial.

The City of Sweet Home has concurrently applied for Conditional Use Permit CU 18-12 to use the subject property, and the neighboring City-owned properties identified as Tax Lots 200, 300, and 400 (13S01E33B) as the new location of the Sweet Home City Hall. Tax Lots 200, 300, and 400 are already zoned C-2. Approval of this zone change application would bring the entire tract into the C-2 zone.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

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

Access: The subject property has frontage and existing access along Main Street (Highway 20). Main Street is identified as a Major Arterial in the Sweet Home Transportation System Plan; Figure 2.2.

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

TIMELINES AND HEARING NOTICE:

Notice to DLCD (35-Day Notice): September 10, 2018

Mailed/Emailed Notice: September 24, 2018

Notice Published in New Era newspaper: October 3, 2018

Planning Commission Public Hearing: October 15, 2018

City Council Public Hearing: October 23, 2018

Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

ODOT: ODOT has no comments on the City's proposal regarding this proposed zone change and conditional use permit to use the former Forest Service Building as the new City Hall.

Joe Graybill, Staff Engineer
Community and Economic

Development Department: Project & Location:
Zone Change & Conditional Use request for Assessor Map
13S01E33B Lot 101, 3225 Main St. The owner is The City of Sweet
Home.

Streets & Stormwater:

The right of way of Main St (Hwy 20, Santiam Hwy) is 100 feet wide, with nearly 80 feet of pavement. Sidewalks and driveway aprons are in place along the roadway.

The reconstruction of City Hall will be an interior project. Except for work on the south exterior wall for siding repair and a rear access doorway and porch cover. The parking lot and ADA accessibility path striping, and ramps (front and back), will need reconstruction.

Stormwater is conveyed in a pipe and catch basin system along the Main St frontage of the property. Parking lot catchbasins connect to pipes to the south rear portion of the property and discharge to the piped creek running across the SW property corner. Upgrading the catchbasins to City Standard pollution control Dual-Box units (or at least the last one prior to discharge) will need reconstruction.

Water & Sanitary:

The property is already connected to City Water and Sewer systems which are in the Main St right-of-way. Both of which are large enough to serve the property, as well as any future uses.

Comments & Recommendations:

The neighboring property eastward encroaches onto the city lands by about 14 feet, for a length south from Main St about 105 feet. The property line runs in the middle of their driveway and apron access to Main St. The city has been talking with the property owner to evaluate different alternatives.

Community: No comments from the community have been received as of the writing of this staff report.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

- A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]**
 - 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - i. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**

ii. **The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home.** [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

iii. **Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- **Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- **Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

Staff Findings: The applicant is proposing to change the zoning of the subject property from R-1 to C-2. The Comprehensive Plan Map designation of the subject property is Highway Commercial. The current R-1 zoning designation is not consistent with the existing Comprehensive Plan Map designation of the subject property. The proposed zoning would implement the Highway Commercial Comprehensive Plan Map designation, and would therefore be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]**

Staff Findings: The subject property has historically been used as a government use facility. Prior to acquisition by the City, the property was used as a U.S. Forest Service facility. The City of Sweet Home does not have a zoning designation that is specifically designed to facilitate public use. The proposal in this application, in combination with Conditional Use Permit CU 18-12, would formally memorialize and authorize the historic government use of the subject property.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]**

Staff Findings: The City of Sweet Home is planning to remodel the former U.S. Forest Service building in order to use the building as a new City Hall. The property is currently served by water, sewer, and franchised utilities. The subject property has existing access to Main Street (Highway 20). Staff anticipates that due to the nature of the proposed use of the property as City Hall, the property will be used for governmental use for the foreseeable planning future.

The application complies with this criterion.

4. **OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
 - i. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - ii. **Change standards implementing a functional classification system; or**
 - iii. **Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - a. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - b. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - c. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet**

the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing access to Highway 20 (Main Street). ODOT was notified of this application and did not have concerns with use of the subject property as City Hall. The proposed use would be consistent with past use of the property as a U.S. Forest Service facility. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings listed in Section III of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for a zone change, staff has not recommended any conditions of approval.

V. PLANNING COMMISSION ACTION

In taking action on a zone change application, the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and make a decision on this application.

