



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

July 02, 2026, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871 and enter the meeting ID followed by the # sign to be logged in to the call. Meeting ID: 246 156 257#

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

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.

Meeting Minutes:

- a) [2026-05-21 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [VR26-04 Staff Report Presented to the Planning Commission](#)

Staff Updates:

Planning Commission Business (Commission comments about topics not listed on the agenda)

Adjournment

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.

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 City Manager's Office at 541-367-8969.

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 3225 Main Street, 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.



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

May 21, 2026, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Commissioner Brandy Wysong-Frick
Commissioner Joe Graybill
Commissioner Daniel Tiel
Chairperson Laura Wood
Commissioner Nancy White
Commissioner Henry Wolthuis

ABSENT

None

STAFF:

Angela Clegg, Planning and Building Manager
Adam Leisinger, Special Projects Manager

Public Comment.

None

Meeting Minutes:

- a) 2026-05-07 Planning Commission Meeting Minutes

A motion to approve May 7, 2026, meeting minutes was made by Commissioner Wysong-Frick and seconded by Commissioner Graybill. The motion carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Commissioner Graybill, Commissioner Tiel,
Chairperson Wood

Voting Nay: None.

Abstain: Commissioner White, Commissioner Wolthuis

Public Hearings

- a) VR26-03 Planning Commission Staff Report

The Public Hearing was opened at 6:31 PM

Chairperson Wood asked the Commissioners if they had any personal biases, conflicts of interest, or ex-parte information. All commissioners answered no to any personal biases or

conflicts of interest. Commissioner Wysong-Frick disclosed that she did look up when and who purchased the property a couple months prior when she noticed the lot was being cleaned up but that is the only information she has.

The applicant is requesting approval of Variance VR26-03 in conjunction with a proposed three-parcel land partition (P26-04). The Variance is needed to reduce the standard 60-foot lot frontage requirement to 55 feet for Proposed Parcel 2 and 57 feet for Proposed Parcel 3, and to acknowledge an existing legally established 5-foot front yard setback for the dwelling on Proposed Parcel 2.

While each frontage reduction individually falls within the allowed 10% deviation, the combined effect across all three parcels results in a 14.35% deviation, which triggers the Variance requirement under SHMC 17.106.010.

The property is zoned R-3 and contains an existing home with no physical changes proposed. It fronts Long Street, a minor arterial already improved with sidewalks, curbs, and gutters, and is served by existing water and sewer utilities.

The site contains no mapped wetlands and is not located within a FEMA special flood hazard area.

The need for the Variance arises from Development Code limitations related to applying setbacks and frontage standards to partitions involving legally nonconforming structures when no alterations are planned. Because reducing Parcel 2's frontage would increase the degree of its existing nonconformity, approval is required under SHMC 17.98.050(A).

Surrounding properties exhibit similar long-standing nonconforming setbacks, and approval would maintain consistency with established neighborhood development patterns. Staff finds that the request meets the approval criteria of SHMC 17.106.060 because unique site conditions warrant the Variance, it is necessary to preserve substantial property rights, it represents the minimum adjustment needed, and it will not negatively impact public welfare or conflict with City plans.

No new development is proposed at this time, and staff recommend applying a standard condition that all building and engineering requirements be met at the time of future development.

Overall, staff supports approval of the Variance due to the cumulative frontage deviation and the pre-existing setback condition, which together present circumstances not fully anticipated by the code while remaining compatible with the area's established development pattern.

Staff find that the applicant has requested the minimum variance necessary to alleviate the hardships presented by the applicant. Staff have recommended Conditions of Approval.

Conditions of Approval:

1. Approval of Partition Application P26-04.
2. All building code requirements and engineering design standards be met at the time of development.

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

Staff recommend that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the decision is mailed.

After the Planning Commission makes a decision, staff recommend that the Planning Commission direct staff to prepare an Order that is signed by the Chairperson of the Planning Commission. The Order shall memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

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

1. Move to approve application VR26-03 and thereby permit the variance for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the Findings of Fact listed in Section III 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 VR26-03 for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the following Finding of Fact (specify), 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

Manager Clegg closed the staff report presentation and asked if the planning commissioners had any questions.

Chairperson Wood asked about the partition, variance and preexisting variance. Manager Clegg clarified the combination of the three lots is the cause for the variation application.

