



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

November 16, 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.

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## 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

The meeting was called to order at 6:32 PM.

## 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.

None

## Meeting Minutes:

a)

## Public Hearings

**Application ZMA23-03**

**Application VR23-04**

a)

b)

## Staff Updates:

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

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*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.*

## 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 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 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.

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## 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

The meeting was called to order at 6:30 PM

## Roll Call of Commissioners

### PRESENT

Mark White  
Eva Journey  
Jeff Parker  
Henry Wolthuis  
Jamie Melcher  
Laura Wood

### STAFF

Blair Larsen, Community and Economic Development Director  
Diane Golden, Associate Planner  
Angela Clegg, Tourism & Economic Development Coordinator

### GUESTS

James Hurley, 35890 Santiam Highway, Albany, OR 97327

**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.

None

## Meeting Minutes:

- a) 2023-09-07 Planning Commission Meeting Minutes

A motion to approve the minutes with changes was made by Melcher, seconded by Wolthuis.

Voting Yea: 5

Abstain: 1



## Public Hearings

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

The public hearing was opened at 6:34 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 presented the amended summary and site plan to the original Staff Report presented at the September 27, 2023 Planning Commission meeting. The staff report 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 6:55 PM

The Commission discussed the application and testimony.

The Public Hearing was reopened at 7:05 PM

The applicant further discussed the variance application with the Commission.

The Public Hearing was closed at 7:32 PM

The Commission discussed the application and testimony.

A motion to deny Application VR23-03 was made by Commissioner Journey, seconded by Commissioner Wood.

Voting Yea: 5

Voting Nay: 1

## Staff Updates:

### Updated Code Chapters

### City Committee Code of Conduct

Larsen introduced Diane Golden as the new Associate Planner. He informed the Commission that there is a vacancy on the Planning Commission.

Larsen gave an update on the Transportation System Plan.

The City received a Grant for Housing Production Strategy. Larsen gave a brief summary of the grant purpose.

The City was awarded the Sankey Park Phase III Grant.

Clegg gave a summary of the new HB458 partitions and utility company hurdles.

Clegg gave an update on Harvest Festival.

Wolthuis discussed fence criteria and design throughout the City.

- a) City Committee Code of Conduct

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

**Adjournment**

The meeting was adjourned at 8:08 PM

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Jeffrey Parker, Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



**REVISED Planning Commission Staff Report**

**REQUEST:** The applicant is proposing to rezone an existing 88,577 square foot ( $\pm 2.02$ -acres) vacant parcel from the Residential Low Density (R-1) Zone to the High Density Residential (R-3) Zone. The subject property is located south of Long Street and east of 29th Avenue and is identified by Linn County Tax Assessor Map No. 13S01E32AC, Tax Lot 4900. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and decide on this application.

**APPLICANT:** Laura Laroque, Udell Engineering and Land Surveying, LLC

**PROPERTY OWNER:** 4L Ventures LLC and Evan Latimer

**PROPERTY LOCATION:** Sweet Home, OR 97386, Identified on the Linn County Assessor's Map as 13S01E32AC Tax Lot 4900.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.10, 17.14, 17.114, OAR 660-012-0060

**FILE NUMBER:** ZMA23-03

**PLANNING COMMISSION PUBLIC HEARING:**

- **DATE & TIME:** November 16, 2023 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

**CITY COUNCIL PUBLIC HEARING:**

- **DATE & TIME:** December 12, 2023 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

**STAFF CONTACT:** Diane Golden, Associate Planner  
Phone: (541) 367-8113; Email: [dgolden@sweethomeor.gov](mailto:dgolden@sweethomeor.gov)

**REPORT DATE:** November 9, 2023

**I. PROJECT AND PROPERTY DESCRIPTION**

LOCATION: The subject tract contains approximately 88,577 square feet (±2.02 acres). The property is currently zoned Residential Low Density (R-1), and the comprehensive plan designation is Residential High Density (R-3). The applicant is requesting to change the zoning to Residential High Density (R-3) bringing it into conformity with the property’s existing Comprehensive Plan Map designation.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

<b>Property</b>	<b>Zoning Designation</b>	<b>Comprehensive Plan Designation</b>
Subject Property	Residential Low Density (R-1)	High Density Residential
Property North	Residential Low Density (R-1)	High Density Residential
Property East	Residential Low Density (R-1)	High Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	High Density Residential

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

**Wetlands:**           The subject property does show a wetland drainage on the property that is depicted on the Sweet Home Local Wetlands Inventory Map. The drainage identified as SSR-18C flows through the northeast corner of the subject property and down the east property line.

**Access:**             The subject property has frontage along Long Street and 29th Avenue.

**Services:**           The subject property has access to City water and sewer services from Long Street and 29th Avenue.

TIMELINES AND HEARING NOTICE:

Application Submitted:	September 20, 2023
Application Deemed Complete:	October 2, 2023
Mailed/Emailed Notice:	October 11, 2023
Notice Published in New Era Newspaper:	October 18, 2023
Planning Commission Public Hearing:	November 16, 2023
City Council Public Hearing	December 12, 2023

Notice was provided as required by SHMC 17.128.010.

## II. COMMENTS

### Adam Leisinger, Interim

**Permit Technician:** The Building Program has no issues with this request.

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

### Trish Rice

**Public Works:** Public Works has no concerns with the request at this time.

### Sweet Home

**Fire District:** No comments as of the issue of this Staff Report.

**Public Comment:** Attachment F

## III. REVIEW AND DESIGN CRITERIA

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

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

**A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.**

Applicants Comments: See Pages 2 and 3 of the applicant's summary (Attachment C).

Staff Findings: The subject property has a Comprehensive Plan designation of Residential High Density (R-3). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Residential High Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation and is consistent with the description and policies of the R-3 Zone.

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

**B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.**

Applicant's Comments: See Pages 3 and 4 of the applicant's summary (Attachment C).

Staff Findings: The uses permitted in SHMC 17.14.020, 17.14.030, and 17.14.040 can be accommodated on the subject property without exceeding its physical capacity. The subject property is approximately 88,577 square feet ( $\pm 2.02$  acres). The R-3 zone density requirements for single family attached / detached homes and duplexes are no more than one residential structure per lot or parcel, other than an approved accessory dwelling unit; maximum of 12.0 dwelling units per net acre. The R-3 zone density requirements for multi-family is a maximum of 28 units per net acre.

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

**C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code.**

Applicant's Comments: See Pages 4 and 5 of the applicant's summary (Attachment C).

Staff Findings: All development in the R-3 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements: [SHMC 17.14.070].

- A. Off-street parking. All single-family homes and duplexes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44.
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. *Other.* A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

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

**D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.**

Applicant's Comments: See Pages 5-7 of the applicant's summary (Attachment C).

Staff Findings: The subject property is proposed to change from Residential Low Density (R-1) zone to the Residential High Density (R-3) zone. The zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation and is consistent with the Sweet Home Transportation System Plan (TSP). The Sweet Home infrastructure map and local wetland inventory map show a wetland/stormwater drainage identified as SSR-18C flowing through the northeast corner of the subject property and south along the east property line. The Sweet Home infrastructure map shows a second stormwater drainage running from Long Street to 29th Avenue (see Attachment B). There Adequate public facilities, services and transportation networks are planned to be provided concurrently with the development of the property. No development has been proposed with this application.

**E. For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met.**

Applicant's Comments: See Pages 7 and 8 of the applicant's summary (Attachment C).

Staff Findings: The purpose of the R-3 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-3 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside The City. [SHMC 17.14.010]. The uses permitted in SHMC 17.14.020, 17.14.030, and 17.14.040 can be accommodated on the subject property without exceeding its physical capacity. No development has been proposed with this application.