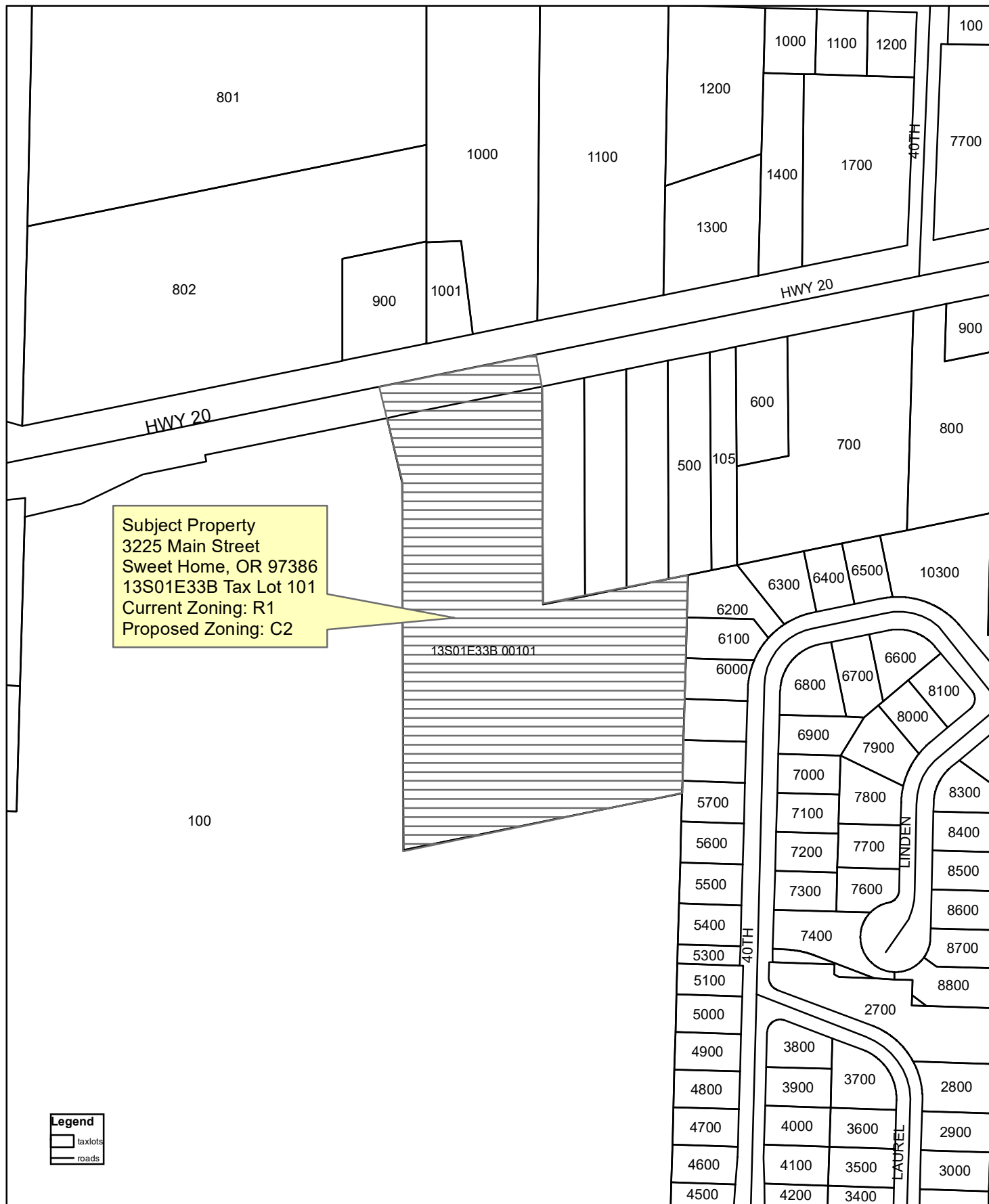
Motion:

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

1. Move to recommend that the City Council approve application ZC 18-03; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZC 18-03 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A - Subject Property Map
- B - Zoning Map
- C - Comprehensive Plan Map
- D - Aerial Photograph
- E - Planning Application Form



