



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

April 16, 2026, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Mission Statement

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

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871 and enter the meeting ID followed by the # sign to be logged in to the call. Meeting ID: 306 824 664#

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

Meeting Minutes:

- a) [2026-03-05 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [Application CU26-01](#)

Staff Updates:

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

Adjournment

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

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.

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.

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

March 05, 2026, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM.

Roll Call of Commissioners

PRESENT

Commissioner Brandy Wysong-Frick
Commissioner Henry Wolthuis
Commissioner Nancy White
Chairperson Laura Wood
Commissioner Joe Graybill (6:31 PM)

ABSENT

Vice Chair Jamie Melcher

STAFF:

Angela Clegg, Planning and Building Manager (online)
Ray Grundy, Planning & Building Permit Technician (absent)
Adam Leisinger, Special Projects Manager

GUESTS:

- Andrei Snegirev, A-Team Services LLC, 1415 Poplar St, Sweet Home, OR, 97386 (Applicant)
- Marilyn Nicholson 1197 43rd Avenue, Sweet Home, OR, 97386 (Applicant)
- Tia Hall, 1097 42nd Avenue, Sweet Home, OR, 97386
- Gregory R. Jones, 1185 42nd Avenue, Sweet Home, OR, 97386
- Jay Lyon, 1097 42nd Avenue, Sweet Home, OR, 97386

Public Comment.

No comments were made.

Meeting Minutes:

a) 2026-01-15 Planning Commission Meeting Minutes

Commissioner Wolthuis made a motion to approve the January 15, 2026, meeting minutes, and Commissioner White seconded the motion. The motion carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Commissioner Wolthuis, Commissioner White,
Commissioner Graybill
Voting Nay: None
Absent: Vice Chair Melcher
Abstain: Chairperson Wood

Public Hearings

a) VR26-01 Planning Commission Staff Report

Variance Application VR26-01 Staff Report

The Public Hearing was opened at 6:32 PM

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

Manager Clegg presented the staff report to the Commission: The applicant is seeking a variance to allow a four (4)-lot partition. Due to the limited width of the existing access road, the applicant is unable to meet the required local street and subdivision standards. The maximum existing curb-to-curb width of the access road is 28 feet.

The required minimum width is approximately 42 feet, which includes two (2) 7-foot travel lanes, two (2) 3-foot planter strips, two (2) 5-foot sidewalks, and two (2) 6-inch curbs. While City-approved alternatives may be used in place of curbs, a minimum right-of-way width of 30 feet is still required based on [SHMC 17.42.040].

The subject property is zoned Residential Low Density (R-1).

Application VR26-01 is being filed simultaneously with Partition Application P26-02. Application P26-02 is reliant on the approval of Application VR26-01. The commissioners were provided with a draft copy of the partition application for reference.

The subject property is not the special flood hazard area. The subject property does not show wetlands/waterways on the properties that are depicted on the Statewide Wetlands Inventory Map or the National Wetlands Inventory Map.

The subject property contains an existing residential dwelling located near the front of the lot, which is proposed to remain and occupy one of the four parcels. Due to the placement of the structure and the required setbacks, there is limited width available on either side of the dwelling to construct a local street that meets current subdivision and local street standards.

The Development Code's local street standards do not account for the site's unique physical circumstances, specifically the constrained buildable width created by the existing dwelling and setback requirements, combined with the depth and overall size of the property. These conditions limit the applicant's ability to extend a compliant local street to serve the rear portion of the lot.

The applicant proposes to partition the remaining area into three additional parcels. Because the site cannot accommodate a roadway built to full local street standards due to these physical constraints, the requested variance is necessary to allow reasonable development consistent with other similarly sized properties in the vicinity.

Given the site's inability to accommodate full local street standards, staff recommends a condition of approval prohibiting any further division of the proposed parcels in order to avoid additional intensification of access beyond what the constrained roadway width can

safely support. This restriction would not apply to duplex lot divisions permitted under Senate Bill 458, as codified in SHMC 17.72.040.

Section 17.106.060(B) requires that a variance be necessary to preserve a substantial property right that is enjoyed by other properties in the same vicinity or zoning district and may not be granted solely on the basis of economic hardship. The subject property is zoned Residential Low Density (R-1), which permits up to 5.4 dwelling units per acre, with no more than one dwelling unit per lot. At approximately 2.42 acres in size, the property could potentially accommodate up to 13 dwelling units under the R-1 zoning standards.

The applicant is proposing a four (4)-lot partition, with lot sizes generally consistent with surrounding properties. Granting the variance would allow the applicant to exercise a development right comparable to that of other similarly zoned properties in the area. The request is based on site constraints related to access and layout, rather than economic hardship.

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

The variance is not self-imposed by the applicant. The Development Code's local street standards do not account for the site's unique physical circumstances, specifically the constrained buildable width created by the existing dwelling and setback requirements, combined with the depth and overall size of the property. These conditions limit the applicant's ability to extend a compliant local street to serve the rear portion of the lot. The variance is not the result of a property line adjustment or land division approval previously granted to the applicant.