Applicant testimony: The applicant, Andrew Johnston, gave testimony that the partition is in line with the neighborhood, and the lots will all follow developmental standards. He stated from a survey point of view that the application is straightforward.

Commissioner questions of the applicant: Commissioner Wysong-Frick confirmed there is not a building being proposed.

The applicant stated there are not any development plans currently for the lots. The applicant shared that the property owner has been thinking about a few ideas, but nothing is set at this time.

Commissioner Wysong-Frick asked the applicant if he was part of the property? The applicant confirmed that he is the surveyor and does not have part of ownership on the property.

Chairperson Wood asked the applicant if he helped choose the reasons for these parcels that were narrow side by side. Applicant responded that he followed the plot plan that was provided to him by the property owner.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The Public Hearing was closed at: 6:42 PM

Discussion of the Commissioners: Chairperson Wood, Commissioner Wysong-Frick, and Commissioner White discussed the lot sizes of the application and of the neighborhood.

Manager Clegg stated the application does meet minimum lot size requirements.

Chairperson Wood commented that the application does align with the comprehensive plan, potentially adding additional housing. Commissioner Wysong-Frick asked staff if there were any requirements for driveways with the nearby four-way stop. Manager Clegg answered that there are no building plans yet, but there is a limit of how many feet are in between driveways and there probably will have to be some shared access if there are buildings in the future.

A motion to approve Application P26-04 was made by Chairperson Wood and was seconded by Commissioner White. The motion was carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Chairperson Wood, Commissioner Graybill, Commissioner Tiel, Commissioner Wolthuis, Commissioner White

Voting Nay: None.

Absent: None

Commissioner Graybill stated that since the original motion was incorrect and read as P26-04, it should be reread. Chairperson Wood agreed.

Chairperson Wood reopened the Public Hearing at 7:05 PM.

The Commissioners discussed the error.

The Public Hearing was closed at 7:05.

A motion to approve Application VR26-03 was made by Chairperson Wood and was seconded by Commissioner White. The motion was carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Chairperson Wood, Commissioner Graybill, Commissioner Tiel, Commissioner Wolthuis, Commissioner White

Voting Nay: None.

Absent: None

b) P26-04 Planning Commission Staff Report

The Public Hearing was opened at 6:48 PM

Chairperson Wood asked the Commissioners if they had any personal biases, conflicts of interest, or ex-parte information. Commissioner Wysong-Frick disclosed that she did look up when and who purchased the property a couple months prior when she noticed the lot was being cleaned up but that is the only information she has.

Manager Clegg presented the staff report to the Commission: The applicant proposes a three- parcel land partition of an approximately 27,858- square- foot property located in the Residential High Density (R- 3) Zone. The request would create Parcel 1 at approximately 17,724 square feet, Parcel 2 containing the existing dwelling at approximately 5,126 square feet, and Parcel 3 at approximately 5,008 square feet. Because the applicant is also requesting lot widths of 55 feet for Parcel 2 and 57 feet for Parcel 3, where 60 feet is required, as well as recognition of a legally established 5- foot front yard setback for the existing dwelling on Parcel 2, a Variance (VR26- 03) is required.

Although each individual width reduction is within the 10% adjustment allowance, the cumulative deviation among all parcels is 14.35%, exceeding the threshold permitted without a Variance. Additionally, the partition increases an existing nonconforming setback, which further necessitates approval of VR26- 03. Application P26- 04 is therefore contingent upon approval of VR26- 03, and both applications will be reviewed together by the Planning Commission.

The subject property fronts Long Street, a minor arterial improved with sidewalks, curbs, and gutters, and has approximately 196 feet of frontage. All proposed parcels will have direct access to Long Street, and the configuration does not include any flag lots.

Based on the tentative partition plat, the parcels meet required dimensional standards, with none exceeding the maximum depth- to- width ratio. Parcel 1 has an average width of 99 feet and depth of 185 feet; Parcel 2 has an average width of 52.5 feet and depth of 98.5 feet; and Parcel 3 has an average width of 56.5 feet and depth of 89 feet.

The existing residence on Parcel 2 will remain, and with a floor area of approximately 960 square feet, it will occupy roughly 19% of the parcel—well below the 40% lot coverage maximum. Parcels 1 and 3 are currently vacant, with no development proposed at this time.