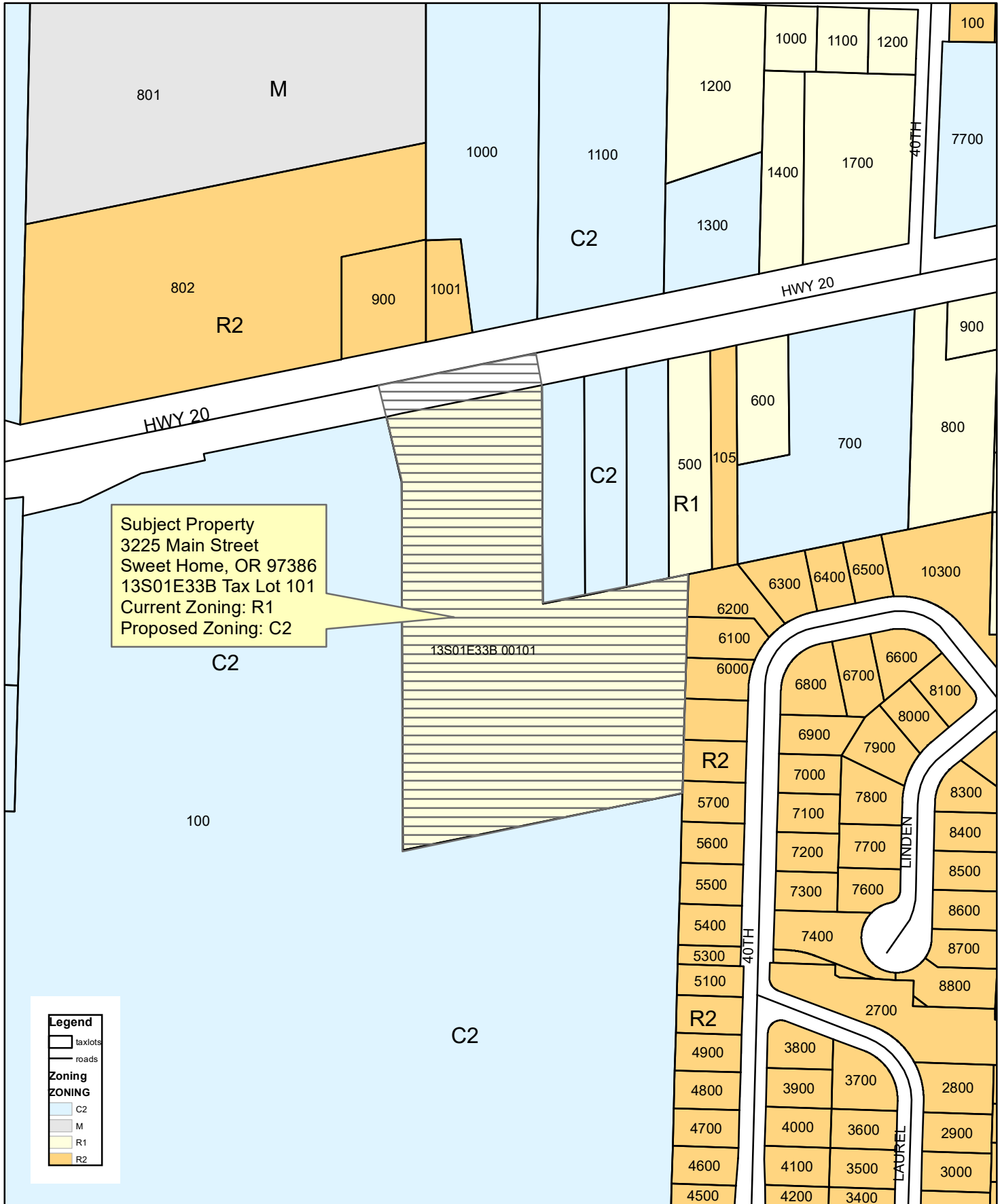
0 50 100 200 300 400
Feet

1 inch = 200 feet



3225 Main Street
Sweet Home, OR 97386

City of Sweet Home Planning Map
Zone Change ZC 18-03
Zoning Designations



Legend

- taxlots
- roads

Zoning

ZONING

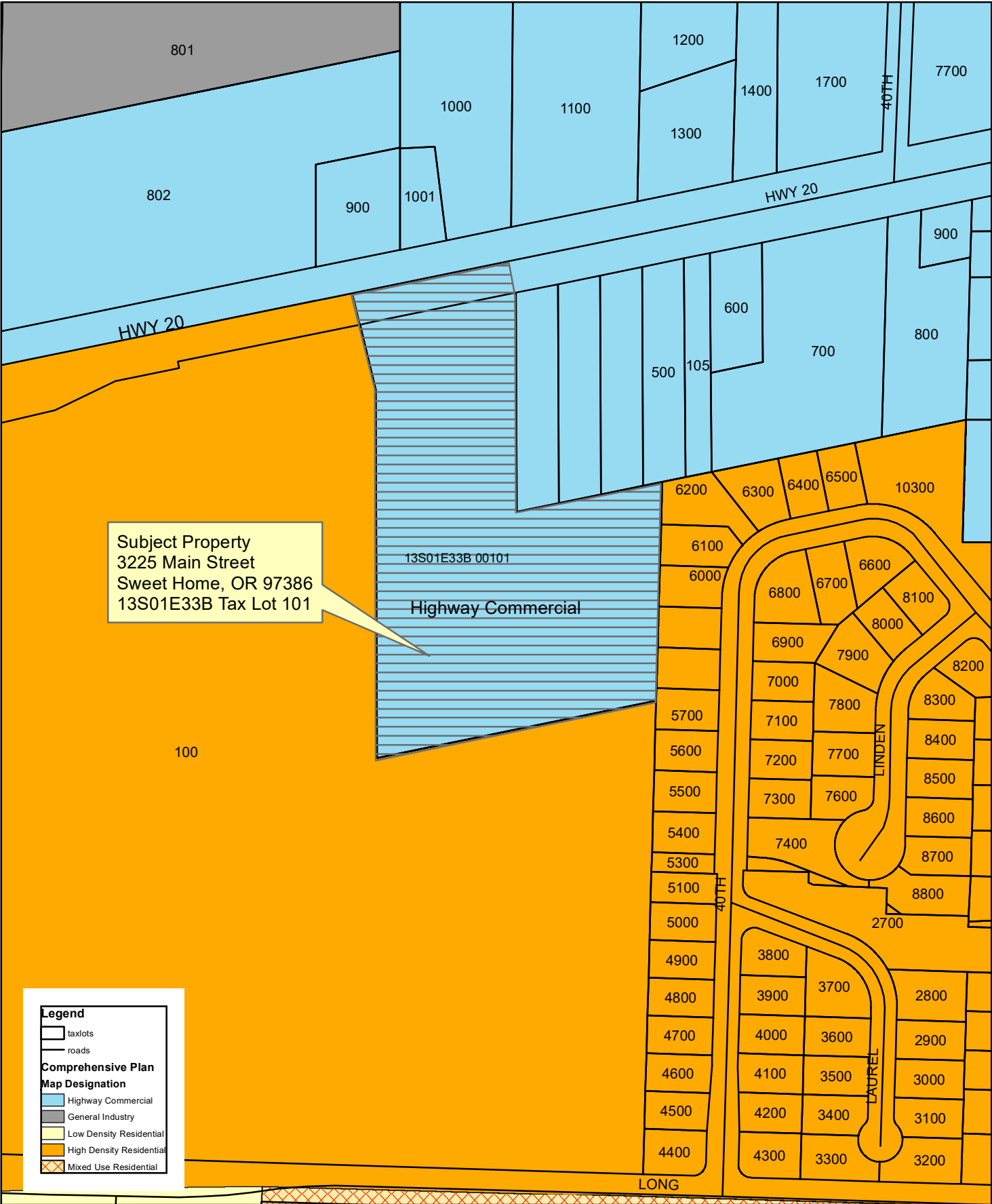
- C2
- M
- R1
- R2



0 50 100 200 300 400 Feet 1 inch = 200 feet



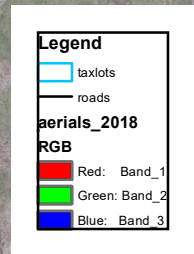
3225 Main Street
Sweet Home, OR 97386



0 50 100 200 300 400 Feet 1 inch = 200 feet



3225 Main Street
Sweet Home, OR 97386



3225 Main Street
Sweet Home, OR 97386



City of Sweet Home
 1140 12th 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 an Amendment to the Comprehensive Plan or Zoning Maps or Text

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.

