



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

June 01, 2020, 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.

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the Planning Commission, boards and City Council, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission 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 City Council meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

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: May 4, 2020

Public Hearings

File VR20-01: The applicant is seeking a variance to allow a length to width ratio greater than 2.5:1 required in SHMC 16.12.030 (D). The western portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment C). The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio. Per Application ZMA 19-03 and Ordinance No. 1284, approved by the Sweet Home City Council on April 14, 2020, the properties are in the Residential Low Density (R-1) Zone.

Staff Updates on Planning Projects:

Development Code Update

Pending Applications

Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

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

May 04, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

Chairman Parker: Present
Commissioner Wothuis: Present
Commissioner Gatchell: Present
Commissioner Stephens: Present
Commissioner Journey: Present
Commissioner Korn: Present
Commissioner Unger: Present

Staff: Blair Larsen, CEDD Director; Brandon Neish, Finance Director; Angela Clegg, Associate Planner

Visitors:

Via Phone: Bill Lund, 6331 Lake Pointe Way, Sweet Home, OR 97386

Introduction of new commissioner Candice Unger

Public Comment:

None

Meeting Minutes: April 6, 2020

Commissioners Comments: Commissioner Journey recommended to add Walt Wendolowski's last name and affiliation with Morgan CPS on page 3 of CEDD Director Larsen's code update summary.

Commissioner Stephens moved to approve the April 6, 2020 meeting minutes with changes.

Commissioner Journey seconded the motion to approve the meeting minutes with changes

Question was called by roll call vote:

Chairman Parker: Aye
Commissioner Wothuis: Aye
Commissioner Gatchell: Aye

Commissioner Stephens: Aye
Commissioner Journey: Aye
Commissioner Korn: Aye
Commissioner Unger: Aye

Motion Passed (7) Ayes to (0) Nays

Public Hearing

File ZMA20-01: The applicant is proposing to change the Zoning Map in an area consisting of 8.72 acres located at 4472 Highway 20, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Commercial Highway (C-2) Zone to the Residential High Density (R-2) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and make a decision on this application.

PUBLIC HEARING OPENED AT 6:39 PM

Chairman Parker read the description of the application and the Planning Commission criteria.

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.

Personal Bias: None
Conflict of Interest: None
Exparte Information: None

Comments/Discussion:

Associate Planner Clegg introduced the application.

Chairman Parker asked the applicant to testified. Bill Lund, the applicant, testified on behalf of the application and explained the proposed plans. The applicant is proposing a zone change to create a possible Planned Development (PD), 1 acre green space/rec area, and a possible swimming pool.

PUBLIC HEARING CLOSED AT 6:50 PM

Commissioners Discussion:

Commissioner Wolthuis stated that the proposal is a good use for property. He asked about buildable land versus unbuildable

Commissioner Journey stated the zone change is a reasonable request

Commissioner Stephens agreed with Commissioner Journey.

Chairman Parker agrees with the zone change plan.

Commissioner Gatchell agrees with the plan.

PUBLIC HEARING REOPENED AT 6:54 PM

Commissioners asked applicant to explain why there are approximately 3 unbuildable acres.

Mr. Lund explained that there is some steep terrain, a creek and other difficult topographical areas that are unbuildable on the property.

PUBLIC HEARING CLOSED AT 6:57 PM

Commissioner Korn moved to approve application ZMA20-01 and thereby permit the Zone Map Amendment, adopting the findings of fact listed in Attachment A of the staff report with the additional recommendations listed above, and recommending the City Council hold a public hearing on Tuesday, May 26, 2020 at 6:30 PM and make a decision on the application.

Commissioner Stephens seconded the motion to approve.

Question was called by roll call vote:

Chairman Parker: Aye
Commissioner Wothuis: Aye
Commissioner Gatchell: Aye
Commissioner Stephens: Aye
Commissioner Journey: Aye
Commissioner Korn: Aye
Commissioner Unger: Aye

Motion Passed (7) Ayes to (0) Nays

Staff Updates on Planning Projects:

CEDD Director Larsen discussed the Flood Hazard Ordinance read at City Council meeting on Tuesday, April 28, 2020. The recommendations by Planning Commission were not approved by Department of State Lands (DSL). No changes were made to the ordinance before presenting it to the City Council.

