



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

September 21, 2023, 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, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 265 017 664 000

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) [2023-09-07 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [VR23-03 Staff Report with Revised Summary and Site Plan](#)

Staff Updates:

Updated Code Chapters

City Committee Code of Conduct

- a) [City Committee Code of Conduct](#)

Planning Commission Business (Committee 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 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.

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 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

September 07, 2023, 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.

Meeting Information

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Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Laura Wood
Jamie Melcher
Henry Wolthuis
Eva Journey
Todd Branson
Mary White

ABSENT

Jeff Parker, excused

STAFF

Blair Larsen, Community and Economic Development Director
Angela Clegg, Associate Planner

GUESTS

Lynn Piha, 2887 South 7th Place, Lebanon, OR 97355
James Hurley, PO Box 903, Albany, OR 97321

Public Comment.

None

Meeting Minutes:

- a) 2023-07-06 Planning Commission Meeting Minutes

Motion to approve the minutes was made by Commissioner Melcher, seconded by Commissioner Journey.

Yea: 6

Nay: 0
Absent: 1

Public Hearings

a) Application CU23-02 Staff Report

The public hearing was opened at 6:36 PM

Commissioner read the application summary and asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, Commissioner Wolthuis stated that he drove by the property.

Associate Planner Clegg gave the staff report and stated that applicant is requesting a conditional use permit to construct a metal RV cover. The applicant is applying for a Conditional Use per SHMC Chapter 17.10.040(I) Secondary use on a lot without a primary use. Tax Lot 300 contains approximately 17,129 square feet and is in the Residential Low Density (R-1) Zone.

The Commissioners asked questions of Staff.

Applicant Testimony: Lynn Piha of 2887 South 7th Place, Lebanon, OR 97355, testified on behalf of his application.

The Commissioners discussed the application with the applicant.

Testimony in favor: None

Testimony in opposition: None

Neutral testimony: None

The public hearing was closed at 7:02 PM

The Commission discussed the application and testimony.

A motion to approve Conditional Use Application CU23-02, with a revised Condition of Approval requiring the method of anchoring of the carport be approved by the Building Official, was made by Commissioner Wood, seconded by Commissioner Melcher.

Yea: 6

Nay: 0

Absent: 1

b) Application VR23-03 Staff Report

The public hearing was opened at 7:06 PM

Commissioner read the application summary and asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

Associate Planner Clegg gave the staff report and stated that applicant is seeking a variance to allow for a 3-foot front yard setback to the carport (Larch Street), a 19-foot setback from the street side (22nd Avenue) and to allow for 2 instead of 4 off-street parking spaces aside from the carport. The subject property is zoned Commercial Highway (C-2). The Comprehensive Plan Designation is High Density Residential (R-3). Per the SHMC amendments approved on July 25, 2023, duplexes shall be allowed as a permitted use in the C-2 zone, effective August 24, 2023. The minimum setbacks in the C-2 Zone are as follows: front yard 20 feet and street side 20 feet [SHMC 17.20.050]. Two off-street vehicle parking spaces required for a duplex [SHMC 17.44.060(A)].

The Commissioners asked questions of Staff.

Applicant Testimony: James Hurley, PO Box 903, Albany, OR 97321 testified on behalf of the application.

The Commissioners discussed the application with the applicant

Testimony in favor: None
Testimony in opposition: None
Neutral testimony: None

The public hearing was closed at 7:36 PM

The Commission discussed the application and testimony. The applicant was asked to return to the front for further questions.

The public hearing was reopen at 7:44 PM

The Commissioners further discussed the application with the applicant.

The public hearing was closed at 7:50 PM

A motion to continue the public hearing of Conditional Use Application VR23-03 to September 21, 2023 was made by Commissioner White, seconded by Commissioner Melcher.

Yea: 6

Nay: 0

Absent: 1

Staff Updates:

Associate Planner Clegg gave an update on pending applications P23-02 4122 Hwy 20 and P23-03 on 13th Avenue (a SB 458 partition).

Associate Planner Clegg announced her new position with the City and that she will be training a new Associate Planner when hired.

CEDD Director Larsen gave an update on the Transportation System Plan (TSP), Master Parks Plan, and the downtown painting project.