Date Received: 9/24/18

Date Complete: _____

File Number: ZC 18-03

Map/Text Amendment Application Fee \$: N/A

Zoning Application Fee \$: N/A

Receipt #: _____

Planning Commission Hearing Date: 8/15/18

City Council Hearing Date: _____

Applicant's Name:
 City of Sweet Home

Property Owner:
 City of Sweet Home

Applicant's Address:
 1140 12th Avenue, Sweet Home, OR 97386

Owner's Address:
 1140 12th Avenue, Sweet Home, OR 97386

Applicant's Phone and e-mail:
 541-367-8113

Owner's Phone and email:
 541-367-8113; jsorte@sweethomeor.gov

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:
 3225 Main Street, Sweet Home, OR 97386; Adjacent right-of-way

Subject Property Assessor's Map and Tax Lot:
 13S01E33B Tax Lot 101

Subject Property Size:
 5.3 acres

Current Zoning Classification
 R-1

Current Comprehensive Plan Classification:
 Highway Commercial

Purpose of Request

Change the zoning of the subject property from R-1 to Commercial Highway (C-2)

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:
 N/A

Proposed language for change.
 N/A Attach proposed text to this form.

Purpose of Request

N/A

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: 9/20/18

Property Owner's Signature: _____

Date: 9/24/18



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
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Staff Report Presented to the Planning Commission

REQUEST: Conditional Use Permit Application: CU 18-12. The City of Sweet Home is requesting to use the subject property for governmental use as the location of the new City Hall facility under the standards of the Commercial Highway (C-2) Zone. This request is dependent on approval of Zone Change application ZC 18-03 to re-zone Tax Lot 101 to C-2. This application includes Tax Lot 101, which is the subject of ZC 18-03, as well as neighboring Tax Lots 200, 300, and 400. Tax Lots 200, 300, and 400 are zoned C-2, and do not require a zone change. The total area subject to this application is approximately 6.5 acres. The subject property was formerly used as a U.S. Forest Service facility. The Planning Commission will make a decision on this application.

APPLICANT/

PROPERTY OWNER: City of Sweet Home

PROPERTY LOCATION: 3225, 3227 and 3229 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33B Tax Lots 101, 200, 300, and 400.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Sections(s): 17.80.040 and 17.80.050; 17.36.030(B)

FILE NUMBER: CU 18-12

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** October 15, 2018 at 7:00 PM
- **LOCATION:** City Hall Annex behind City Hall at 1140 12th Avenue, Sweet Home, Oregon 97386

STAFF CONTACT: Jerry Sorte, CED Director.
Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

REPORT DATE: October 8, 2018

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject property contains approximately 6.5 acres. This application is dependent on approval of Zone Change application ZC 18-03; which would change the zoning of Tax Lot 101 from the Residential Low-Density (R-1) zone to the C-2 zone. The remainder of the tract, that is also the subject of this application is identified as Tax Lots 200, 300, and 400, and is located in the C-2 zone.

The City of Sweet Home is requesting to use the subject property for governmental use as the location of the new City Hall facility. The proposal includes a remodel of the existing building on the subject property that was the location of the former U.S. Forest Service Building. Governmental use of the property would also include parking in support of City Hall; storage

within an existing shop building; and the office, public gathering, and similar uses that customarily occur in conjunction with and ancillary to a City Hall.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2) Zone	Highway Commercial
Property North	Commercial Highway (C-2) Zone	Highway Commercial
Property East	Residential High-Density (R-2) Zone	Highway Commercial and High-Density Residential
Property South	Commercial Highway (C-2) Zone	High-Density Residential
Property West	Commercial Highway (C-2) Zone	High-Density Residential

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

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

Access: The subject property has frontage and existing access along Main Street (Highway 20). Main Street is identified as a Major Arterial in the Sweet Home Transportation System Plan; Figure 2.2.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: September 24, 2018

Notice Published in New Era newspaper: October 3, 2018

Planning Commission Public Hearing: October 15, 2018

City Council Public Hearing: October 23, 2018

Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

Joe Graybill, Staff Engineer

Community and Economic

Development Department: Project & Location:

Zone Change & Conditional Use request for Assessor Map
13S01E33B Lot 101, 3225 Main St. The owner is The City of Sweet Home.

Streets & Stormwater:

The right of way of Main St (Hwy 20, Santiam Hwy) is 100 feet wide, with nearly 80 feet of pavement. Sidewalks and driveway aprons are in place along the roadway.

The reconstruction of City Hall will be an interior project. Except for work on the south exterior wall for siding repair and a rear access doorway and porch cover. The parking lot and ADA accessibility path striping, and ramps (front and back), will need reconstruction.