Development Code Update: CEDD Director Larsen is receiving chapters from Morgan CPS. There was discussion about the RMT zone, there will be a discussion about getting rid of the RMT zone and proposing to change it to a residential zone. Commissioner Parker asked about what zone to may be changed to. Larsen said it will be brought to the Commissioners for review.

Another issue discussed is that the comprehensive plan does not fit with the current zoning. There is a need to update the residential zoning numbering; R-1, R-3, and R-2. Put in order. Also, there is a proposal to get rid of R-4 and C-3. Chairman Parker and Larsen discussed what a mixed-use zone would look like if the R-4 and C-3 zones were to be deleted.

The Planned Development overlay zone gives developers a lot of flexibility with use, but its only available in certain parts of the city. It was recommended by Walt Wendolowski, Morgan CPS, to add to our code to allow it any where in the city.

Larsen stated that the Planning Commission will need to decide what to do the Recreation Commercial (RC) zone. Looking at changing it to a more traditional, usable zone and leave it open for a planned development. Larsen suggested preserving industrial along the railroad tracks. Could be light or heavy industrial. More discussion can be had at a later date.

Associate Planner Clegg gave an update on pending land use applications.

Adjournment at 7:19

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Jeff Parker, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner

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Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.sweethomeor.gov

Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow a length to width ratio greater than 2.5:1 required in SHMC 16.12.030 (D). The western portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment B). The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio. Per Application ZMA19-03 and Ordinance No. 1284, approved by the Sweet Home City Council on April 14, 2020, the properties are in the Residential Low Density (R-1) Zone. Per Application PLA19-12, approved by administrative decision May 12, 2020, there was a property line adjustment Between tax lot 00109 and tax lot 02200 (see Attachment C).

APPLICANT: Liberty Rock

PROPERTY OWNER: Liberty Rock

FILE NUMBER: VR20-01

PROPERTY LOCATION: North of Highway 20, west of 53rd Avenue, and east of Wiley Creek, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lot 02200.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.88.040, 16.28.020, 16.12.030.

HEARING DATE & TIME: June 1, 2020

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: May 22, 2020

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1) per ZMA19-03	Low Density Residential per ZMA19-03
Property North	Residential Low Density (R-1) per ZMA19-03	Low Density Residential per ZMA19-03

Property East	Residential Low Density (R-1)	Medium Density Residential Highway Commercial
Property South	Residential High Density (R-2) Commercial Highway (C-2)	Planned Recreation Commercial Highway Commercial
Property West	Residential Low Density (R-1)	Planned Recreation Commercial

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0916G, dated September 29, 2010. The western portion of Proposed Parcel 1 and Proposed Parcel 2 are in the Special Flood Hazard Area and in the 100-year floodplain.

Wetlands: Wiley Creek and the 50-foot riparian zone of Proposed Parcels 1 and 2 are in a Significant Wetland. The western portion of Proposed Parcel 1 and Proposed Parcel 2 are in the 100-year floodplain listed on the National Wetlands Inventory (NWI) Map or on the Sweet Home Local Wetlands Inventory Map.

Access: Proposed Parcel 1 would have access from 53rd Avenue. Proposed Parcel 2 would have access from 53rd Avenue and Highway 20.

Water and Sewer Services: Proposed Parcel 1 and Parcel 2 have access to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received: April 30, 2020

Application Deemed Complete: May 5, 2020

Notice Distribution to Neighboring Property
Owners Within 100 feet and Service Agencies: May 6, 2020

Notice Published in New Era Newspaper: May 13, 2020

Date of Planning Commission Hearing: June 1, 2020

120-Day Processing Deadlines: September 2, 2020

II. COMMENTS

CEDD Engineering: Project & Location: Regarding VR20-01, the ground topography of Wiley Creek is a significant feature impacting approximately 25-30% of the land area.
Streets & Stormwater: The 53rd Ave and Nandina St roadways are accessible. The Wiley Creek channel is roughly 30ft below the area noted on the map as "Top of Bank".
Water & Sanitary Sewer: Water and Sanitary Sewer are available from 53rd Ave.
Comments & Recommendations: CEDD-ISC have no issues.