#### IV. CONCLUSION AND RECOMMENDATION

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

## V. PLANNING COMMISSION ACTION

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

### Motion:

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

1. Move to recommend that the City Council approve application ZMA23-03, which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA23-03 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

## VI. ATTACHMENTS

- A. Subject Property Map
- B. Infrastructure Map
- C. Zone Map Amendment Application and Summary
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Comment





SUBJECT PROPERTY

LONG ST

CLARK MILL RD

R1

27TH AVE

29TH AVE

32ND CT

KALMIA ST

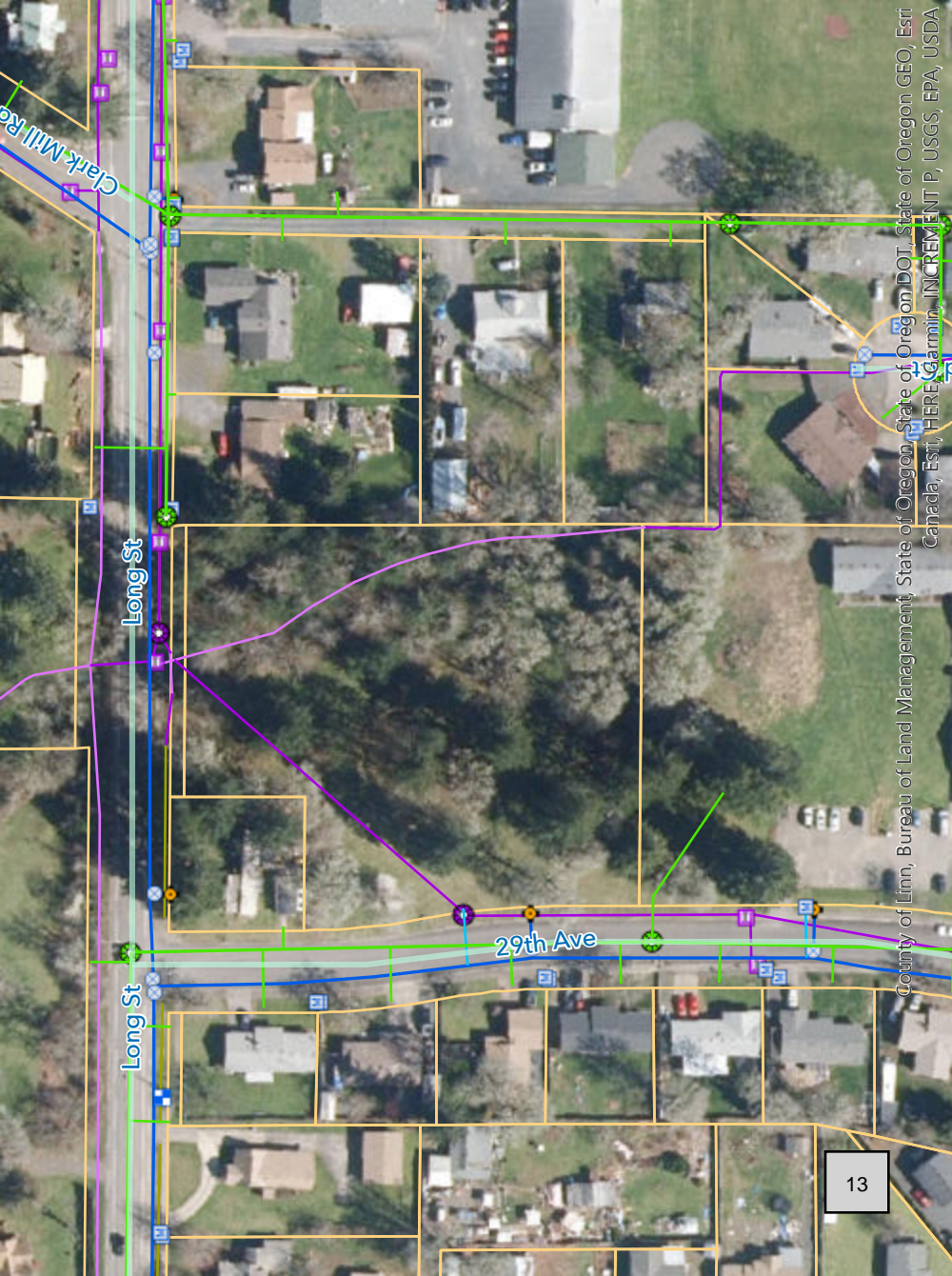
KALMIA CT

Subject Property Map  
ZMA23-03



1 inch = 142 feet





Clark Mill Rd

Long St

Long St

29th Ave

County of Linn, Bureau of Land Management, State of Oregon  
State of Oregon DOT, State of Oregon GEO, Estri  
Canada, Estri, HERE, HEREIN, INCREMENT P, USGS, EPA, USDA



**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: 09.20.23  
 Date Complete: 10.02.23  
 File Number: ZMA23-03  
 Application Fee: \$1,500.00  
 Receipt #: 5419  
 Planning Commission Hearing Date: 11.16.23  
 City Council Hearing Date: 12.12.23

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:**  
 Laura LaRoque, Udell Engineering and Land Surveying, LLC

**Applicant's Address:**  
 63 E. Ash Street, Lebanon, OR 97355

**Applicant's Phone Number:**  
 (541) 990-8661

**Applicant's Email Address:**  
 laura@udelleng.com

**Property A**

**Owner's Name:**  
 4L Ventures LLC & Evan Latimer

**Owner's Address:**  
 P.O. Box 310, Lebanon, OR 97355

**Owner's Phone Number:**  
 (541) 905-6532

**Owner's Email:**

**Property Address:**  
 Unassigned

**Assessor's Map and Tax Lot:**  
 13S-01E-32AC Tax Lot 4900

**Property Size Before:** \_\_\_\_\_ **Property Size After:** \_\_\_\_\_

**Zoning Classification:** R1 **Comprehensive Plan:** R3

**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 amend the zoning of the approximately 2.02-acre site from Residential Low Density (R1) to High Density Residential (R3).

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:**  
Laura LaRoque

**Property Owner's Signature:**  
Evan Latimer

**Property Owner's Signature:**  
Kyle Latimer member, 4L Ventures

**Property Owner's Signature:** \_\_\_\_\_

**Date:** 9/14/23

**Date:** 9/15/23

**Date:** 9/18/2023

**Date:** \_\_\_\_\_

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## ZONE MAP AMENDMENT APPLICATION

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Submitted to: Sweet Home  
Planning Department  
1140 12<sup>th</sup> Avenue Ste. A  
Sweet Home, OR 97386

Applicants/Property Owners: 4L Ventures LLC & Evan Latimer  
PO Box 310  
Lebanon, OR 97355

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355

Contact: Laura LaRoque  
Email: [laura@udelleng.com](mailto:laura@udelleng.com)  
Phone: (541) 990-8661

Site Location: Unassigned

Linn County Assessor's Map No.: 13S-01E-32AC Tax Lot 4900

Site Size: ±2.02-acres

Existing Land Use: Unimproved

Zone Designation: Residential Low Density (R1)

Comprehensive Plan Designation: High Density Residential (R3)

Surrounding Zoning: North: R1 (across Long Street)  
South: R1  
East: R1  
West: R1 (across 29<sup>th</sup> Street)

Surrounding Uses: North: Single Family Residential  
South: Multiple Family Residential  
East: Single Family Residential  
West: Single Family Residential



**I. Executive Summary**

The proposal is a request to rezone an existing ±2.02-acres vacant parcel from Residential Low Density (R1) Zone to the High Density Residential (R3) Zone. The subject property is generally located southeast of the Long Street and 29<sup>th</sup> Avenue intersection and is identified by Linn County Tax Assessor Map No. Township 13S, Range 1E, Section 32AC, Tax Lot 4900. The proposed R3 zoning designation is in conformance with the High Density Residential Comprehensive Plan Map designation.