Existing City water and sewer services serve the dwelling, and future utility connections for the remaining parcels will be reviewed at the time of building permit submittal. A storm channel exists on the south side of Long Street, and required utility easements will be recorded with the final plat. No additional street improvements are required.

The site is not located in a special flood hazard area according to FEMA FIRM Panel 41043C0913G, and no wetlands are mapped on the property by either the Statewide Wetlands Inventory or the National Wetlands Inventory.

The tentative partition map was submitted on March 31, 2026, and the application was deemed complete on April 2, 2026.

Staff recommend a condition requiring approval of VR26- 03 prior to approval of P26- 04, as well as conditions ensuring that all future development on any of the parcels comply with applicable provisions of SHMC Chapters 17.14.070, 17.42, 17.44, 17.46, 17.48, and 17.58.050. With these conditions in place, staff find that the application meets the applicable review criteria and minimum standards of the R- 3 zone.

The application shall be subject to compliance with the listed conditions, as required by the findings of fact presented in the Review Criteria (Section III). Any modifications to the listed conditions would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

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 B). Proposed Parcel 1 shall be approximately 17,724 square feet. Proposed Parcel 2 shall be approximately 5,126 square feet. Proposed Parcel 3 shall be approximately 5,008 square feet.
2. Approval of Variance application VR26- 03 is required. If the variance is not approved, the partition application must also be denied.
3. All applicable access and utility easements shall be shown on the final plat.
4. All development shall comply with the applicable development standards of SHMC Chapter 17.14 and Title 17 Article III at the time of development.
5. A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application. The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees. No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition. [SHMC 17.98.060].
6. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

Staff recommend that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the decision is mailed.

After the Planning Commission makes a decision, staff recommend that the Planning Commission direct staff to prepare an Order that is signed by the Chairperson of the Planning Commission. The Order shall memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

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

1. Move to approve application P26-04 and thereby permit the partition for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County

Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the Findings of Fact listed in Section III 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 P26-04 for the subject lot located at 2034 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02900; adopting the following Finding of Fact (specify), 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

Manager Clegg closed the staff report presentation and asked if the planning commissioners had any questions.

Commissioners' questions: Commissioner Wysong-Frick asked for clarification on the 12-day appeal period. Manager Clegg clarified the requirements for an appeal. Commissioner Graybill asked if the large partition can be partitioned again in future without coming back to the commission. Manager Clegg answered yes it could, as this partition could have as well if not for the deviation over 10%.

Applicant testimony: The applicant, Andrew Johnston, did not have testimony to give.

Commissioner questions of the applicant: None

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The Public Hearing was closed at: 7:01 PM

Discussion of the Commissioners:

A motion to approve Application P26-04 was made by Commissioner Tiel and was seconded by Commissioner Wolthuis. The motion was carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Chairperson Wood, Commissioner Graybill, Commissioner Tiel, Commissioner White, Commissioner Wolthuis

Voting Nay: None.

Absent: None

Staff Updates:

Manager Clegg provided an update, the zone map amendment that was previously voted on by the commission will go to City Council next week and staff are continuing to work on code updates.

Commissioner Wolthuis brought to discussion that small front yard setbacks are common in many other cities and wondered if the front yard setback should be reconsidered here. Chairperson Wood asked if there are any code updates that make that more flexible. Manager Clegg responded she has not found any so far.

Commissioner White asked if there is any leeway for new codes and changes to codes if it does not fit a city particularly smaller Cities. Manager Clegg explained that the rules are divided by population size.

Planning Commission Business

Vote on Vice Chair – Commissioner Wysong-Frick nominated herself.

A motion to elect Commissioner Wysong-Frick for Vice Chair was made by Commissioner Wysong-Frick and was seconded by Chairperson Wood. The motion was carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Chairperson Wood, Commissioner Graybill, Commissioner Tiel, Commissioner Wolthuis, Commissioner White
Voting Nay: None.
Absent: None

Adjournment

The meeting was adjourned at 7:20 PM

Laura Wood, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Planning & Building Manager

DRAFT



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST: The applicant is requesting approval of a Variance to allow the use of a Development Agreement instead of constructing the required Half Street Improvements. This request is intended to preserve the existing development pattern of the neighborhood.

The applicant intends to partition the property in the future in accordance with SHMC 17.58 (Land Divisions) and SHMC 17.98 (Partitions), or SHMC 17.72.040 (Lot Division for Middle Housing). The property is located within the Residential Low Density (R-1) zone.