Public Works Division: Public Works has no concerns with PLA19-13 or VR20-01 at this time.

Building Division: The Building Program has no issues with these requests.

Fire Department: 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.

- A. A determination that the criteria have been met involves the balancing of competing and conflicting interests. The following considerations may be used as guidelines in the granting authority's deliberations.**
- a. Whether the situation that created a need for a variance was created by the person requesting the variance;**
 - b. The economic impact upon the person requesting the variance if the request is denied;**
 - c. An analysis of the physical impacts the development could have, such as visual, noise, traffic, and increased potential for drainage, erosion or landslide hazards;**
 - d. Preservation of native tree species such as Oregon White Oak and Pacific Madrone over eight inches in caliper or Douglas Fir, Willamette Valley Ponderosa Pine, Big Leaf Maple, Incense and Western Red Cedar over 12 inches in caliper, measured at four and one-half feet above grade on the uphill side;**
 - e. Whether the proposal impacts the aesthetics of the property. [SHMC 17.88.050(A through E)]**

Staff Findings: The situation that created the need for a variance was not created by the applicant. The situation is due to the western portion of the proposed property being within the 50-foot riparian corridor and is designated as a significant wetland. The applicant has expressed their desire to leave the significant wetland/riparian corridor in its natural state. They have proposed no development in that area. The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio

The application complies with these criteria.

- B. The criteria that shall be used in approving, approving with conditions, or denying a requested variance will be based on findings with respect to compliance with each of the following criteria, if applicable.**
- a. The development resulting from an approved variance will not be detrimental to public health or safety; [SHMC 17.88.040(A)]**

Staff Findings: Staff has not identified any reasons why the applicant's proposed variance would be detrimental to public health or safety.

The application complies with these criteria.

- b. The request is not in conflict with the Comprehensive Plan; [SHMC 17.88.040(B)]**

Staff Findings: Staff has not identified any goals or policies of the Comprehensive Plan that would preclude the proposed variance.

The application complies with these criteria.

- c. **The request is the minimum variance necessary to make reasonable use of the property; [SHMC 17.88.040(C)]**

Staff Findings: Staff finds that the proposed variance is the minimum request necessary to make reasonable use of the property.

The application complies with these criteria.

- d. **The requested variance is consistent with the purposes of the zone; [SHMC 17.88.040(D)]**
 - i. **The purpose of the Residential Low Density (R-1) Zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.**
 - ii. **The purpose of the Natural Resources (NR) Zone is designed to protect identified significant natural resources in the City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources.**

Staff Findings: Per Application ZMA19-03 and Ordinance No. 1284, approved by the Sweet Home City Council on April 14, 2020, the properties are in the Residential Low Density (R-1) Zone. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Wiley Creek has a 50-foot wide vegetated corridor, per side. Staff finds that the requested variance is consistent with the purposes of the R-1 and NR zones.

The application complies with these criteria.

- e. **If more than one variance is requested or needed, the cumulative effect of the variances will result in a project that remains consistent with the purposes of the zone; [SHMC 17.88.040(E)]**

Staff Findings: The applicant is not requesting more than one variance.

- f. **Identified negative impacts resulting from the variance can be mitigated to the extent practical; [SHMC 17.88.040(F)]**

Staff Findings: Staff has not identified any negative impacts resulting from the proposed variance.

The application complies with these criteria.

- g. **The location, size, design characteristics and other features of the proposal shall have minimal adverse impacts on property values, livability of the development in the surrounding area, and the natural environment; [SHMC 17.88.040(G)]**

Staff Findings: Staff has not identified any characteristics or features of the variance proposal that would have an adverse impact on property values, livability of the development in the surrounding area or the natural environment.

The application complies with these criteria.

- h. **The property has a physical circumstance or condition that makes it difficult to develop. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.88.040(H)]**

Staff Findings: The western portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment B). The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. The applicant has expressed their desire to leave the significant wetland/riparian corridor in its natural state. They have proposed no development in that area. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Wiley Creek has a 50-foot wide vegetated corridor, per side.