Round Table Discussions (Committee comments about topics not listed on the agenda)

None

Adjournment

The meeting was adjourned at 8:10 PM

Henry Wolthuis, Vice Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow for a 3-foot front yard setback to the carport (Larch Street), a 19-foot setback from the street side (22nd Avenue) and to allow for 2 instead of 4 off-street parking spaces aside from the carport. The subject property is zoned Commercial Highway (C-2). The Comprehensive Plan Designation is High Density Residential (R-3). Per the SHMC amendments approved on July 25, 2023, duplexes shall be allowed as a permitted use in the C-2 zone, effective August 24, 2023. The minimum setbacks in the C-2 Zone are as follows: front yard 20 feet and street side 20 feet [SHMC 17.20.050]. Two off-street vehicle parking spaces required for a duplex [SHMC 17.44.060(A)].

**APPLICANT &
PROPERTY OWNER:**

James Hurley and Daren Clowser

FILE NUMBER:

VR23-03

PROPERTY LOCATION:

1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 2700.

**REVIEW AND
DESIGN CRITERIA:**

Sweet Home Municipal Code Section(s) 17.20.020, 17.20.050, 17.44.060, and 17.106.060

HEARING DATE & TIME:

September 7, 2023 at 6:30PM

HEARING LOCATION:

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

STAFF CONTACT:

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

REPORT DATE:

August 31, 2023

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	High Density Residential
Property North	Commercial Highway (C-2)	High Density Residential
Property East	Commercial Highway (C-2)	High Density Residential
Property South	Residential High Density (R-3)	High Density Residential
Property West	Commercial Highway (C-2)	High Density Residential

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

Wetlands: The subject property does not have wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

Access: The subject property has access from 22nd Avenue and Larch Street.

Water and Sewer Services: The subject property has access to City water services in 22nd Avenue and in the alley abutting the north property line of the subject property. The subject property has access to City sewer services in the alley abutting the north property line of the subject property.

TIMELINES AND HEARING NOTICE:

Application Received: July 26, 2023

Application Deemed Complete: July 27, 2023

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: August 2, 2023

Notice Published in New Era Newspaper: August 9, 2023

Date of Planning Commission Hearing: July 6, 2023

120-Day Processing Deadlines: December 7, 2023

II. COMMENTS

CEDD Engineering: No comments as of the mailing of this notice.

Public Works Division: No comments as of the mailing of this notice.

Building Division: No comments as of the mailing of this notice.

**Chief Tyler
Sweet Home
Fire District:**

I would like more information on how this would affect fire access to that residence and to the neighboring homes.

You have access from 3 locations: 22nd Avenue (60' wide) to the west, Larch Street (60' wide) to the South, and an Alley (15' wide) to the north. The homes to the north are across the alley, the homes to the south are across Larch Street, the homes to the west are across 22nd Avenue, and there is 1 home to the east abutting the property line. (AP Clegg)

Public Comments: No comments as of the mailing of this notice.

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)]**

Applicant's Comments: In order to build to current setback requirements, I need two variances to obtain proper setbacks on current foundation on side, a 3-foot variance on the left corner of the carport and a variance on 2 off-street parking. The lot is only 68' deep.

Staff Findings: The subject property is in the Commercial Highway (C-2) zone. Duplexes in the C-2 zone are subject to the requirements of the R-3 zone, SHMC 17.14 (approved via Ordinance Bill No. 14 for 2023, Ordinance No 1321, approved July 25, 2023). The minimum setbacks in the R-3 zone are 15 feet front yard, 20 feet to the entrance of a garage or carport, 5 feet per story for interior side yard, 15 feet street side yard, and 15 feet rear yard [SHMC 17.14.060]. *Off-street parking.* Uses identified in the zone shall comply with provisions in Chapter 17.44 [SHMC 17.20.060(A)]. Per SHMC 17.44.060(A) two total off street vehicle parking spaces are required for a duplex.

The front yard, by definition, is the lot line abutting Larch Street. (**FRONT YARD.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard. [SHMC 17.04.020]). Per SHMC 17.14.060, the minimum front yard setback in the R-3 zone is 15 feet and the minimum setback to the garage or carport is 20 feet. The subject property is a pre-existing, nonconforming smaller lot. The applicant is asking for a variance to allow a 3-foot setback from the front property line to the carports.

Per SHMC 17.44.060(A) only 2 off-street parking spaces are required for a duplex. The applicant is showing 2 off-street parking spaces off 22nd Avenue, and therefore will not need a variance.

- 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.**

Applicant's Comments: Yes, with the variance the property can be built on and clean up the current eye sore for the neighbors.