The criteria for amending the Sweet Home Zone Map are found in Sweet Home Municipal Code (SHMC) 17.114.050 and are addressed in the applicant’s narrative below. This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

**II. Analysis of Development Code Criteria**

According to Sweet Home Municipal Code (SHMC) 17.114.020, a zone map amendment shall be reviewed in accordance with the Type IV review procedures specified in Chapter 17.128.

According to SHMC 17.114.030, the application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria.

**III. Review Criteria**

SHMC 17.114.050 includes the following review criteria that must be met for a property line adjustment to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

**Criterion A**

**The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.**

1.1 The subject property is generally located southeast of the Long Street and 29<sup>th</sup> Avenue intersection and is identified by Linn County Tax Assessor Map No. Township 13S, Range 1E, Section 32AC, Tax Lot 4900.

1.2 The application request includes a proposal to amend the zoning of the approximately 2.02-acre site from Residential Low Density (R1) to High Density Residential (R3).

1.3 The current Comprehensive plan map designation of the subject property is High Density Residential (R3). Therefore, proposed zone map amendment is consistent with the Comprehensive Plan Map designation.

1.4 According to the Sweet Home Comprehensive Plan, the purpose of the High-Density Residential Comprehensive Plan Designation is as follows:



*“To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.”*

The subject property is a suitable and desirable location for high-density residential development. It is centrally located within the community, close to major transportation corridors, community services, and local institutions and well served by both private and public utility and transportation infrastructure. It is also sufficient in size and configuration for development of a board range (or mix) of residential dwelling types, including high-density multiple family development.

1.5 The only policy specific to the High-Density Residential Comprehensive Plan Designation is as follows:

*“Policy 10 The maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for unit type.”*

Per SHMC 17.114.040, a site plan for future development of the site is not required in association with a zone map amendment request. Therefore, maximum density in accordance with Policy 10 will be reviewed in association with site development or land division application.

**Criterion B**

**The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.**

2.1 Per SHMC 17.14.020, outright permitted uses in the R3 zoning district are as follows:

1. *Single-family dwelling.*
2. *Single-family attached dwellings.*
3. *Duplex dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.*
4. *Multi-family dwelling.*
5. *Residential care homes and facilities, licensed by the State of Oregon.*
6. *Day care facility; day nursery for 12 or fewer children.*
7. *Open space and parks identified in The City’s adopted Parks Master Plan.*

2.2 Per SHMC 17.14.060, the dimensional standards for permitted uses are as follows:

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet



Duplex	5,000 square feet
Attached Dwelling	2,000 square feet
Multiple Family (3 or more)	9,000 square feet (parcel) 1,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	25 feet

2.3 The subject property is approximately 2.02-acres with a 280-foot-width and 335-foot-depth, which exceeds the minimum dimensional standards for all outright permitted uses. Therefore, this criterion is met.

**Criterion C**

**Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code.**

3.1 Per SHMC 17.14.020, outright permitted uses in the R3 zoning district are as follows:

- 8. *Single-family dwelling.*
- 9. *Single-family attached dwellings.*
- 10. *Duplex dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.*
- 11. *Multi-family dwelling.*
- 12. *Residential care homes and facilities, licensed by the State of Oregon.*
- 13. *Day care facility; day nursery for 12 or fewer children.*
- 14. *Open space and parks identified in The City’s adopted Parks Master Plan.*

3.2 Per SHMC 17.14.060, the dimensional standards for permitted uses are as follows:

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet
Duplex	5,000 square feet



Attached Dwelling	2,000 square feet
Multiple Family (3 or more)	9,000 square feet (parcel) 1,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	25 feet

3.3 The subject property is approximately 2.02-acres with a 280-foot-width and 335-foot-depth, which exceeds the minimum dimensional standards for all outright permitted uses, which exceeds the minimum dimensional standards for all outright permitted uses.

3.4 Per SHMC 17.114.040, a site plan for future development of the site is not required in association with a zone map amendment request. Therefore, all other development standards will be reviewed in association with either a building permit or land division request. However, based on the size and configuration of the property compliance with the development standards within the development code will be achievable. Therefore, this criterion is met.

**Criterion D**

**Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.**

Transportation

- 4.1 The Transportation Plan relevant for the subject property is the Sweet Home Transportation System Plan (TSP).
- 4.2 OAR 660-012-0060(1)(2) requires land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect," if:
  - a. A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
  - b. The City has an acknowledged the Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and

- c. The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject property complies with these criteria as follows:

- a. Sweet Home's Comprehensive Plan Map within the acknowledged Sweet Home Comprehensive Plan designates the subject property High Density Residential (R3). The proposed zoning amendment would not change the comprehensive plan map designation and the R3 zoning designation is an implementing zone for the High Density Residential (R3) Comprehensive Plan Map designation.
  - b. The Sweet Home TSP assumed this site would be developed with high-density residential uses. The proposed R3 zone is compatible with the long plan for high-density residential uses.
  - c. The subject property has been in the City's UGB since the time of adoption of the Comprehensive Plan and was not exempted from the Transportation Planning Rule. The City can find that all three (3) of these requirements are met.
- 4.3 The subject property adjoins Long Street and 29<sup>th</sup> Avenue. Both rights-of-way are classified as a local street. Long Street is fully improved to City standards and 29<sup>th</sup> Avenue partially improved to City standards (i.e., lacks a sidewalk along the east of the right-of-way). Any required site frontage improvements consistent with the TSP will be performed in association with a site development or land division application.

#### Sanitary Sewer

- 4.4 City utility maps show an 8-inch public sanitary sewer main in the 29<sup>th</sup> Avenue right-of-way along the frontage of the property, and an 8-inch public sanitary sewer main at the northeast property corner in the Long Street right-of-way.
- 4.5 The City's Wastewater Facility Plan does not indicate significant deficiencies downstream of the subject property and the system should be adequate for residential uses permitted outright in the R3 zoning district.

#### Water

- 4.6 City utility maps show a 10-inch public water main in the 29<sup>th</sup> Avenue right-of-way, and a 12-inch public water main in the Long Street right-of-way along the property frontages.
- 4.7 Public water system design and adequacy are typically dictated by the fire flow needs within an area or zone. The City of Sweet Home groups all residential uses in the same fire flow requirement category (3,500 gpm minimum), so the proposed zone map amendment would not affect the overall water needs of the site.

#### Storm Drainage

- 4.8 City utility maps show a 36-inch public storm drainage main transferring the property from 29<sup>th</sup> Avenue right-of-way to the Long Street right-of-way.



4.9 Storm water runoff from a development is generally dependent on the total area of impervious surfaces on the property. The Sweet Home Development Code determines the maximum amount of “lot coverage” in any particular zone. The greatest percentage of lot coverage would be 60 percent in the R3 zoning district. The greatest percentage of lot coverage that would be allowed within the R1 zoning district is 40 percent. Therefore, a change from the R1 to R3 zoning designation would allow for development that may result in a slightly higher amount of storm water runoff.

#### Schools

4.10 property is currently zoned for low-density residential development. The requested zone change from R1 to R3 could increase the number of children attending schools in this area. The Sweet Home Public Schools will be notified of the zone change application in advance of the final decision on this application.

#### Police and Fire Protection

4.11 The Sweet Home Police Department and Fire Department provide services to all development in Sweet Home, regardless of the zoning designation. No deficiencies in providing police and fire protection to this property have been identified.