The application complies with these criteria.

- C. **A variance shall be void one year, or other time specifically set by the Planning Commission, after the date of the Planning Commission approval if the development has not been substantially established within that time period. [SHMC 17.88.060]**

Staff Findings: As required under this section, if this application is approved, the variance shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.88.060, within that time period.

IV. STAFF RECOMMENDATION

Staff finds the applicant has met the criteria listed above in Section III. As a result, staff recommends approval of VR20-01. 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:

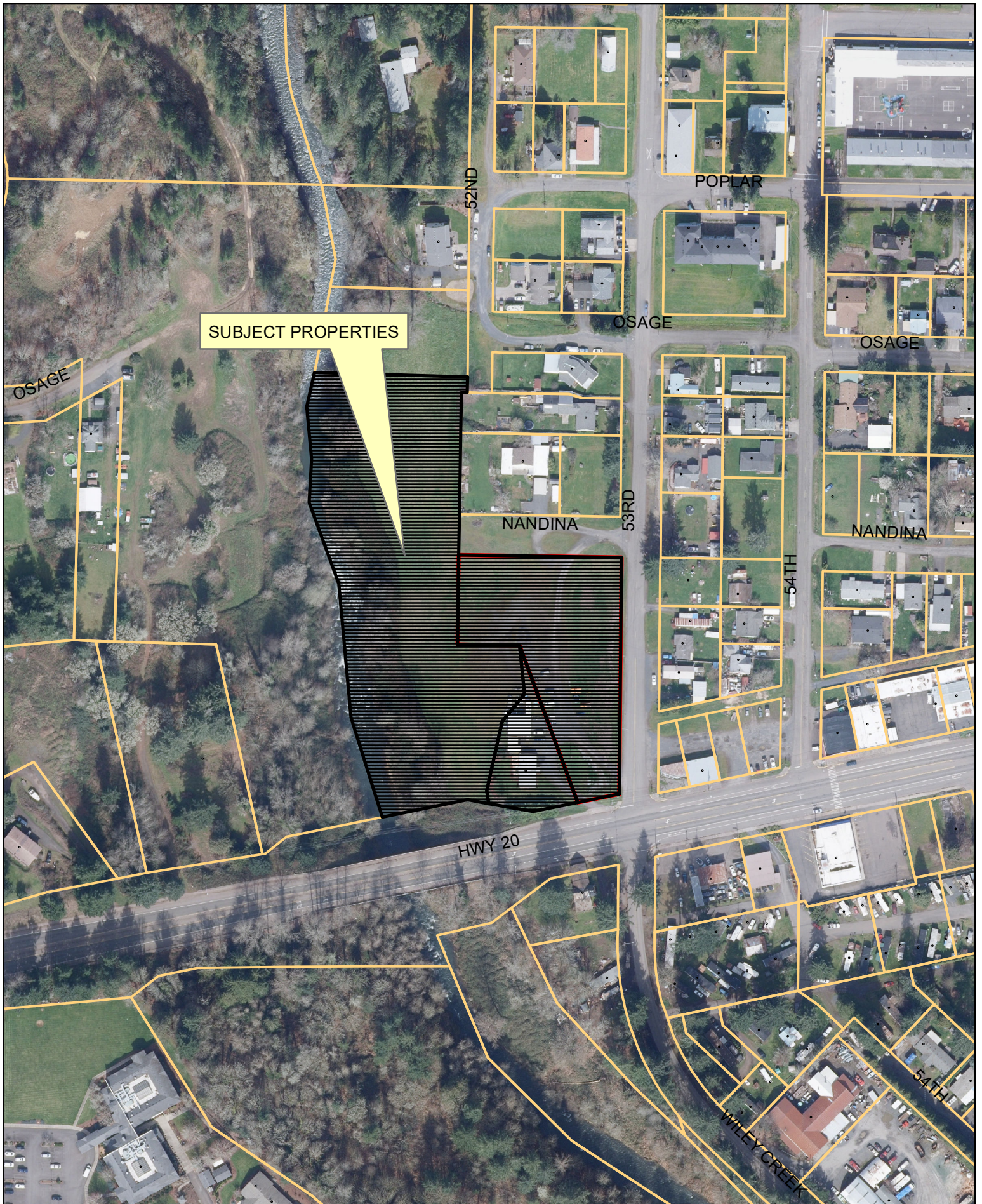
1. Move to approve application VR20-01 and thereby permit the variance proposed at North of Highway 20, west of 53rd Avenue, and east of Wiley Creek, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lot 02200.; adopting the Findings of Fact listed in Section III of 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 VR20-01 and thereby deny the request for a variance proposed at North of Highway 20, west of 53rd Avenue, and east of Wiley Creek, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lot 02200.; 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. Proposed Site Plan
- C. VR20-01 Application submitted April 30, 2020
- D. PLA19-13 application for reference