17.42.050 HALF STREET DEVELOPMENT AND IMPROVEMENT

Half-Street development conditions typically occur in areas where existing travel lanes are pre-existing and development occurs on one side of the right-of-way only.

A. *Extension of roadways. In areas where street pavement, curbs, stormwater drainage, and sidewalks do not exist; sidewalk, curb, drainage system and driveway construction shall be required in the following conditions:*

4. *When located on a corner of two public street rights-of-way, both of which do not have existing sidewalk, curb and drainage. Corner development will set line and grade for the remainder of street block segment.*

APPLICANT: Tristan Nichols

PROPERTY OWNER: Dawn Davis

FILE NUMBER: VR26-04

PROPERTY LOCATION: 1178 46th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AD Tax Lot 04500.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.10, 17.42, 17.106, and 17.126.

HEARING DATE & TIME: July 2, 2026, at 6:30PM

HEARING LOCATION: City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Planning & Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

REPORT DATE: June 25, 2026

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Low Density Residential
Property North	Residential Low Density (R-1)	Low Density Residential
Property East	Residential Low Density (R-1)	Low Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Low Density Residential

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0918G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: The subject property does not show wetlands/waterways on the properties that are depicted on the Statewide Wetlands Inventory Map or the National Wetlands Inventory Map.

The Statewide Inventory Map does show the subject property contains Predominantly Hydric Soils. Some soils naturally retain water longer than others, especially when they occur on certain parts of the landscape, such as in depressions. These soils often exhibit characteristics (e.g. “routinely flooded”) that meet the definition of, and are designated as “hydric soils.” (NRCS Hydric Soils List Criteria <https://www.nrcs.usda.gov/publications/query-by-state.html>) Because of these characteristics hydric soils are often found on the landscape where wetlands occur.

Access: Based on the Subject Property Map (Attachment A), the property abuts and has access from Kalmia Street and 46th Avenue.

Services: There are City water and sewer services to the existing dwelling.

Street: The subject property abuts approximately 130 feet of Kalmia Street and 150 feet of 46th Avenue. Kalmia Street and 46th Avenue are classified as local streets.

TIMELINES AND HEARING NOTICE:

Application Received: May 21, 2026

Application Deemed Complete: May 26, 2026

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: May 26, 2026

Notice Published in New Era Newspaper: June 3, 2026

Date of Planning Commission Hearing: July 2, 2026

120-Day Processing Deadlines: October 2, 2026

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

Matt Cook

CEDD Engineering: 17.42.050 Half street development and improvement indicates this property could be required to perform half street improvements.
17.42.080 Sidewalks indicates this property may be eligible to defer these improvements if the property qualifies as being "in the rural fringe of The City where urban construction standards have not yet occurred."

Public Works Division: No comments as of the issuance of this staff report.

Jaysen Cunningham

Building Division: Building has no comment.

Sweet Home

Fire District: No comments as of the issuance of this staff report.

Public Comments: No comments as of the issuance of this staff report.

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

The Planning Commission may allow a Variance from a requirement or standard of this Development Code after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance. [17.106.060(A)]**

Applicants Comment: A corner lot requires half street improvements. I'm requesting a variance from the half street improvements to a development agreement to maintain the existing development pattern.

Staff Findings: Staff finds that where street pavement, curbs, stormwater drainage, and sidewalks are not already in place, City standards require the construction of sidewalks, curbs, drainage systems, and driveways under specific conditions. One such condition applies to corner lots located at the intersection of two public rights-of-way that also lack existing sidewalks, curbs, and drainage. In these cases, the required improvements establish the line and grade for the remaining segment of the block, as outlined in SHMC 17.42.050(A)(4).

The City may defer sidewalk installation in areas where future roadway or utility improvements are anticipated, or in the rural fringe where urban development standards have not yet been implemented. Property owners remain responsible for installing sidewalks when requested by the City or must pay their proportional cost if the City installs them at a later time.

46th Avenue has a 40-foot dedicated right-of-way but only 20 feet of existing pavement and currently lacks sidewalks, curbs, and stormwater drainage. Kalmia Street has a 50-foot dedicated right-of-way, also with 20 feet of paved width and no existing sidewalks, curbs, or stormwater drainage.