#### Criterion E

**For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met.**

1.6 Per SHMC 17.14.010, the purpose of the R3 zoning district is as follows:

*“The purpose of the R-3 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-3 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside The City.”*

1.7 Per SHMC 17.14.020, outright permitted uses in the R3 zoning district are as follows:

15. *Single-family dwelling.*
16. *Single-family attached dwellings.*
17. *Duplex dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.*
18. *Multi-family dwelling.*
19. *Residential care homes and facilities, licensed by the State of Oregon.*
20. *Day care facility; day nursery for 12 or fewer children.*
21. *Open space and parks identified in The City’s adopted Parks Master Plan.*

1.8 The zone map amendment is consistent with the Sweet Home Comprehensive Plan and stated purpose of the R3 zoning district.

1.9 The R3 zoning district is appropriate for the subject site as it is centrally located within the community, close to major transportation corridors, community services, and local institutions and well served by both private and public utility and transportation infrastructure. It is also sufficient in size and configuration for development of a board range (or mix) of residential dwelling types, including high-density multiple family development.

**IV. OVERALL CONCLUSION**

Based on the above analysis, the proposed zone map amendment meets all the applicable review criteria as outlined above.

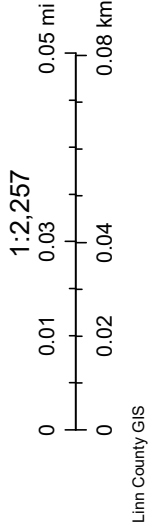
**V. ATTACHMENTS**

A. Site Map

# Subject Property - 13S-01E-32AC Tax Lot 4900



9/14/2023, 1:04:59 PM

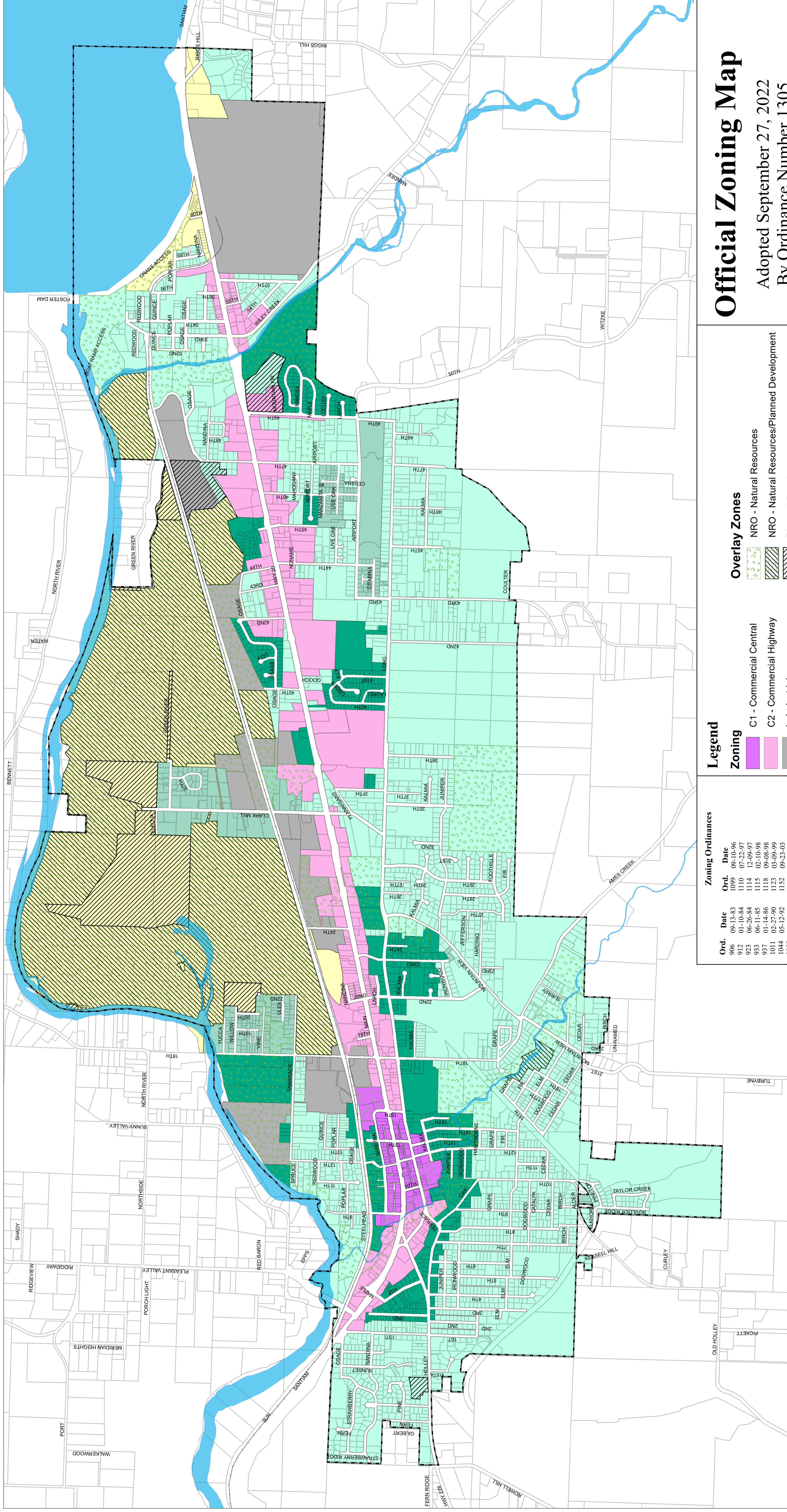


- Sales
- Address
- Permits
- Elevation Certificates
- LOMAs
- Railways
- Highways
- Roads
- City Limits
- Tax Lots
- County Boundary

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 map created using the Linn County Oregon web mapping application.

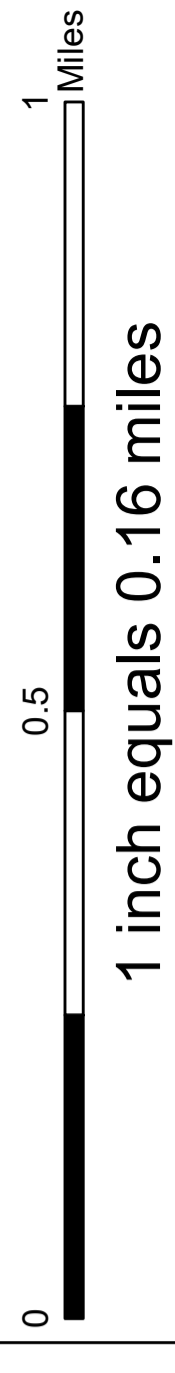


# Sweet Home Zoning



## Official Zoning Map

Adopted September 27, 2022  
By Ordinance Number 1305  
Updated by Later Zoning Ordinances



### Legend

Zoning	Overlay Zones
C1 - Commercial Central	NRO - Natural Resources
C2 - Commercial Highway	NRO - Natural Resources/Planned Development
I - Industrial	Planned Development
R1 - Residential Low-Density	City Limits
R2 - Residential Medium-Density	Taxlots
R3 - Residential High-Density	
RC - Recreation Commercial	