Stormwater is conveyed in a pipe and catch basin system along the Main St frontage of the property. Parking lot catchbasins connect to pipes to the south rear portion of the property and discharge to the piped creek running across the SW property corner. Upgrading the catchbasins to City Standard pollution control Dual-Box units (or at least the last one prior to discharge) will need reconstruction.

Water & Sanitary:

The property is already connected to City Water and Sewer systems which are in the Main St right-of-way. Both of which are large enough to serve the property, as well as any future uses.

Comments & Recommendations:

The neighboring property eastward encroaches onto the city lands by about 14 feet, for a length south from Main St about 105 feet. The property line runs in the middle of their driveway and apron access to Main St. The city has been talking with the property owner to evaluate different alternatives.

Community:

No comments from the community have been received as of the writing 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)]**
 - a. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.36:**
 - i. Governmental structure or use of land; [SHMC 17.36.030(B)]**
 - b. Except as provided in Chapter 17.80 and §§ 17.08.030 through 17.08.130, in a C-2 zone yards shall be as follows:**
 - i. The front yard shall be a minimum of 20 feet;**
 - ii. The street side yard shall be a minimum of 20 feet;**
 - iii. A side or rear yard abutting a residential zone shall be a minimum of ten feet;**
 - iv. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line; [SHMC 17.36.050(A) through (D)]**

- c. **In a C-2 zone, buildings shall not occupy more than 50% of the lot area.**

[SHMC 17.36.060]

- d. **Except as provided in Chapter 17.80 and §§ 17.08.030 through 17.08.130, no building shall exceed a height of 35 feet.** [SHMC 17.36.070]

Staff Findings: This application has been submitted concurrently with application ZC 18-03; which would change the zoning of Tax Lot 101 from R-1 to C-2. Tax Lot 101 has a comprehensive plan map designation of Highway Commercial. Approval of this application would be dependent on approval of ZC 18-03. As a result, staff recommends that a condition of approval require that ZC 18-03 be approved prior to implementation of this proposed conditional use.

“Governmental structures or use of land” is permitted through a conditional use application process in the C-2 zone. Buildings and structures would be subject to the development standards of the C-2 zone. The applicant proposes to remodel the existing building on the subject property that was formerly used as the U.S. Forest Service building and use the remodeled building as City Hall. Based on a review of the plot plan, Attachment B, the existing building is located more than 20 feet from all property lines and would comply with all applicable setback standards. The building that would contain the new City Hall including covered porches covers approximately 13,225 square feet. The shop building contains approximately 1,904 square feet, with a loading dock that is approximately 672 square feet in size. In total, these structures contain 15,801 square feet; which is less than 50% of the lot area of the approximately 6.5-acre tract. The newly remodeled City Hall would be single story, and would be approximately 20 feet in height to the peak of the building, which is less than the maximum 35 feet in height. All structural development would need to comply with applicable building codes, state, and federal requirements.

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.** [SHMC 17.80.040(B)]

Staff Findings: The subject property would be adequate for use as a City Hall facility; when considering the following characteristics of the subject site.

1. Building size – The city has worked with an architect and developed a floor plan to remodel the existing building on the subject property to house City Hall staff and potentially staff that are currently working out of other City locations.
2. Parking and Traffic – The subject property has an existing parking lot with ample available space for parking. As depicted on the plot plan (Attachment B), there is existing paved area to accommodate well in excess of the 43 parking spaces for the 12,704 office building and 1,904 square foot shop building.
3. Noise – City Hall activities would primarily occur indoors and would not be sensitive to normal and customary uses in the commercial and residential neighborhood.
4. Vibration – Staff has not identified any significant vibrations on the site that would interfere with governmental use of the property.
5. Exhaust and emissions – Staff has not identified any significant exhaust or emissions in the vicinity of the site that would interfere with governmental use of the property.
6. Light and glare – Staff has not identified any significant light or glare issues in the vicinity of the site that would interfere with governmental use of the property.
7. Erosion – Staff has not identified any significant erosion issues in the vicinity of the site that would interfere with governmental use of the property.
8. Odor – Staff has not identified any significant odor issues in the vicinity of the site that would interfere with governmental use of the property.
9. Dust – Staff has not identified any significant dust issues in the vicinity of the site that would interfere with governmental use of the property.
10. Visibility – Staff has not identified any significant visibility issues in the vicinity of the site that would interfere with governmental use of the property.
11. Safety – Staff has not identified any significant safety issues in the vicinity of the site that would interfere with governmental use of the property.
12. Building, landscaping or street features – Staff has not identified any building, landscaping, or street features of the site that would interfere with governmental use of the property. The property has two existing access locations to Main Street (Highway 20)