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.

ATTACHMENT A



1 inch = 198 feet

Liberty Rock
Subject Property Map
13S01E27C 02200

Date: 8/7/2018



ATTACHMENT C

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.sweethomeor.gov

Community and Economic Development Department

Application for a Zoning Variance

Date Received: 04.30.20
Date Complete: _____
File Number: VR 20-01
Application Fee \$: \$590.00
Receipt #: _____
Hearing Date: 06.01.20

Applicant's Name:

Liberty Rock

Applicant's Address:

43574 Wiley Creek Dr, Sweet Home, OR 97386

Applicant's Phone and e-mail:

541-409-1981 libertyrock@comcast.net

Subject Property Address:**Property Owner:**

Liberty Rock

Owner's Address:

43574 Wiley Creek Dr, Sweet Home, OR 97386

Owner's Phone and email:

541-409-1981 libertyrock@comcast.net

Subject Property Assessor's Map and Tax Lot:

13S01E27C-2200

Subject Property Size:

1.22 Acres

Subject Property: Zoning Classification

R-1

Comprehensive Plan Classification:**Nature of Applicants Request****Variance Request from Sweet Home Municipal Code Sections:**

Exceed the length to width ration of 2.5: 1 to be 3.66:1

Narrative describing the proposed variations from the stated code sections. Brief Description on this form and attach extra sheets if needed.

See attached sheet

Description of the alternatives considered and the reason for the choices made.

Reconfiguration of the proposed lines would not allow for the properties to have Wiley Creek frontage.

A brief review of how the application meets the review criteria. Attach sheets if needed.

See attached sheet

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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

Applicant's Signature:

Roger Emmert

Date:

4-29-20

Property Owner's Signature:

Roger Emmert

Date:

4-29-20

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

SHMC 17.88.030 APPLICATION REQUIREMENTS

An application for a variance must meet the submittal requirements and the decision criteria noted below.

- ☒ 1. A site plan drawn to scale, considering, but not limited to, the following:
- ☒ a. Dimensions and arrangement of the existing development.
 - ☒ b. Dimensions and arrangement of the proposed development.
 - ☒ c. Adjoining properties, streets, alleys, structures and drainage ways.
 - ☐ d. Identification of all requested variations from Code.
 - ☒ e. Vehicle and pedestrian access ways.
 - ☐ f. Fences and walls.
 - ☐ g. Off street parking areas.
 - ☒ h. Natural features, such as waterways, floodplain, floodway, riparian areas, wetlands, trees, topography, etc.
- ☒ 2. Narrative describing the requested variation(s), alternatives considered, and the reason for the choices made.
- ☒ 3. A review of how the application meets the review criteria.

SHMC17.88.040 VARIANCE CRITERIA.

The criteria that shall be used in approving, approving with conditions, or denying a requested variance will be based on findings with respect to compliance with each of the following criteria, if applicable.

- ☐ A. The development resulting from an approved variance will not be detrimental to public health or safety.
- ☐ B. The request is the minimum variance necessary to make reasonable use of the property.
- ☐ C. The requested variance is consistent with the purposes of the zone.
- ☐ D. If more than one variance is requested or needed, the cumulative effect of the variances will result in a project that remains consistent with the purposes of the zone.
- ☐ E. Identified negative impacts resulting from the variance can be mitigated to the extent practical.
- ☐ F. The location, size, design characteristics and other features of the proposal shall have minimal adverse impacts on property values, livability of the permitted development in the surrounding area, and the natural environment.
- ☐ G. The property has a physical circumstance or condition that makes it difficult to develop.