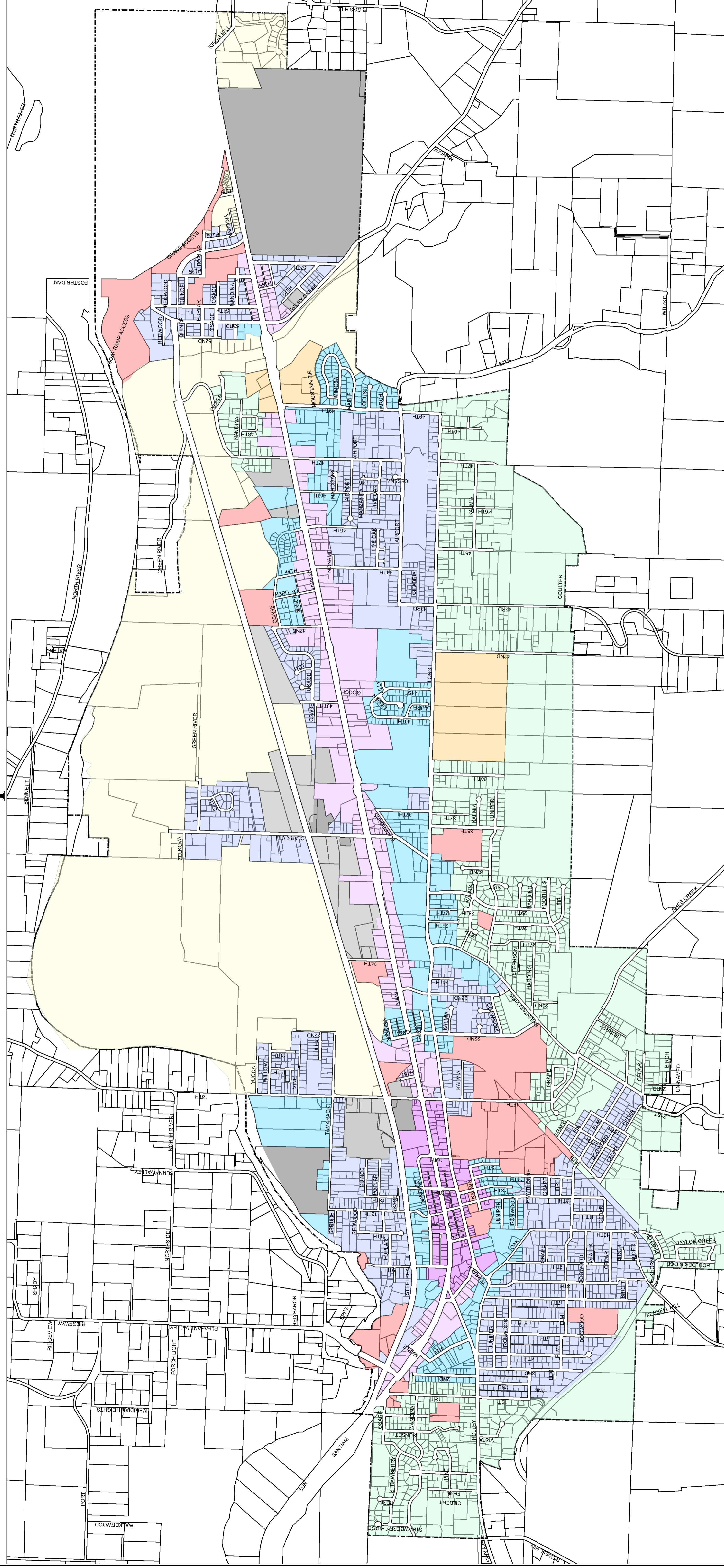
### Zoning Ordinances

Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1069	06-22-93	1169	03-22-05
1070	04-26-94	1178	01-10-06
1080	11-08-94	1181	03-14-06
1081	12-13-94	1193	09-11-07
1083	06-19-96	1197	12-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
1105	05-27-97	1305	09-27-22

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.  
 Created By:  
 City of Sweet Home  
 Community Development Department  
 541-367-8113  
 Print Date: 10/27/2022  
 Reproduced by PR 3/26/15 from original by SV 01/09/09  
 Updated by JG 10/27/22



# Sweet Home Comprehensive Plan



### AMENDING ORDINANCES

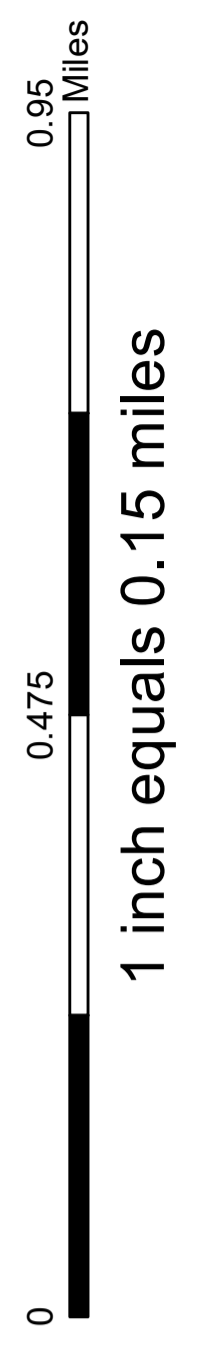
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933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-99
1151	09-23-03
1197	12-11-07
1305	09-27-22

### Legend

- Zoning Types**
- C1 - Central Commercial
  - C2 - Highway Commercial
  - I - Light Industrial
  - I - General Industry
  - I - Heavy Industrial
  - R1 - Low Density Residential
  - R2 - Medium Density Residential
  - R3 - High Density Residential
  - MU - Mixed Use
  - MUE - Mixed Use Employment
  - PF - Public Facility
- Taxlots**
- Urban Growth Boundary

## Official Comprehensive Plan Map

Adopted September 27, 2022  
 By Ordinance Number 1305  
 Updated by Later Annexation Ordinances



Created By:  
 City of Sweet Home  
 Community Development Department  
 541-367-8113

Print Date : 10-31-2022

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Reproduced by PR 9/12/14 from original by SV 01/09/09  
 Updated by JG Oct 2022



**From:** [Columbus Maintenance](#)  
**To:** [Angela Clegg](#)  
**Cc:** [michaeldeolus@yahoo.com](mailto:michaeldeolus@yahoo.com)  
**Subject:** FW: Fw: File Number : ZMA23-03 Low Density Residential (R-1) Zone To High Density Residential (R-3)  
**Date:** Tuesday, November 7, 2023 4:03:12 PM

---

Michael DeOus

1193 29<sup>th</sup> Ave Sweet Home Or, 97386

11/07/2023

Subject: Opposition to Rezoning Proposal from Low Density Residential (R-1) Zone to High Density Residential (R-3)

Dear Planning Commission and City Council of Sweet Home Oregon

I am writing to express my strong opposition to the proposed rezoning of the residential area in Sweet Home Tax lot 4900. To a high-density community. I believe that this rezoning proposal is not in the best interest of our neighborhood and would have detrimental effects on the community.

**Zoning Consistency :** Spot Zoning of a specific parcel to accommodate apartment construction, which could be inconsistent with the existing zoning regulations of the surrounding area. This inconsistency can lead to concerns about the overall integrity of the zoning plan and land use patterns.

**Fairness and Equitability :** Spot Zoning decisions can raise questions of fairness and equitability, as they may seem to favor specific developers or landowners over others. This can lead to public opposition and legal challenges, especially if it appears that the zoning change is made for private gain rather than the public Interest.

**Impact on Neighbors :** Neighboring property owners object to spot zoning and believe it will negatively affect their properties or quality of life. Concerns about increased traffic , noise, reduced property values, or changes in the character of the neighborhood.

Comprehensive Planning : Spot zoning can undermine the goals and objectives of comprehensive land use and zoning plans. It's important to consider how the proposed Spot zoning change aligns with the long-term planning objectives for the community.

Thank you

Michael DeOlus

Sweet Home Resident



**Staff Report Presented to the Planning Commission**

**REQUEST:** The applicant is seeking a variance to allow for a 3-foot interior side setback along 14 feet of a proposed duplex. 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 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the interior side yard setback is 5 feet per story. The remainder of the proposed duplex, approximately 29 feet, is within the 10% quantifiable setback standard.

Application VR23-04 is being filed simultaneously with Application AD23-01. Application AD23-01 is pending an Administrative Decision and is not decided upon by the Planning Commission.