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 subject property would be used as a governmental facility as the location of the new City Hall facility. Use of the property would primarily occur between 7 AM and 9:00 PM. Use of the subject property between 6:00 PM and 9:00 PM would be minimal and would primarily consist of night meetings. Meetings would typically occur indoors and would occasionally extend after 9:00 PM. Office and meeting use would have minimal offsite impacts. Use of the subject property on weekends would be minimal. Outdoor activities would primarily consist of staff and public use of the parking lot and use of City grounds for staff breaks and access to the storage building on the southern portion of the property. The parking lot would be lighted, and lighting would be subject to SHMC 17.36.090; which requires exterior lighting to be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone. Property to the east is located in a residential zone.

Staff has not identified the proposed use to be a significant source of noise, dust, or other potential emissions. As a result, staff has not identified the need to impose conditions of approval outside of those standards that would be required by the SHMC.

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 is currently served by water, sewer, and necessary utilities. The subject property has existing access to Main Street (Highway 20). The City's Staff Engineer indicates that adequate water and sewer facilities are present at the site. Staff concludes that the all required public facilities have adequate capacity to serve the proposed governmental use of the subject property.

E. 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]

- a. These conditions may include, but are not limited to, the following:
 - i. Requiring larger setback areas, lot area, and/or lot depth or width;
 - ii. Limiting the hours, days, place and/or manner of operation;
 - iii. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;
 - iv. Limiting the building height, size or lot coverage, or location on the site;
 - v. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;
 - vi. Increasing the number of required parking spaces;
 - vii. Requiring street right-of-ways 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;
 - viii. Limiting the number, size, location, height and lighting of signs;
 - ix. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 - x. 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;
 - xi. Designating sites for open space or outdoor recreation areas;
 - xii. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;
 - xiii. Requiring ongoing maintenance of buildings and grounds;
 - xiv. 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.

Staff has not identified the proposed use to be a significant source of noise, dust, or other potential emissions. As a result, staff has not identified the need to impose conditions of approval outside of those standards that would be required by the SHMC.

F. 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

Based on the above findings, staff recommends that this application be approved. 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 (Sections 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 listed above.

Recommended Conditions If the Application is Approved:

1. Approval of this application shall be dependent on approval of Zone Change application ZC 18-03.
2. This approval shall be limited to the uses presented and reviewed in this application: CU 18-12.
3. The property owner shall obtain and comply with all 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.