Staff Findings: Per the applicant's comments, the variance to the front setback is necessary to allow for the construction of 2 carports on a pre-existing, nonconforming lot. The request shall allow the applicant to comply with the R-3 off-street parking requirements [SHMC 17.14.070(A)].

- 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.**

Applicant's Comments: No, current area is a residential area bringing in another residential living space.

Staff Findings: Staff finds 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. Currently Larch Street residents park in the public right-of-way. The carports and off-street parking spaces help alleviate some of the on-street parking issues along Larch Street. 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).

Applicant's Comments: Yes and no. yes, would like to build on the current foundation in minimize construction in the area. No, obtaining front setback requirements with garage is not an advantage to any build with lot size.

Staff Findings: Staff finds that the variance is self-imposed. The subject property is in the C-2 zone. SHMC 17.20.020(A-X) lists the permitted uses in the C-2 zone. The applicant purchased the property in the current condition and with the knowledge that it is a pre-existing, nonconforming lot. The applicant has a variety of other uses that could be developed listed in SHMC 17.20.020 or could design a duplex that conforms to the lot standards of the R-3 Zone.

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

Applicant's Comments: Yes, we are wanting minimum variance to build on a current foundation to work within zoning/building requirement.

Staff Findings: Staff finds that there is no identified hardship due to the variance being self-imposed. The applicant has alternative uses that could be developed to current development standards.

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

Applicant's Comments: yes, will be designed to meet codes.

Staff Findings: If approved, the applicant shall comply with the standards in Sweet Home Municipal Code 17.14 Residential High Density (R-3) Zone.

IV. STAFF RECOMMENDATION

Staff finds the applicant has not met criteria D and E listed above in Section III. Staff has not recommended any Conditions of Approval.

V. 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 recommends 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 recommends 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 VR23-03 and thereby permit the variance for the subject lot located at 1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02700; 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 VR23-03 and thereby deny the request for a variance for the subject lot located at 1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02700; 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

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Application VR23-03 submitted May 18, 2023
- D. Appendix M with Narrative

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 5:00 PM, Monday through Friday, excluding holidays.



