



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

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.

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: 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) [2023-07-06 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [Application CU23-02 Staff Report](#)
- b) [Application VR23-03 Staff Report](#)

Staff Updates:

Round Table Discussions (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 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

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.

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

July 06, 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
Jeff Parker
Eva Journey
Todd Branson
Nancy White

STAFF

Angela Clegg, Associate Planner
Blair Larsen, Community and Economic Development Director
Greg Springman, Public Works Director
Steven Haney, Utilities Manager

GUESTS

Jenny Savage, 1608 13th Avenue, Sweet Home, OR 97386

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.

Jenny Savage, 1608 13th Ave, Sweet Home, OR 97386 requested that the ordinance requiring a carport or garage be amended. She would like to convert her garage into a dwelling space, however she is unable to due to not have enough space to construct a new garage or carport to replace the one that would be turned into dwelling space. Mrs. Savage feels it should be a choice not a requirement for home owners.

Meeting Minutes:

a) May 4, 2023 Meeting Minutes

A motion to approve the minutes was made by Commissioner Wolthuis, seconded by Commissioner Wood.

Voting Yea: 7

Voting Nay: 0

b) June 15, 2023 Meeting Minutes

Commissioner Journey asked that the word excused be put after the absences. A motion to approve the minutes with changes was made by Commissioner Journey, seconded by Commissioner Melcher.

Voting Yea: 6

Voting Nay: 0

Abstain: Commissioner Wood

Public Hearings

a) Application VR23-02 Staff Report

The public hearing was open at 6:42 PM

Commissioner Parker 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 the applicant is seeking a variance to allow an eight-foot security fence for site security and to match the existing fence. The subject property is a pre-existing public facility in the Recreation Commercial (RC) zone. Fences and walls located less than five feet from a street property line shall not exceed a maximum height of three and one-half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence) [SHMC 17.52.050(A)(1)]. Fences and walls located more than five feet from the street property line shall not exceed a maximum height of seven feet [17.52.050(A)(2)]. Interior side and rear yards. Fences and walls located at a property line not abutting a street shall not exceed a maximum height of seven feet [17.52.050(B)]. Barbed wire. Barbed Wire may be used in the City Limits [17.52.050(C)]. Per Ordinance Bill No. 12 for 2013 (Ordinance No. 1318) and Ordinance Bill No. 13 for 2013 (Ordinance No. 1319), adopted June 13, 2023, the subject property was rezoned to Public Facility (PF) Zone.

Chairman Parker asked for clarification of the variance. Public Works Director Springman testified on behalf of the application. Commissioner Wolthuis asked about the gate access. Director Springman stated that the facility is not for the public and will be closed. Utilities Manager Haney stated that the fence doesn't change the security measures, it just makes it so the public can't walk up to the front door. Commissioner White asked about the addition and clarifying the existing portions of the fence are allowed. Director Springman discussed the concerns with the lack of a buffer between the trailer park and the Water Plant. Commissioner Wood asked if the barbed wire is necessary. She is concerned about kids playing near it. Director Springman stated that it is necessary for security. Commissioner Journey discussed the need for security. Commissioner Melcher asked about the look of the fencing.

Testimony in favor: none

Testimony in opposition: none

Neutral Testimony: none

The hearing was closed at 7:03 PM

There was discussion about the barbed wire and the look to the trailer park abutting it.
A motion to approve Variance Application VR23-02 was made by Commissioner Wood, seconded by Commissioner Wolthuis.
Voting Yea: 7
Voting Nay: 0

Staff Updates:

There will be no meeting on July 20th.

There is Partition Application on 48th Avenue

Application LA23-02 had 2 readings, and the 3rd reading will be on July 25th.

The department is currently working on the Parks Master Plan, Transportation System Plan (TSP), OPRD Grant for Lower Sankey Park Phase III.

The City has opened Quarry Park for camping, and will remain open for day use. It is accessible via Zerkova Street.

Director Larsen gave an update on the downtown painting project.

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

Commissioner Wolthuis discussed the awnings that are in disrepair along Main Street and asked staff what can be done to assist the owners to improve them. Director Larsen informed the Committee of outreach happening to solve this issue. Wolthuis asked for contact information for the business owners and he will volunteer to reach out.