- APPLICANT & PROPERTY OWNER:** James Hurley
- FILE NUMBER:** VR23-04
- PROPERTY LOCATION:** 1307 22<sup>nd</sup> 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) 17.14.050, 17.14.060 17.20.020, and 17.106.060
- HEARING DATE & TIME:** November 16, 2023 at 6:30PM
- HEARING LOCATION:** City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386
- STAFF CONTACT:** Diane Golden, Associate Planner  
 Phone: (541) 367-8113; Email: dgolden@sweethomeor.gov
- REPORT DATE:** November 9, 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 22<sup>nd</sup> Avenue, Larch Street and an alley on the north property boundary.

**Water and Sewer Services:** The subject property has access to City water services in 22<sup>nd</sup> 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: October 19, 2023

Application Deemed Complete: October 19, 2023

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: October 23, 2023

Notice Published in New Era Newspaper: October 25, 2023

Date of Planning Commission Hearing: November 16, 2023

120-Day Processing Deadlines: February 16, 2024

**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.

**Sweet Home Fire District:** No comments as of the mailing of this notice.

**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: I need a variance on the east/north corner of the lot equaling 14 feet of the building with 3 feet of setback. The remainder of the setbacks are within the 10% quantifiable standard.

Staff Findings: The applicant is asking for a 3-foot setback along 14 feet of the proposed duplex. 28.5 feet of the proposed duplex is within the 10% quantifiable interior side setback standards of the R-3 zone. The subject property is a pre-existing, nonconforming lot. The lot area is approximately 3,468 square feet. The minimum lot size for a duplex in the R-3 zone is 5,000 square feet. The lot is abnormally shaped with an existing foundation that the applicant wishes to use to reduce development costs.

Staff finds that the unique physical circumstances of the subject property make a variance necessary for the applicant to build the proposed duplex shown on the site plan (see Attachment B).

- 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 used to its full potential.

Staff Findings: The subject property abuts nonconforming residential properties in the C-2 zone to the north, east and west (see Attachment A). The proposed variance shall allow the applicant to preserve and enjoy the property rights the same as the owners of other nonconforming properties in the vicinity.

- 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, bringing this residence to the area would bring housing to the area that matches the 20-year plan.

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. 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: No, lot size has dictated to the use in the zoning.

Staff Findings: The request for a variance did not arise because of a property line adjustment or partition. The applicant is requesting to develop a duplex on a pre-existing, nonconforming 3,468

square foot lot. The size and abnormal shape of the lot make it necessary for the applicant to apply for a variance in order to utilize the existing foundation and reduce development costs.

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

Applicant's Comments: Yes, I have been working with staff to obtain the proper setbacks.

Staff Findings: A previous variance application was submitted by the applicant on July 26, 2023. On September 21, 2023 the Planning Commission denied the application. The staff met with the applicant to discuss options for moving forward at which time staff discovered that the incorrect variance had been applied for at the direction of staff. The applicant submitted a revised site plan for review and worked with staff to identify the minimum variance to alleviate the hardship because of the size and shape of the property. Staff feels that the request for a 3-foot setback along 14 feet of the duplex is the minimum variance needed. All other setbacks are below the 10% quantifiable setback 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 City of Sweet Home engineering Standards, Sweet Home Municipal Code 17.14 Residential High Density (R-3) Zone, and the Oregon Residential Specialty Code.

**IV. STAFF RECOMMENDATION**

Staff finds the applicant has requested the minimum variance necessary to alleviate the hardship due to the physical circumstances of the subject property. Staff has 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. The final configuration of proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B.
2. Administrative approval of Adjustment Application AD23-01 shall be required. Approval of Application VR23-04 shall be denied should the CEDD Director deny Application AD23-01.
3. All development shall comply with the City of Sweet Home engineering Standards and the development standards of SHMC 17.14.070.
4. The applicant shall demonstrate that the duplex will meet Oregon Residential Specialty Code.

**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 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 VR23-04 and thereby permit the variance for the subject lot located at 1307 22<sup>nd</sup> 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 VR23-04 and thereby deny the request for a variance for the subject lot located at 1307 22<sup>nd</sup> 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

**VII. ATTACHMENTS**

- A. Subject Property Map
- B. Site Plan
- C. VR23-04 Application
- D. Application AD23-01 (For Information Only)

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.



SUBJECT PROPERTY

LARCH ST

22ND AVE

VR23-04 and AD23-01  
Subject Property Map



1 inch = 32 feet





**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: 10.19.23  
 Date Complete: 10.19.23  
 File Number: VP-23-04  
 Application Fee: N/A  
 Receipt #: —  
 Planning Commission Hearing Date: 11.16.23  
 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  
 Applicant's Address: 35890 SANTIAM HWY

Applicant's Phone Number: 541-730-1698  
 Applicant's Email Address: \_\_\_\_\_

**Property A**

Owner's Name: James Hurley  
 Owner's Address: 1307 22nd Ave  
 Owner's Phone Number: James@hurleyPAINT.com  
 Owner's Email: 1307 22nd Ave  
 Property Address: 32 bc 2700  
 Assessor's Map and Tax Lot: 3949  
 Property Size Before: C-2 Property Size After: R-3  
 Zoning Classification: \_\_\_\_\_ Comprehensive Plan: \_\_\_\_\_

**Property B**

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

**Nature of Applicant's Request**

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

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: [Signature] 19 OCT 23  
 Property Owner's Signature: \_\_\_\_\_  
 Property Owner's Signature: \_\_\_\_\_  
 Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_





**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:

*I need VARIANCE on the East/North corner of the Lot  
 Equalling 14 Feet of The Building with 3' of Set Back. Remainder  
 of the setbacks - are within the 10% quantifiable Standard*



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 used to its full potential

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, bringing this residence to the area would bring housing to the area matches the 20yr plan

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

No, lot size has dictated to the use in the zoning

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

yes, I have been working with staff to obtain the proper setbacks

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

yes, will be designed to meet code



In the matter of the ) Adjustment  
Adjustment requested by ) File No. AD23-01  
James Hurley )

**NOTICE OF ADMINISTRATIVE DECISION ON A LAND PARTITION APPLICATION**

**FINDINGS OF FACT**

**CHARACTERISTICS OF PROPERTY**

1. Location: The property, located at 1307 22<sup>nd</sup> Avenue, Sweet Home, Oregon 97386, is north of Larch Street and east of 22<sup>nd</sup> Avenue.
2. Zoning and Plan Designation: The subject property is zoned Highway Commercial (C-2). The 2022 Comprehensive Plan land use classification for the subject property is High Density Residential. The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities, or which have potential for such activity as long as sufficient vehicular access control is maintained. (SHMC 17.20.010).
3. Site Description: The subject property is a vacant lot with an existing foundation.

**SUMMARY**

1. The applicant is seeking an adjustment to allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback for a proposed duplex. Per the SHMC amendments approved on July 25, 2023 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the streetside setback is 15 feet and the rear setback is 10 feet. Per SHMC 17.100.010 an adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. The streetside setback is a 9% change, and the rear setback is a 9% change.

Application AD23-01 is being filed simultaneously with Application VR23-04. Application VR23-04 will be decided upon during a public hearing with the Planning Commission on November 16, 2023.

2. There are City water services in 22nd Avenue and City sewer services in the alley abutting the northern property boundary. Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not in the 100-year floodplain. The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

3. Public Notice and Comments: Public Notices were distributed in accordance with Chapter 17.124.010(D, E).
4. The Community and Economic Development Director deliberated on this matter and passed a motion to approve the application on November 13, 2023. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.