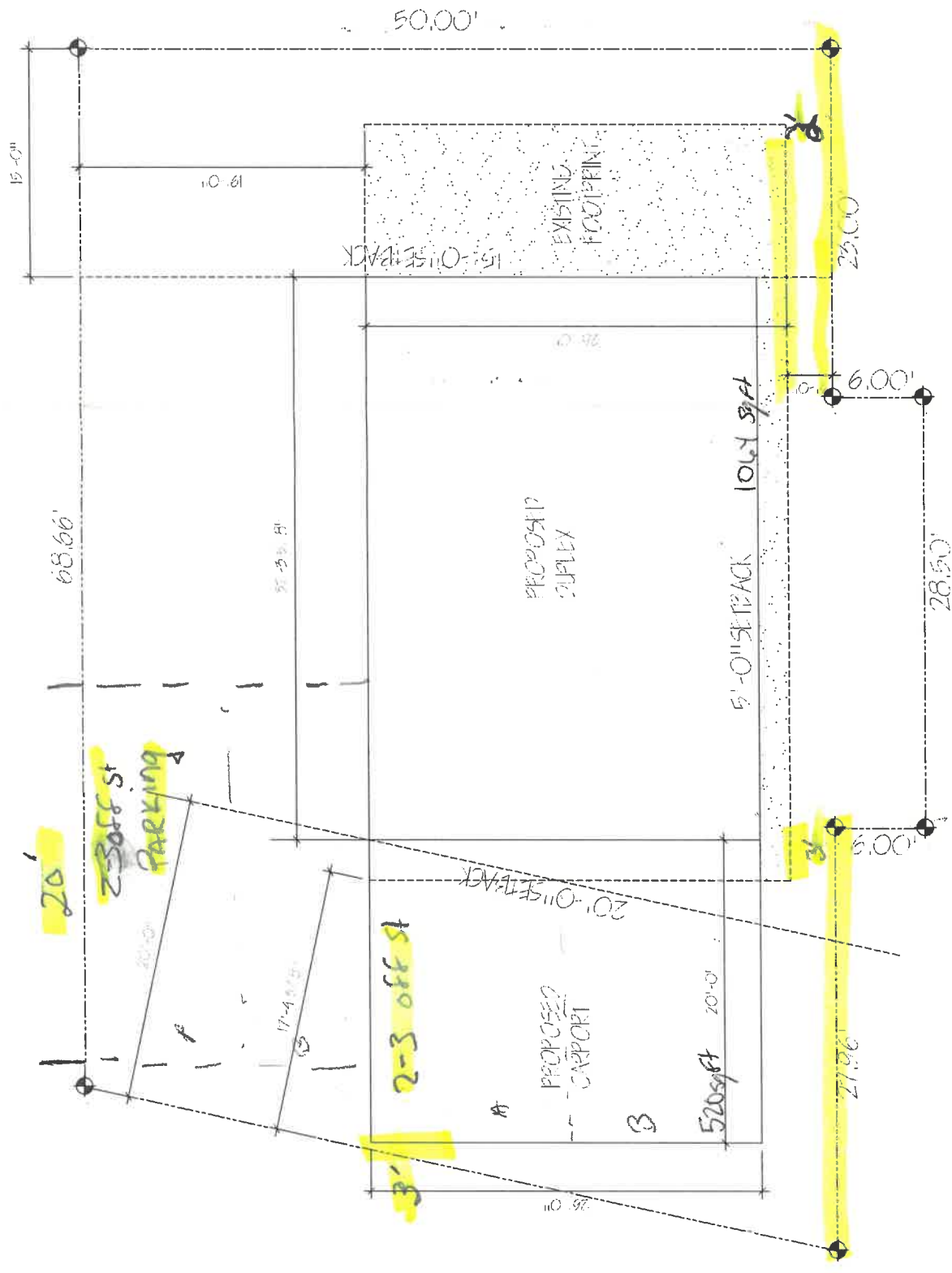
Subject Property Map
VR23-03

Date: 8/2/23



1 inch = 43 feet

22nd St.



Tax Map 326C
Tax Lot 2700



- Gas Stubout
- Water Stubout
- Water Valve
- Property Corner
- Monument Found as Noted
- Countour (Assumed Elev)
- Easement / Setback Line
- Concrete Curb
- Utility Line (as Noted)
- Property Boundary
- Ground Slope

- (Species & Dia as Noted)
Tree to be Removed
- Tree (Dia as Noted)
- Fire Hydrant
- Sewer Stubout
- Catv Pedestal
- Telephone Pedestal
- Electric Pedestal

SITE PLAN



City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

July 31
Sep 7

Land Use Application

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

Date Received: 07.26.23
Date Complete: 07.27.23
File Number: VR23-03
Application Fee: 350.00
Receipt #: 5350
Planning Commission Hearing Date: 09.07.23
City Council Hearing Date: —

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

Applicant's Name: James Hurley Daren Clowser
Applicant's Address: Po box 903 Albany OR 97321
541-780-1698

Applicant's Phone Number: _____
Applicant's Email Address: _____

Property A

Owner's Name: James Hurley Daren Clowser
Owner's Address: Po box 903 Albany OR 97321
Owner's Phone Number: James Hurley 541-780-1698
Owner's Email: office@hurleypaint.com
1307 22nd Ave
Property Address: 3230 / 2700
Assessor's Map and Tax Lot: 3484 32BC/2700
Property Size Before: 3,949 SF Property Size After: 3,949 SF
Zoning Classification: C-1 Comprehensive Plan: R-3

Property B

Owner's Name: _____
Owner's Address: _____
Owner's Phone Number: _____
Owner's Email: _____
Property Address: _____
Assessor's Map and Tax Lot: _____
Property Size Before: _____ Property Size After: _____
Zoning Classification: _____ Comprehensive Plan: _____

Nature of Applicant's Request

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

To obtain Reasonable Setbacks To build on a non conforming lot

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: _____
Property Owner's Signature: _____
Property Owner's Signature: _____
Property Owner's Signature: _____

Date: 21 Jul 2023
Date: _____
Date: _____
Date: _____

Land Use Application Checklist:

- ☐ All applicable sections of the Land Use Application have been filled in.
- ☐ The Land Use Application has been signed and dated by all applicable parties.
- ☐ I have received the applicable criteria for the Land Use Action that I am applying for.
 - ☐ **Appendix A: Adjustments**
 - ☐ Chapter 17.100 Adjustments; and
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.124 Type II Applications and Review Procedures (optional)
 - ☐ **Appendix B: Annexations**
 - ☐ Chapter 17.118 Annexations; and
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
 - ☐ **Appendix C: Comprehensive Plan Map Amendment**
 - ☐ Chapter 17.112 Comprehensive Plan Map Amendment; and
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
 - ☐ **Appendix D: Conditional Use**
 - ☐ Chapter 17.104 Conditional Use; and
 - ☐ Applicable Zoning Criteria
 - ☐ 2019 OR Structural Building Code, Section 419, Live/Work Units (if applicable)
 - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
 - ☐ **Appendix E: Home Occupation**
 - ☐ Chapter 17.94 Home Occupation; and
 - ☐ Chapter 17.68 Home Occupations
 - ☐ Applicable Zoning Criteria; and
 - ☐ 2019 OR Structural Building Code, Section 419, Live/Work Units
 - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)
 - ☐ Appendix D: Conditional Use (if applicable)
 - ☐ **Appendix F: Interpretations**
 - ☐ Chapter 17.96 Interpretations; and
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)
 - ☐ **Appendix G: Nonconforming Uses**
 - ☐ Chapter 17.108 Nonconforming Uses; and
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
 - ☐ **Appendix H: Partitions**
 - ☐ Chapter 17.98 Partitions
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.124 Type II Applications and Review Procedures (optional)
 - ☐ **Appendix I: Property Line Adjustment**
 - ☐ Chapter 17.92 Property Line Adjustment
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.122 Type I Application and Review Procedures (optional)

- ☐ **Appendix J: Site Development Review**
 - ☐ Chapter 17.102 Site Development Review
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix K: Subdivisions and Planned Developments**
 - ☐ Chapter 17.110 Subdivisions and Planned Developments
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix L: Text Amendments**
 - ☐ Chapter 17.116 Text Amendments
 - ☐ Applicable Corresponding Chapter
 - ☐ Chapter 17.128 Type IV Applications and Review Procedures (optional)
- ☐ **Appendix M: Variance**
 - ☐ Chapter 17.106 Variance
 - ☐ Applicable Zoning Criteria
 - ☐ Chapter 17.126 Type III Applications and Review Procedures (optional)
- ☐ **Appendix N: Zone Map Amendment**
 - ☐ Chapter 17.114 Zone Map Amendment
 - ☐ Applicable Zoning Criteria
 - Chapter 17.128 Type IV Applications and Review Procedures (optional)



APPENDIX M

VARIANCE

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to requirements. A Variance may be approved for those requests resulting in greater than a 10% change in a quantifiable standard. [SHMC 17.106.010]

Variance applications shall be reviewed in accordance with the Type III review procedures specified in Chapter 17.126. [SHMC 17.106.030]

An application for a Variance shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. [SHMC 17.106.030]

SHMC 17.106.040 SUBMITTAL REQUIREMENTS

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

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

- A. The following general information shall be shown on the site plan:
- ☐ Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.
 - ☐ North arrow and scale of drawing.
 - ☐ Tax map and tax lot number or tax account of the subject property.
 - ☐ Dimensions and size in square feet or acres of the subject property.
 - ☐ Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.
 - ☐ Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
 - ☐ A site plan or other information clearly indicating the proposed variance, including dimensions if applicable.

- B. Do any of the criteria in SHMC 17.106.050 apply? ☐ Yes ☐ No
If the applicant answered yes, the proposal does not qualify for a variance.

- C. Is the variance necessary? Does the subject Development Code provision not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses? Explain:

yes, In order to build To set back's current setback Requirements
I need 2 variance To obtain Proper Setback on current foundation on Side
I need 3 variance On the front Left corner of Carport.
I need variance on 4 off st Parking. Lot only 68' deep

- D. Is such variance 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? Explain:

Yes, with the variance the property can be built on and clean up a current life sore for the neighbors

- E. Will the authorization of such variance 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? Explain:

No, current area is a Residential area bringing in another Residential living spaces

- F. Is the need for the variance self-imposed by the applicant or property owner? Explain:

yes/no
yes would like to build on current foundation to minimize construction in the area
No - obtaining front setback requirements with garage is not advantages to any build with lot size

- G. Is the variance requested the minimum variance which would alleviate the identified hardship? Explain:

yes, we are just wanting minimum variance to build on current foundation to work within zoning/building requirement