Adjournment

The meeting was adjourned at 7:28 PM

Jeffrey Parker, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



Staff Report Presented to the Planning Commission

REQUEST: The 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.

APPLICANT

PROPERTY OWNER: Lynn Piha

FILE NUMBER: CU23-02

PROPERTY LOCATION: 2660 Juniper Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AC Tax Lot 300.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040, 17.104.040

HEARING DATE & TIME: September 7, 2023, at 6:30 PM

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

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

REPORT DATE: August 31, 2023

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has frontage and access off Juniper Street.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: August 9, 2023
Notice Published in Newspaper: August 16, 2023
Planning Commission Public Hearing: September 7, 2023
120-Day Deadline: December 7, 2023
Notice was provided as required by SHMC 17.126.01

II. COMMENTS

Daniel Hoskins

Building Division: The building Department requires that accessory structures have a foundation and that the structure must be fixed or attached to the foundation.

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

Trish Rice

Public Works Dept. The existing gravel driveway was installed under Right-of-Way permit ROW 08-2014 with a requirement for a hard surface approach. The past owner installed the gravel driveway and allowed the permit to expire without completing the hard surface approach. A new ROW permit and hard surface approach will be required.

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 DECISION CRITERIA

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

17.104.050 DECISION CRITERIA

A Conditional Use shall be approved if the applicant provides supporting evidence that all the requirements of this Development Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district and complies with the development requirements of the underlying zone.

Applicant's Comments: It is an RV canopy metal building structure. Could be portable.

Staff Findings: The subject property is in the R-1 zone. 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.

Building Permit 827-23-000158-STR is pending the approval of CU23-02. Per the building department comments in Section II above, the building department shall require an accessory structure to have a foundation and be fixed or attached to the foundation. Staff recommends a condition of approval that the metal canopy be fixed or attached to a foundation.

With the above condition, staff finds the application complies with these criteria.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

Applicant's Comments: The property has a metal garage shop building. This RV canopy would be next to it and fits into property area perfectly.

Staff Findings: The subject property has an existing 1,440 square foot metal building. The site size, dimensions, location, and topography are adequate for the proposed use.

The existing gravel driveway was installed under Right-of-Way permit ROW 08-2014 with a requirement for a hard surface approach. The past owner installed the gravel driveway and allowed the permit to expire without completing the hard surface approach. Staff shall require a condition of approval that a new ROW permit and hard surface approach will be required.

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

C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

Applicant's Comments: Not applicable.

Staff Findings: Staff finds that the proposed RV canopy is timely. The property abuts Juniper Street and shall allow for adequate transportation needs to the facility. There are no residential dwellings proposed with this application, however there are City water and sewer services available in Juniper Street should there be future development.

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

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

Applicant's Comments: This will not affect anyone, only one bordering property will even see it. Proposed metal canopy will be 168 feet back from Juniper Street. Oad only cars driving by could see it.

Staff Findings: All abutting properties are in the Residential Low Density (R-1) Zone. The proposed metal canopy is proposed to be located at the rear of the lot near an existing shop. The proposed use will not alter the character of the surrounding area.

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

- E. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.***

Applicant's Comments: No negative impacts. This is quality made product with a 2021 Coachman Leprechaun motor home in it. Both are new or near new on the RV.

Staff Findings: Staff has not identified any negative impacts to adjacent properties. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section IV of this report.

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

17.104.060 CONDITIONS OF APPROVAL

In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and The City as a whole.

- A. These conditions may include, but are not limited to, the following:***

- 1. Requiring larger setback areas, lot area, and/or lot depth or width;***
- 2. Limiting the hours, days, place and/or manner of operation;***
- 3. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;***
- 4. Limiting the building height, size or lot coverage, or location on the site;***
- 5. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;***
- 6. Increasing the number of required parking spaces;***
- 7. Requiring street rights-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;***
- 8. Limiting the number, size, location, height and lighting of signs;***
- 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;***
- 10. Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;***
- 11. Designating sites for open space or outdoor recreation areas;***
- 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;***
- 13. Requiring ongoing maintenance of buildings and grounds;***
- 14. Setting a time limit for which the conditional use is approved.***

B. Uses existing prior to the effective date of this Chapter and classified in Title 17 as a conditional use shall meet the criteria for modification of approved plans and developments.