## APPEAL PROCEDURE

**17.124.010(H): Appeals and reconsideration. All Type II land use decisions may be appealed to the Planning Commission. The appeal shall be submitted within 12 days of the date the decision is mailed.**

**17.124.010(I): Planning commission hearing and notice of appeal. If a Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission. The Planning Commission shall conduct the hearing consistent with procedures set forth in Chapter 17.130. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the original decision. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 17.126.01.**

**17.124.010(K): Appeals. All appeals of Type II land use decisions of the Planning Commission may be appealed to the City Council. The appeal shall be submitted within 12 days of the date the decision is mailed on forms provided by The City.**

**17.124.010(L): City council hearing and notice of appeal. If the Planning Commission decision on a Type II decision is appealed, City staff shall schedule a hearing before the City Council. The City Council shall conduct the hearing consistent with procedures set forth in Chapter 17.132. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the Planning Commission decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 17.126.01.**

**17.124.010(N): Appeal of city council decision. All appeals heard by the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.**

The fee for appeal of this decision would be \$610.00.

## CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for an adjustment was reviewed by the Community and Economic Development Director based on the applicable criteria in the Staff Report below.

## CONCLUSION:

The Community and Economic Development Director finds that the criteria presented in the staff report have been met.

**Conditions of Approval:**

1. The final configuration of the proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal shall allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback from the proposed duplex.
2. The Planning Commission approval of Variance Application VR23-04 shall be required. Approval of Application AD23-01 shall be denied should the Planning Commission deny Application VR23-04.
3. All development shall comply with the development standards of SHMC 17.20.060.
4. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

**ORDER**

Based on the Findings and Conclusions above, the Community and Economic Development Director, approved with conditions, the partition request for the 1307 22<sup>nd</sup> Avenue Sweet Home, Oregon, Map 32BC, Tax Lot 2700.

DECISION DATE: November 13, 2023

MAILING DATE: November 14, 2023

APPEAL DEADLINE: November 26, 2023

\_\_\_\_\_  
Blair Larsen, CEDD Director

\_\_\_\_\_  
Date

The decision made by the CEDD Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline (12 days from the date of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113).

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 is available for inspection at no cost and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 367-8113

## SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** The applicant is seeking an adjustment to allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback for a proposed duplex. 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 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the streetside setback is 15 feet and the rear setback is 10 feet. Per SHMC 17.100.010 an adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. The streetside setback is a 9% change, and the rear setback is a 9% change.

Application AD23-01 is being filed simultaneously with Application VR23-04. Application VR23-04 will be decided upon during a public hearing with the Planning Commission on November 16, 2023.

### APPLICANT &

**OWNER:** James Hurley

**FILE NUMBER:** AD23-01

**PROPERTY LOCATION:** 1307 22<sup>nd</sup> Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 2700.

### REVIEW AND

**DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.14.050, 17.14.060, 17.20.020, 17.100.060

### STAFF CONTACT:

Diane Golden, Associate Planner  
Phone: (541) 367-8113, Email: dgolden@sweethomeor.gov

## 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

### Property Information:

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

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

**Access:** The Proposed duplex has access from 22<sup>nd</sup> Avenue and Larch Street.

**Sidewalks:** There is an existing sidewalk along 22<sup>nd</sup> Avenue.

Services: The subject property has access to City water services in 22<sup>nd</sup> 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.

Street: The proposed parcel abuts approximately 68 feet of 22<sup>nd</sup> Avenue, abuts approximately 50 feet of Larch Street, and abuts approximately 50 feet of an alley.

### **Notice and Timelines**

Application Received:	October 19, 2023
Application Deemed Complete:	October 19, 2023
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	October 23, 2023
Notice Published in New Era Newspaper:	October 25, 2023
120-Day Processing Deadlines:	February 16, 2024

### **I. COMMENTS RECEIVED**

**CEDD Engineering:** No comments as of the issuance of this staff report.

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

**Building Division:** No comments as of the issuance of this staff report.

**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.

### **II. REVIEW CRITERIA AND FINDINGS OF FACT**

An application for an adjustment is subject to the review criteria listed in Sweet Home Municipal Code Sections 17.14.050, 17.14.060, 17.20.020, 17.100.060. Staff Findings of Fact and analysis are as follows.

#### **17.100.040 Submittal Requirements**

- A. *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.***
- 1. *General information. The following general information shall be shown on the site plan:***
    - a. *Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.***
    - b. *North arrow and scale of drawing.***
    - c. *Tax map and tax lot number or tax account of the subject property.***



- d. **Dimensions and size in square feet or acres of the subject property.**
- e. **Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.**
- f. **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.**
- g. **A site plan or other information clearly indicating the proposed adjustment, including dimensions if applicable.**

**B. At the discretion of The City, specific requirements may be waived provided there is sufficient information to allow processing of an application.**

Staff Findings: The applicant submitted a proposed site map on October 19, 2023, with the applicable criteria listed above.

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

### **17.100.050 Adjustment Applicability**

**A. An applicant may propose a modification from a standard or requirement of this Development Code, except when one or more of the following apply:**

- 1. The proposed request would allow a use which is not permitted in the district.**

Staff Findings: The applicant is proposing to develop a duplex. Duplexes are a permitted use per SHMC 17.20.020(A) and 17.14.

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

- 2. Another procedure and/or criterion is specified in the Development Code for modifying or waiving the particular requirement or standard.**

Staff Findings: The applicant could apply for a variance for modifying setback standards. The requested adjustment is under the 10% change in quantifiable standard, therefore a variance is not necessary. Staff has not identified another procedure and/or criterion in the development code for modifying or waiving the setback standards.

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

- 3. Modification of the requirement or standard is prohibited within the district.**

Staff Findings: The proposed setback adjustments are allowed via an adjustment or variance.

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

- 4. Adjustments are not allowed for sign standards, or minimum lot sizes.**

Staff Findings: The applicant is not proposing an adjustment to a sign standard or a minimum lot size.

### **17.100.060 Decision Criteria**

**A. Approval of an Adjustment shall require compliance with the following:**

- 1. The particular proposed development otherwise clearly satisfies the intent and purpose of the provision being adjusted.**

Staff Findings: The intent and purpose of the adjustment is to allow for a duplex on a non-conforming parcel. The parcel is a corner lot of approximately 3,468 square feet. The minimum lot area in the Residential High Density (R-3) zone is 5,000 square feet. Per SHMC 17.20.020(A), duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone. Per SHMC 17.14.060, in the R-3 Zone, the streetside setback is 15 feet and the rear setback is 10 feet. The applicant is asking for no more than a 10% change in a quantifiable standard. The proposed streetside setback of 13'6" is a 9% change, and the proposed rear setback of 9' is a 9% change.

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

**2. *The proposed development will not unreasonably impact adjacent existing or planned uses and development.***

Staff Findings: The subject property is surrounded by nonconforming residential developments in the Commercial Highway (C-2) zone. The applicant improved the subject property by clearing the debris and vegetation that was previously on the property. Staff feels that the proposed development will not unreasonably impact existing or planned uses and developments on adjacent properties.

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

**3. *The Adjustment does not expand or reduce a quantifiable standard by more than 10% and is the minimum necessary to achieve the purpose of the Adjustment.***

Staff Findings: The proposed streetside setback is of 13'6" is a 9% change, and the proposed rear setback of 9' is a 9% change. The applicant is asking for no more than a 10% change in a quantifiable standard.

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

**4. *There has not been a previous land use action prohibiting an application for an Adjustment.***

Staff Findings: There has not been a previous land use action prohibiting an application for an Adjustment.

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

### **III. 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 II), 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. The final configuration of the proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal shall allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback from the proposed duplex.

2. The Planning Commission approval of Variance Application VR23-04 shall be required. Approval of Application AD23-01 shall be denied should the Planning Commission deny application VR23-04.
3. All development shall comply with the development standards of SHMC 17.20.060.
4. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

#### **IV. ATTACHMENTS**

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

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 through Friday, excluding holidays.