Based on the criteria in SHMC 17.106.060(A), a variance may be granted when the Development Code does not account for special or unique physical conditions of the site, established development patterns, or adjacent land uses. The applicant states that the corner-lot requirement for half-street improvements constitutes a hardship and requests a variance to instead enter into a development agreement. This agreement would maintain the existing development pattern while ensuring the applicant's obligations are addressed.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.

Applicants Comment: Yes, the neighbors of the area would like to preserve the existing development patterns. This variance would be helpful in that.

Staff Findings: Section 17.106.060(B) requires that a variance be necessary to preserve a substantial property right enjoyed by other properties within the same vicinity. The standard also specifies that economic hardship alone cannot serve as the basis for approving a variance.

46th Avenue has a 40-foot dedicated right-of-way with only 20 feet of pavement and no existing sidewalks, curbs, or stormwater drainage. Kalmia Street has a 50-foot right-of-way with the same 20-foot paved width and lacks the same urban improvements. The surrounding developed properties similarly do not contain half-street improvements. As a result, requiring the applicant to install full half-street improvements at this time would create a level of development not present on adjacent properties.

The applicant notes that neighboring property owners wish to maintain the existing development pattern and that the variance would support this continuity. Staff find that allowing the variance would preserve a substantial property right consistent with other properties in the area, namely, the ability to develop without triggering disproportionate street improvements that are not present elsewhere along the block or within the immediate vicinity.

The request is not based on economic hardship, but rather on maintaining equality with surrounding development and avoiding the creation of isolated, out-of-sequence street improvements.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

Applicants Comment: No, it would remain the same but cleaned up and have proper driveway approaches. It would enhance the neighborhood.

Staff Findings: Staff find that the variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district in which the property is located. The variance does not conflict with the objectives of any City plan or policy.

D. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

Applicants Comment: By the applicant.

Staff Findings: Section 17.106.060(D) requires that the need for a variance not be self-imposed by the applicant or property owner. Specifically, a variance cannot result from the applicant's prior actions, such as a property line adjustment or land division previously approved for the site.

The applicant is requesting a variance to allow the use of a Development Agreement in lieu of constructing the required half-street improvements. The stated purpose of this request is to maintain the existing development pattern within the neighborhood rather than to avoid an improvement obligation created by a prior property adjustment.

The property is located within the Residential Low Density (R-1) zone, and the applicant has indicated an intention to pursue a future land division consistent with SHMC 17.58 (Land Divisions), SHMC 17.98 (Partitions), or SHMC 17.72.040 (Lot Division for Middle Housing). No previous land division or property line adjustment involving the applicant has contributed to the current request.

While the applicant acknowledges that the request arises “by the applicant,” Staff finds that the need for the variance results from the existing street conditions on 46th Avenue and Kalmia Street, both of which lack sidewalks, curbs, and stormwater drainage, and not from any self-created circumstance. The site’s context and existing infrastructure deficiencies are the factors triggering the half-street improvement requirement, not an action undertaken by the property owner.

E. The variance requested is the minimum variance which would alleviate the identified hardship.

Applicants Comment: Yes, it would allow for the existing development pattern to remain the same.

Staff Findings: Staff find that the requested variance is the minimum allowed for what the applicant is requesting.

F. All applicable building code requirements and engineering design standards shall be met.

Applicants Comment: N/A

Staff Findings: No development is proposed with this application. Staff Recommends a Condition of Approval that all building code requirements and engineering design standards be met at the time of development.

IV. STAFF RECOMMENDATION

Staff find that the applicant has requested the minimum variance necessary to alleviate the hardships presented by the applicant. Staff have recommended Conditions of Approval listed below.

V. CONCLUSIONS

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.).

Conditions of Approval:

1. All building code requirements and engineering design standards be met at the time of development.
2. A copy of the recorded development agreement be provided to the City within 14 days of the approval of Variance Application VR26-04

VI. PLANNING COMMISSION ACTION

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

Appeal Period: Staff recommend that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the decision is mailed.