C. The Planning Commission may require the applicant of an approved conditional use permit to enter into an agreement with The City for public facility improvements.

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval listed in Section IV of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

IV. CONCLUSION AND RECOMMENDATION

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU23-02:

1. The final configuration of the proposed metal RV cover shall substantially conform to the plot plan reviewed in this application (see attachment B).
2. The metal cover shall be fixed or attached to a foundation.
3. A new Right-of-Way (ROW) permit and hard surface approach will be required.
4. The property owner shall obtain and comply with all applicable local, state, and federal permits and requirements. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU23-02.

V. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, the Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval if the application is approved.

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

1. Move to approve application CU23-02; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU23-02; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Application



SUBJECT PROPERTY



1 inch = 85 feet

Subject Property Map
2660 Juniper Street
CU23-02

Date: 8/9/23

11/14/14 property line

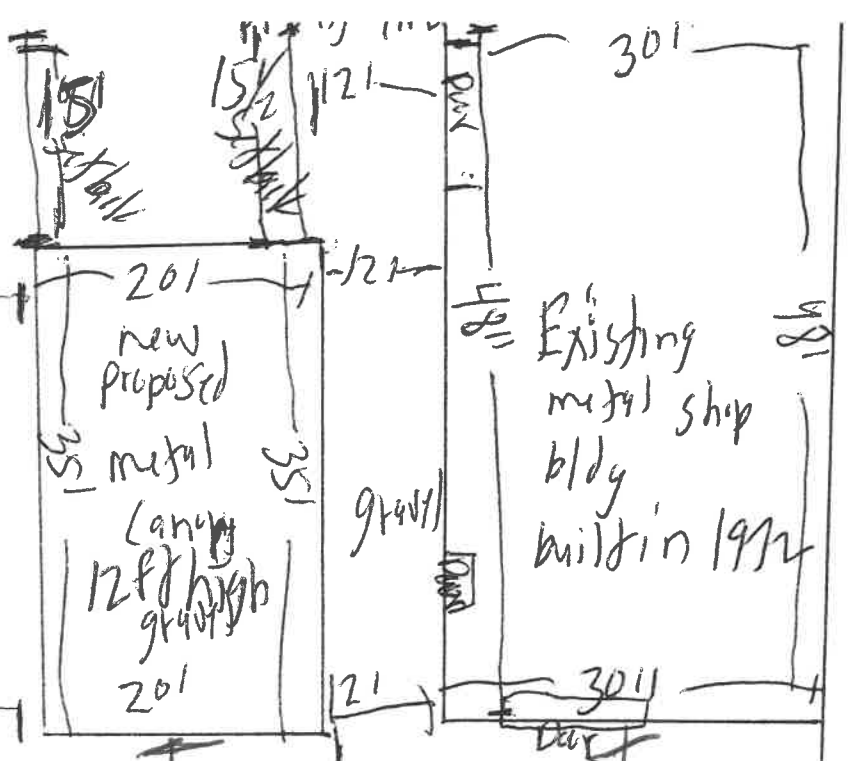
gravel parking

25' setback

gravel

18' setback

gravel parking



setback

1681 ft

gravel parking

setback

1721 ft

grass area with blueberry + grapes

Road

Lynn Pihā
 2660 Juniper St
 Sweet Home OR 97386
 Phone 541-619-7525 Email LynnPihayabo.com
 grass area with fruit trees + grapes