- H. Are all applicable building code requirements and engineering design standards met? Explain:

yes, will be designed to meet codes

Linn County
2022 Real Property Assessment Report
 Account 258893

Map 13S01E32-BC-02700

Code - Tax ID 05501 - 258893

Tax Status Assessable

Account Status Active

Subtype NORMAL

Legal Descr WEDDLE'S ADDITION TO SWEET HOME

Block - 7 Lot - 9 10

Mailing HURLEY JAMES & CLOUSER DAREN
 230 LYON ST S STE 15
 ALBANY OR 97321

Deed Reference # 2023-4627

Sales Date/Price 04-20-2023 / \$45,000

Appraiser VANDERWOOD, LISA

Property Class 101 MA SA NH

RMV Class 101 04 03 002

Site	Situs Address	City
	1307 22ND AVE	SWEET HOME

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
05501	Land	39,220		Land	0
	Impr	3,190		Impr	0
Code Area Total		42,410	11,530	11,530	0
Grand Total		42,410	11,530	11,530	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
05501	1	<input checked="" type="checkbox"/>			Residential Site	106	3,468 SF		39,220
Code Area Total							3,468 SF		39,220

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
05501	1		318	GP SHED	120	192			3,190
Code Area Total						192			3,190

Comments Has been: " HABU residential lot 5/93 kr "

2014mx: See email attached to account. If the structures are still there next year, consider valuation. 8/19/14 JLS

2015MX: WAIT FOR PERMIT. VERY LOW VALUE AND BELOW THRESHOLD ANYWAY. USE NOT CONSISTENT WITH ZONING. 3/7/16 JLS

2020: Left card at gate in regards to future plans for site. Structural foundation set since 2015, GPS on site. No response. Changed P/C and RMV class to 101 HBU for now, added GPS as Exception.

2021: CYCLE RE-APPRAISAL. 6/21 LV

From: [James Hurley](#)
To: [Angela Clegg](#)
Subject: Re: Planning commission meeting
Date: Monday, September 18, 2023 10:22:37 AM
Attachments: [22ND ST. DUPLEX SITE PLAN 9-18-2023.pdf](#)
[22ND ST. DUPLEX SITE PLAN 9-14-2023.pdf](#)

On Mon, Sep 18, 2023 at 9:53 AM James Hurley <james@hurleypaint.com> wrote:

Dear Planning Commission,

I wanted to submit a statement before the next meeting. I have received some clarification on the building code from the planning department since we last spoke. After speaking with Angela, the variance request in question is concerning the 20 foot setback to the carport code. This is a unique lot size and is only 66 feet wide. Per code we have a 15 foot backyard included in our plans. On top of that per code we would need a 20 foot carport and a 20 foot front setback, which would only leave us with 11 feet of build able space. I have gone through what seems to be every option and with trying our best to conform with the building codes, our building plans seem to be the best option for the lot. In this unique situation, I believe the request for a variance is justified.

Again to reiterate this is a unique lot size of only 3949 square feet and is one of only four lots under 5000 square feet in the city. I believe this is the perfect example and opportunity to approve a variance. This variance is not self-imposed due to lot size. If it was the minimum lot size I would not need a variance. The request for a variance is allowed under building code, but if no variances are going to be allowed in the city, why is it an option?

Thank you greatly for your time and consideration. I am Looking forward to working with you on more endeavors.

Warmest Regards

City of Sweet Home

Commission/Committee Code of Conduct

RESPECT

- Assume good intentions and express differing opinions.
- Be punctual and prepared so that the meeting will go more smoothly.
- Respect everyone's time. Staff, Fellow Commission/Committee Members, Community Members and Visitors.
- Clarify decisions and direction.
- Operate transparently.

PREPARE

- Read the packet.
- Ask questions of Staff at least 24 hours before the meeting.
- Have a motion, amendment or something to share with the Commission/Committee at the meeting? Send to Staff at least 12 hours before the meeting.
- Ask questions of each other.

SPEAK

- Speak at the meeting or forever hold your peace.
- Bring forward differing opinions.
- Acknowledge what you don't know.
- Be clear and concise.

LISTEN

- Tolerate ambiguity: Council Members, Staff, and Community members all bring different perspectives.
- Wait to speak until the person has clearly finished.
- Clarify your understanding if something confuses you.

ASK

- Do I need clarification on the process before I feel comfortable making a decision?
- Do I need to know this to make a decision now? Or do I just want to know the answer?
- Not in the context of the topic? Save your question for offline.

CELEBRATE ALL SUCCESS