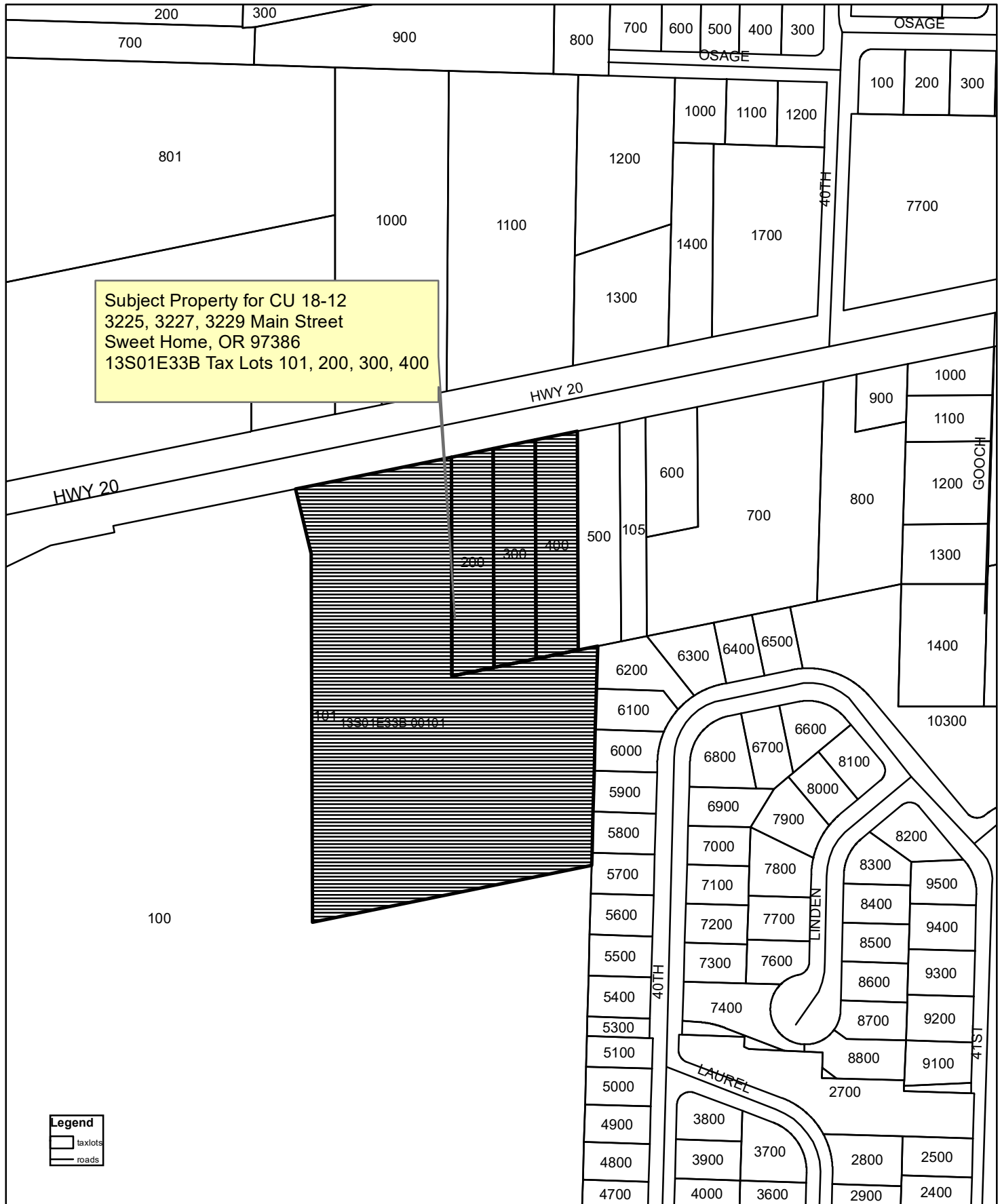
Motion:

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

1. Move to approve application CU 18-12; 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 CU 18-12; 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 - Plot Plan
- C - Aerial Photograph
- D - Application Form



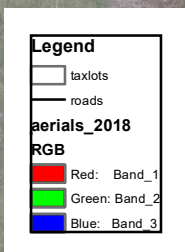
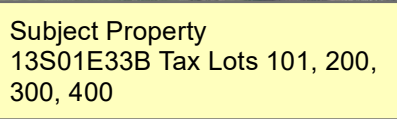
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3225, 3227, 3229 Main Street
Sweet Home, OR 97386

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3225, 3227, 3229 Main Street
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Community and Economic Development Department

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Application for a Conditional Use Permit

Date Received: 9/24/18
 Date Complete: _____
 File Number: CU 18-12
 Application Fee \$: N/A
 Receipt #: N/A
 Hearing Date: 10/15/18

Applicant's Name:
 City of Sweet Home

Applicant's Address:
 1140 12th Avenue, Sweet Home, OR 97386

Applicant's Phone and e-mail:
 541-367-8113

Subject Property Address:
 3225, 3227 and 3229 Main Street, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:
 13S01E33B Tax Lots 101, 200, 300, and 400

Subject Property Size:
 6.5 Acres

Subject Property: Zoning Classification
 TL 101: C-2 (If file ZC 18-03 is approved); TL 200, 300, 400: C-2

Property Owner:
 City of Sweet Home

Owner's Address:
 1140 12th Avenue, Sweet Home, OR 97386

Owner's Phone and email:
 541-367-8113; jsorte@sweethomeor.gov

Comprehensive Plan Classification:
 Highway Commercial

Nature of Applicants Request

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

Request to use the subject property for governmental use as the location of the new City Hall facility under the standards of the C-2 Zone. This request is dependant on approval of ZC 18-03; which was submitted concurrently with this application.

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

Property would continue the historic use of the property as a government use facility. Impacts would include traffic and 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: _____

Date: _____

Property Owner's Signature: _____

Date: 9/24/18

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.