FOR INFORMATION ONLY



SUBJECT PROPERTY

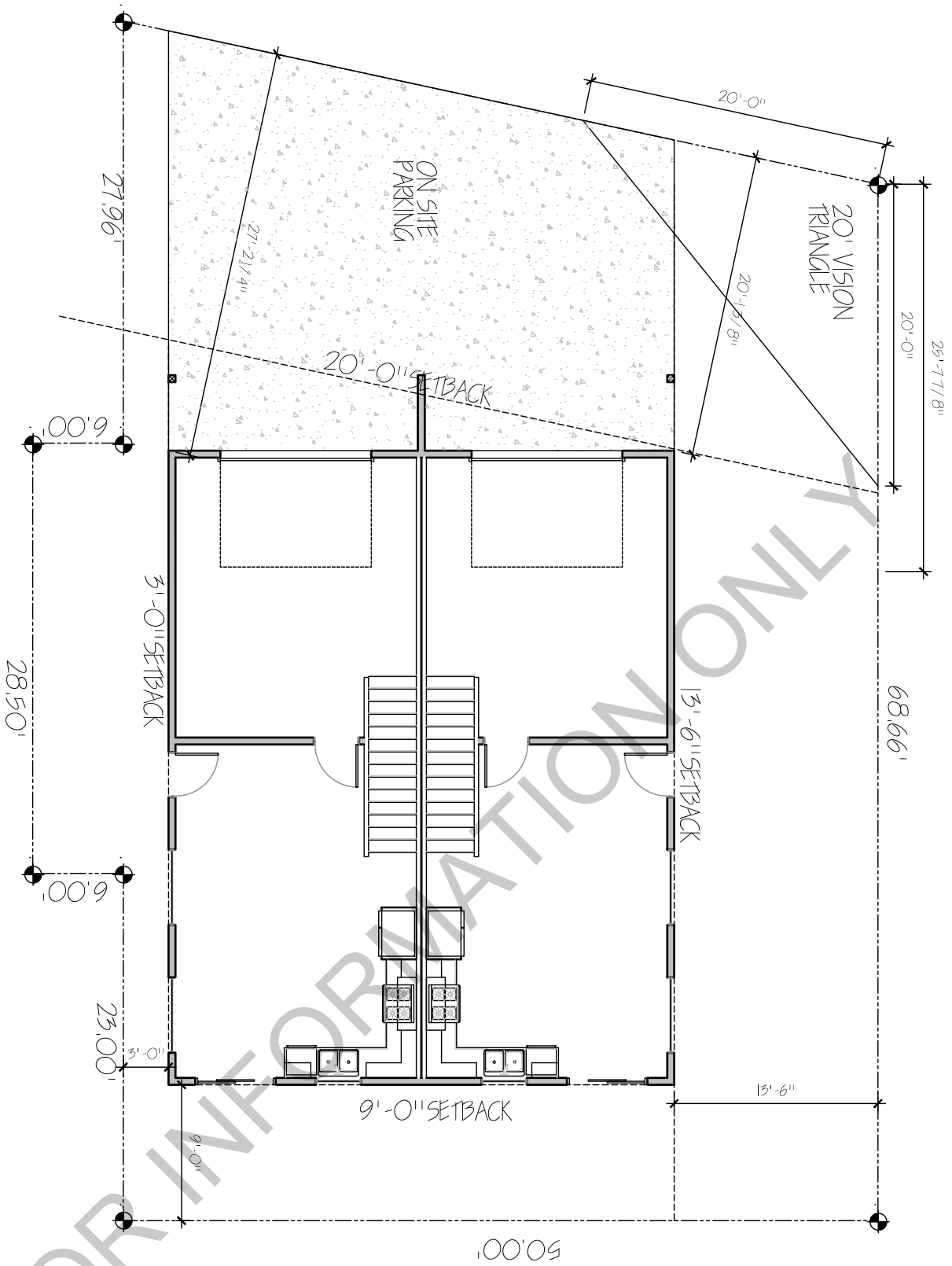
LARCH ST

22ND AVE

VR23-04 and AD23-01  
Subject Property Map

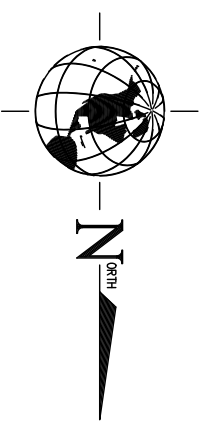
Date: 10/23/23

22nd ST.



FOR INFORMATION ONLY

- |  |                         |  |                                                |
|--|-------------------------|--|------------------------------------------------|
|  | GAS STUBOUT             |  | (SPECIES & DIA AS NOTED)<br>TREE TO BE REMOVED |
|  | WATER STUBOUT           |  | FIRE HYDRANT                                   |
|  | WATER VALVE             |  | SEWER STUBOUT                                  |
|  | PROPERTY CORNER         |  | CATV PEDESTAL                                  |
|  | MONUMENT FOUND AS NOTED |  | TELEPHONE PEDESTAL                             |
|  | COUNTOUR (ASSUMED ELEV) |  | ELECTRIC PEDESTAL                              |
|  | EASEMENT / SETBACK LINE |  |                                                |
|  | CONCRETE CURB           |  |                                                |
|  | UTILITY LINE (AS NOTED) |  |                                                |
|  | PROPERTY BOUNDARY       |  |                                                |
|  | GROUND SLOPE            |  |                                                |



SITE PLAN

COPYRIGHT 2023

DATE: 10-13-2023

SCALE: 1"=10'

FILE # XXX

PROJECT: XXX

P  
A  
G  
E  
5





**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: 10.19.23  
 Date Complete: 10.19.23  
 File Number: AD23-01  
 Application Fee: —  
 Receipt #: —  
 Planning Commission Hearing Date: —  
 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  
 Applicant's Address: 35890 Santiam Hwy

Applicant's Phone Number: 541-730-1698  
 Applicant's Email Address: james@hurleypaint.com

**Property A**  
 Owner's Name: James Hurley  
 Owner's Address: 1307 22nd Ave  
 Owner's Phone Number: 541-730-1698  
 Owner's Email: james@hurleypaint.com  
 Property Address: 1307 22nd Ave  
 Assessor's Map and Tax Lot: 32BC 2700  
 Property Size Before: 3949 Property Size After: 3949  
 Zoning Classification: C-2 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.

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: [Signature]  
 Property Owner's Signature: [Signature]  
 Property Owner's Signature: \_\_\_\_\_  
 Property Owner's Signature: \_\_\_\_\_

Date: 19 Oct 23  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_





APPENDIX A

ADJUSTMENTS

For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a modification to the requirements. An Adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. [SHMC 17.100.010]

Adjustments applications shall be reviewed in accordance with the Type II review procedures specified in Chapter 17.124. [SHMC 17.100.020]

An application for an Adjustment shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.124. [SHMC 17.100.030]

SHMC 17.100.040 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 adjustment, including dimensions if applicable.
- B. Do any of the criteria in SHMC Chapter 17.100.050 Apply?  Yes  No  
If applicant answered yes, the proposal does not qualify for an adjustment.
- C. Does the Adjustments expand or reduce a quantifiable standard by more than 10%?  Yes  No  
If applicant answered yes, the proposal does not qualify for an adjustment.

D. Does the particular proposed development otherwise clearly satisfy the intent and purpose of the provision being adjusted? Explain:  
Yes, with The Adjustment <sup>IS IN</sup> ~~OF~~ The 10% quantifiable standard



E. Will the proposed development unreasonably impact adjacent existing or planned uses and development?

Explain:

No, greatly Improves the current use of Lot

F. Is the Adjustment the minimum necessary to achieve the purpose of the Adjustment? Explain:

yes, under 10' standard

G. Has there been a previous land use action prohibiting an application for an Adjustment?  Yes  No

If yes, explain:

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