Order: After the Planning Commission makes a decision, staff recommend that the Planning Commission direct staff to prepare an Order that is signed by the Chairperson of the Planning Commission. The Order shall 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 of the public hearing and receiving testimony, the Planning Commission's options include the following:

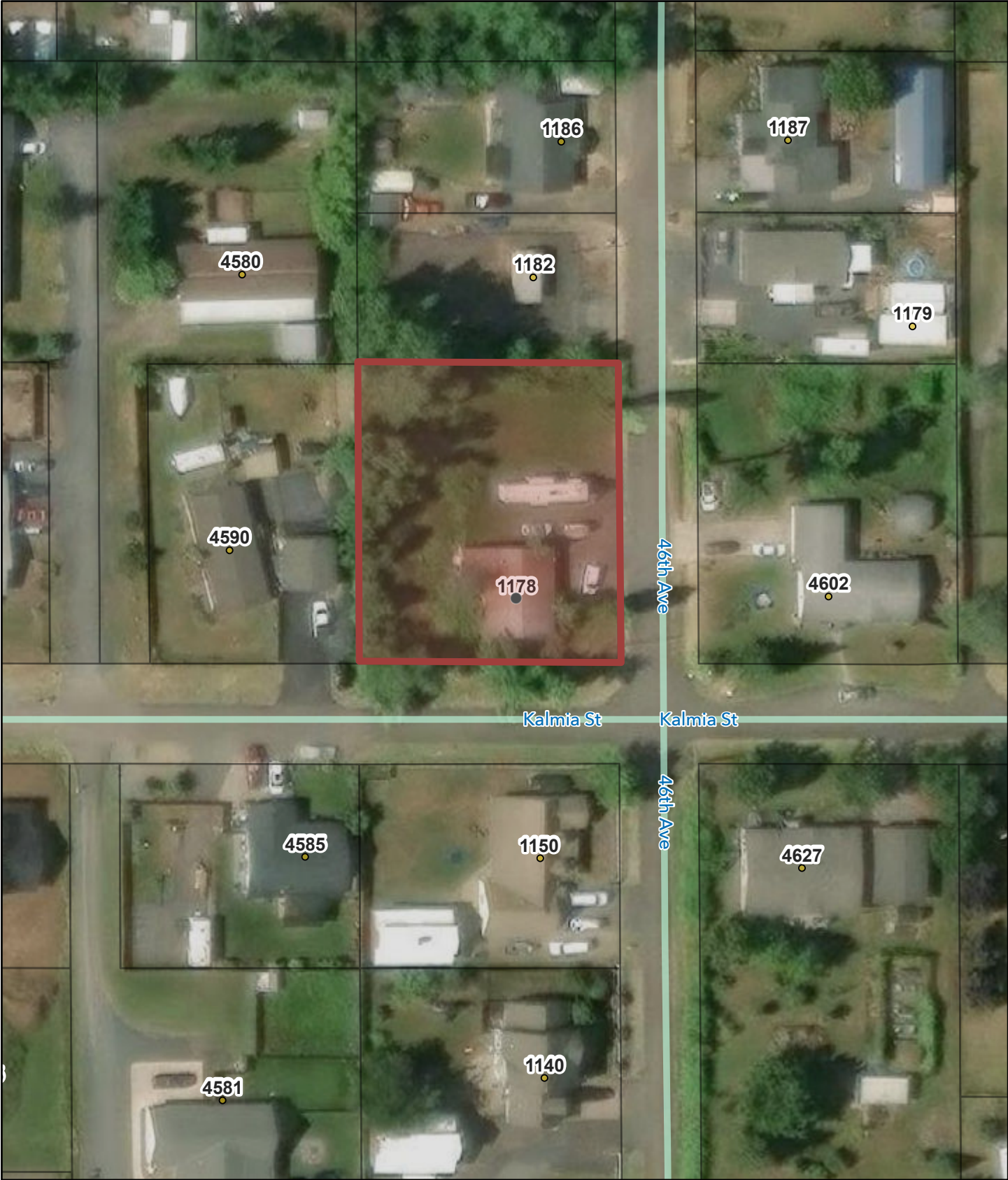
1. Move to approve application VR26-04 and thereby permit the variance for the subject lot located at 1178 46th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AD Tax Lot 04500; adopting the Findings of Fact listed in Section III of the staff report, the setting 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 VR26-04 for the subject lot located at 1178 46th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AD Tax Lot 04500; adopting the following Finding of Fact (specify), 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VII. ATTACHMENTS

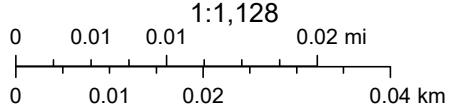
- A. Subject Property Map
- B. Site Plan

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:30 PM, Monday through Thursday, excluding holidays.