Liberty Rock 52nd Avenue Variance Narrative

- A. Due to the Western portion of the property being within the riparian zone and a priority wetland and thus unbuildable. A variance from the 2.5:1 length to width ratio is being requested. The current configuration has an average width of 120 feet with a total average length of 440 feet more or less. This would have the length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce to 300 feet more or less, and thus would be within the 2.5: 1 ratio as required.
- B. This variance would allow the property to have Wiley Creek frontage.
- C.
- D. This variance does not conflict with any other codes.
- E. This variance would not have an impact on neighboring properties.



ATTACHMENT D

PLAN#2

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

Community and Economic Development Department

Application for a Property Line Adjustment
or a Property Line Adjustment / Replat

Date Received: 12.19.19
Date Complete: _____
File Number: PLA19-13
Application Fee \$: 100.00
Receipt #: _____

Applicant's Name:

Liberty Rock

Applicant's Address:

43574 Wiley Creek Dr, Sweet Home, OR 97386

Applicant's Phone and e-mail:

541-409-1981 & Roger Emmert

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

Property A

Owner's Name:

Same

Owner's Address:

Owner's Phone and e-mail:

Property Address:

Assessor's Map and Tax Lot:

13S01E27C-22

Property Size Before:

2.31 Acres

Property Size After:

1.22 Acres

Zoning Classification:

R-1 after rezoning**Property B**

Owner's Name:

Same

Owner's Address:

Owner's Phone and email:

Property Address:

5280 Hwy 20, Sweet Home, OR 97386

Assessor's Map and Tax Lot:

13S01E27C-2100

Property Size Before:

0.59 Acres

Property Size After:

1.60 Acres

Zoning Classification:

R-1 after rezoning**Submittal Requirements**

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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

Applicant's Signature:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

SHMC 16.32.030 APPLICATION REQUIREMENTS

An application for a property line adjustment must meet the submittal requirements and the decision criteria noted below.

- ☒ 1. An application for a property line adjustment shall be signed by all property owners involved in the proposed adjustment, and a map showing the following details shall be submitted:
- ☒ a. The scale, north arrow and date of the map.
 - ☒ b. The Linn County Tax Map and Tax Lot number identifying each parcel involved in the adjustment
 - ☒ c. The location, width and purpose of any existing or proposed easements.
 - ☒ d. Existing and proposed driveway accesses to a public right-of-way.
 - ☒ e. The current and proposed property lines for each subject property.
 - ☒ f. The existing and proposed dimensions of each property and the lot area of each property.
 - ☒ g. All existing structures on the properties.
 - ☒ h. Existing and proposed utility services and stub locations, including the following:
 - ☒ 1. Water
 - ☒ 2. Sanitary sewer
 - ☒ 3. Storm and surface water drainage
 - ☒ 4. Power *overhead*
 - ☒ 5. Gas
 - ☒ 6. Telephone *overhead*
 - ☒ 7. Cable *overhead*
 - ☒ 8. Other utilities
- ☒ 2. Adjacent public right-of-ways, including the width of each.
- ☐ 3. The legal description for each subject property involved in the adjustment describing their new boundaries.

SHMC 16.32.020 PROPERTY LINE ADJUSTMENT CRITERIA.

The City Planner will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

- ☐ A. The property line adjustment does not create a new lot or a land-locked parcel.
- ☐ B. The adjusted properties are not reduced below the minimum standards of the zoning district and do not otherwise violate standards of this title or Title 17 or any applicable building code.
- ☐ C. The adjusted properties do not encroach into required yard setbacks, existing buildings or easements.
- ☐ D. The adjusted properties comply with any previous requirements or conditions imposed on the property in previous land use decisions or permitting processes.
- ☐ E. A property line adjustment within a subdivision or partition plat will conform to O.R.S. 92.190.
- ☐ F. Lot line adjustments shall be surveyed and monumented as required by O.R.S. Chapter 92.