fence property line

15' setback

fence property line



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

C2

MAIN ST

LARCH ST

22ND AVE

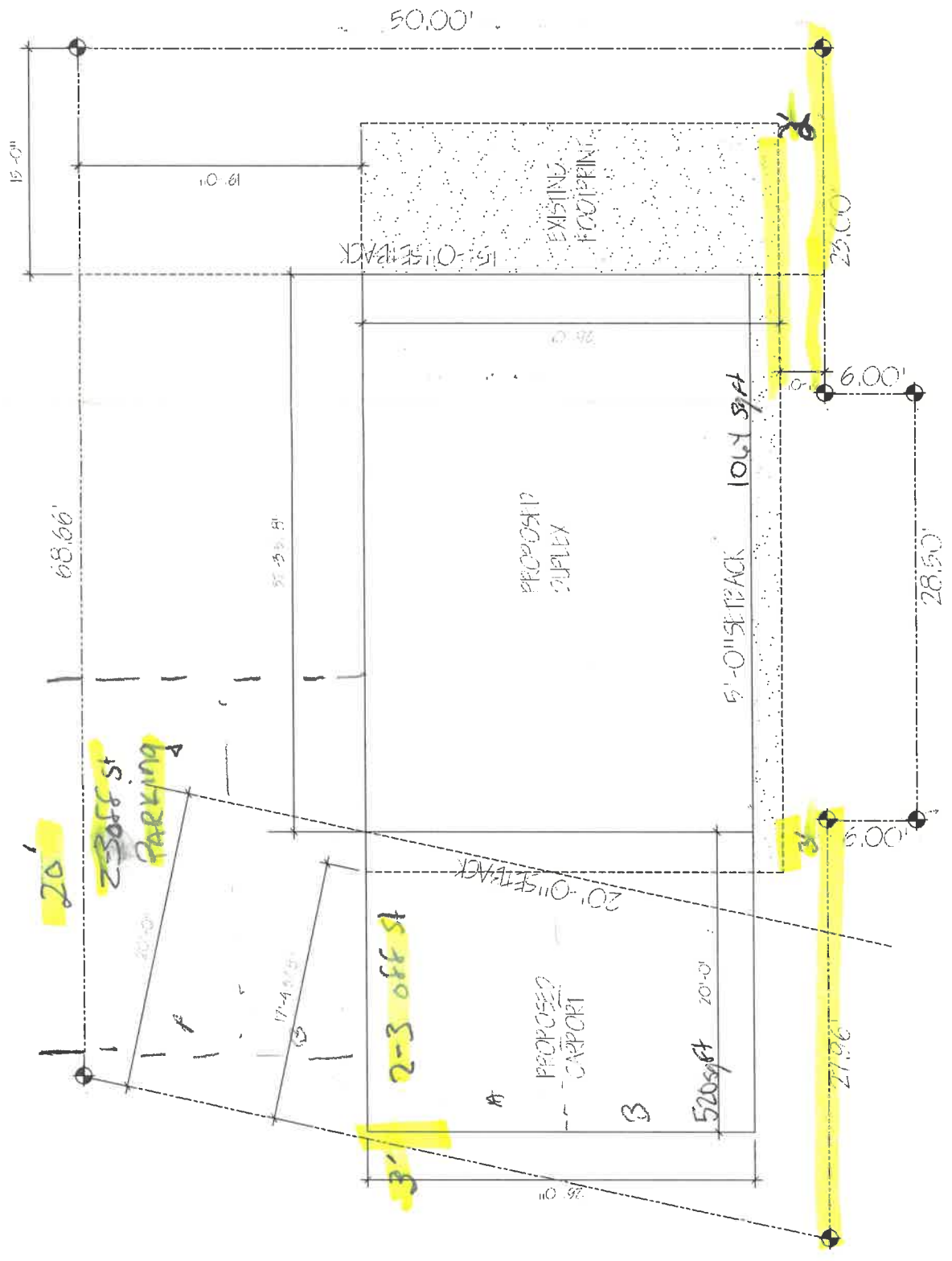
Subject Property Map
VR23-03

Date: 8/2/23



1 inch = 43 feet

22nd St.



Tax MAP 326C
 Tax Lot 2700



- SITE PLAN**
- (SPECIES & DIA AS NOTED)
TREE TO BE REMOVED
 - TREE (DIA AS NOTED)
 - FIRE HYDRANT
 - SEWER STUBOUT
 - CATV PEDESTAL
 - TELEPHONE PEDESTAL
 - ELECTRIC PEDESTAL
- 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
- 100

SITE PLAN

July 31
Sep 7



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

Land Use Application

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

Date Received: 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
541-730-1698

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 office@hurleypaint.com
 Owner's Email: 1307 22nd ave
 Property Address: 323C / 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 & CLOWSER 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