VR26-04 Subject Property Map

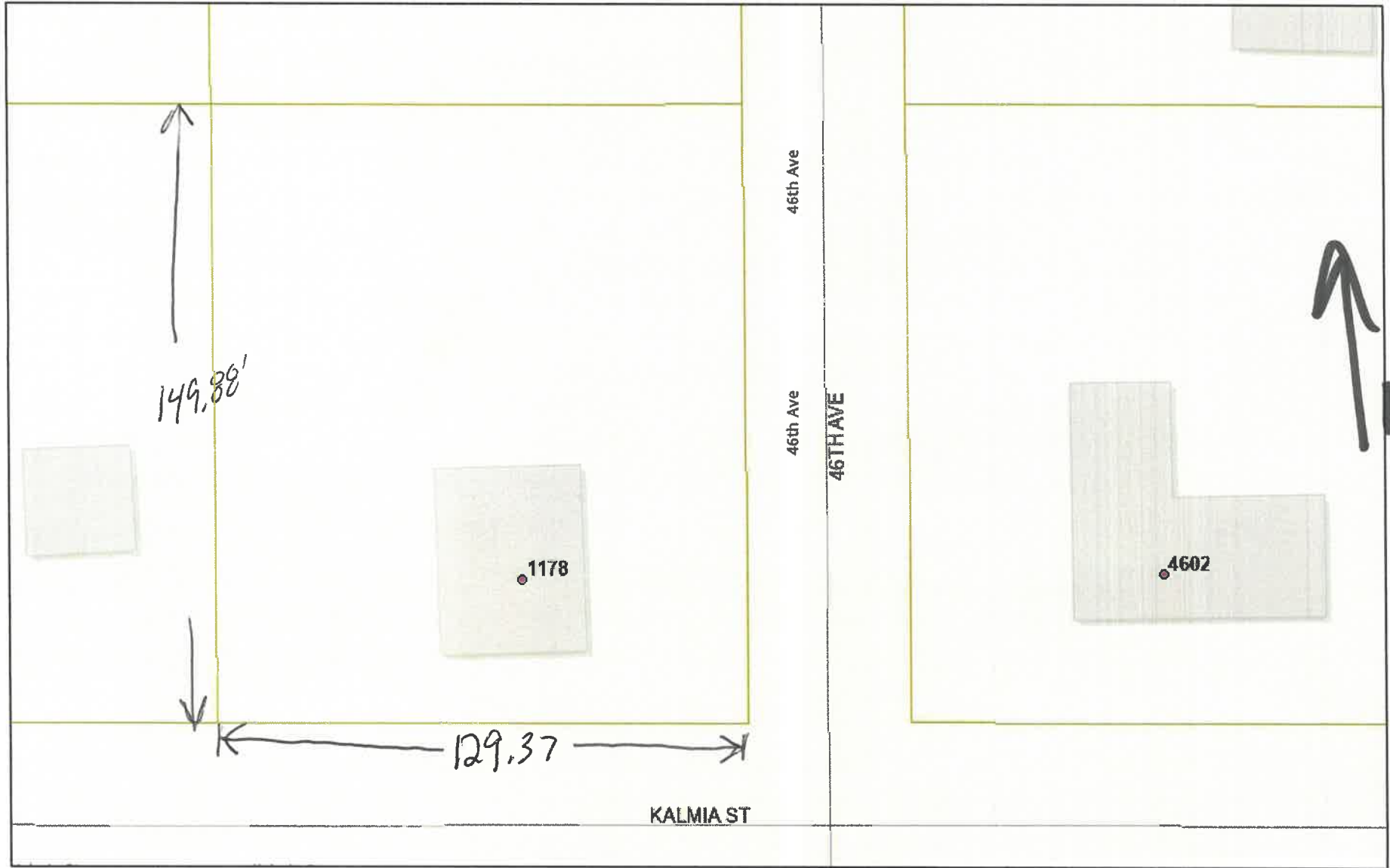


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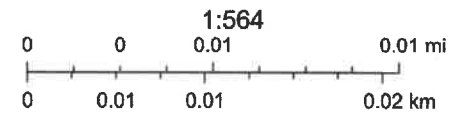
Microsoft, Vantor

Linn County Planning Application



5/21/2026, 12:56:08 PM

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



Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkwaterstaat, GSA, Geoland,

Map created using the Linn County Oregon web mapping application

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