Email March 4th @ 9:08 PM: My name is Angela Kragness @ 1189 42nd ave. And it's the night before the meeting, I just want it known that I am not in anyway ok with what A-Team Services and Andy Snegirev is proposing ! My property has been in my family since 1941 even further back if I take into consideration that my grandfathers brother owned this property and the one just past mine, selling my piece to my grandfather in 1941, i also like to mention that I have privacy from the back of my property that I'm sure would be destroyed and opened up to easy access into my yard by undesirables such as thieves! Right now there is brush and a not so great fence across the back, I have dogs that would find there way out, I would not appreciate the traffic coming and going that would happen once 4 dwellings would cause to our otherwise quite neighborhood! I relish the privacy I have to enjoy my dogs and family reunions and birthday party's and all the holidays that my family has always enjoyed with out the annoyance of traffic and people all around me! It's a lot to ask of someone to change everything!
Thank you

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

The application shall be subject to compliance with the conditions of approval, 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.

Conditions of Approval: 1. Further division of the proposed parcels shall be prohibited to prevent additional intensification of access that the constrained roadway width cannot support. This restriction would not apply to duplex lot divisions permitted under Senate Bill

458, as codified in SHMC 17.72.040. 2. All building code requirements and engineering design standards be met prior to the final inspection.

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

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

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

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

1. Move to approve application VR26-01 and thereby permit the variance for the subject lot located at 1188 43rd Avenue. Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 03300; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR26-01 for the subject lot located at 1188 43rd Avenue. Sweet Home, OR 97386; identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 03300; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

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

Commissioner's questions of staff:

None

Applicant testimony:

Andy Snegirev provided testimony regarding the necessity of the variance, citing significant infrastructure cost constraints. He stated that absorbing these additional costs would negatively impact the feasibility of developing affordable housing. Andy Snegirev further detailed the proposed lot configurations and access roadway, asserting that the project would enhance the neighborhood by providing oversized lots with substantial backyard space.

Commissioner questions of the applicant:

Chairperson Wood requested that Andy Snegirev provide additional details regarding the proposed roadway access for the new properties. Manager Clegg interjected to recommend that the Commission review the draft partition, noting it contains a site plan and diagram illustrating the roadway's entry into the property.

Commissioner Wysong-Frick inquired whether the applicant intended to develop the lots immediately or simply perform a land division. Andy Snegirev stated his intent is to develop the parcels; however, he noted that the specific nature of the development remains uncertain due to recent volatility in the housing market.

Commissioner Wolthuis raised several inquiries regarding the sewer infrastructure, specifically addressing the location of the sewer line, whether the elevation allows for sufficient fall to meet city standards, and the long-term ownership and maintenance of the pumps. Andy Snegirev clarified that the sewer is located along the ditch line on the east side of the street. He acknowledged that there is insufficient fall to meet city requirements and proposed the installation of on-site pump systems to transport sewage to city infrastructure. He added that each property would include an easement and that individual owners would be responsible for pump maintenance. He confirmed he is coordinating with Public Works and the City Building Official to ensure full compliance.

Commissioner White outlined the conditions of approval, emphasizing that further property division would not be permitted. Manager Clegg clarified that while SB 458 allows for the partitioning of duplexes under state law, any land division or development outside the scope of SB 458 remains prohibited.

Commissioner Graybill asked if the applicant intended to construct duplexes, noting that the site plan indicates multiple service laterals. Andy Snegirev confirmed this was the original intent but cautioned that high permitting costs and city/state fees might result in a shift toward single-family dwellings.

Chairperson Wood requested further clarification of the proposal. Manager Clegg explained that the application focuses on road width, as the current roadway is unable to accommodate the volume of homes it serves.

Commissioner Graybill asked if the process involved two consecutive partitions, one to separate the existing house and another to divide the remaining land into three units. Manager Clegg clarified that under SB 458, duplexes must be completed and issued a Certificate of Occupancy before they can be partitioned. She noted that the applicant is familiar with these procedural requirements.

Commissioner Graybill further inquired if the partition and driveway access would necessitate infrastructure improvements along 43rd Avenue. Manager Clegg replied that requirements depend on the specific units constructed, noting that the partition application outlines the necessary infrastructure for various development scenarios.

Commissioner Wolthuis asked about the adequacy of the site for surface water management. Andy Snegirev stated that water will be contained on-site, consistent with his previous developments. He commented that a lack of maintenance and upgrades to the city's storm infrastructure has necessitated on-site retention for most of his projects.

Commissioner White asked if the property runoff flows from 43rd toward 42nd. Andy Snegirev confirmed the direction of the flow but noted the slope is minimal, at approximately 1%.

Chairperson Wood requested clarification on the "hammerhead" turnaround design and the orientation of the proposed dwellings. Andy Snegirev expressed a willingness to adjust the design and noted he has been conferring with Manager Clegg. Manager Clegg explained that the roadway was designed to ensure the fire apparatus turnaround requirement does not fall solely on individual properties, effectively creating a shared access road.

Commissioner White sought confirmation that the primary area of focus was the property's entrance at the hammerhead turnaround. Manager Clegg confirmed that was correct.

Testimony in Favor: None.

Testimony in Opposition:

Gregory Jones provided testimony in opposition to the development, stating that Andy Snegirev had previously approached surrounding neighbors seeking an easement. According to Gregory Jones, neighbors expressed unanimous opposition to the inclusion of duplexes on the site. He further stated he had received information suggesting the properties could potentially be partitioned to accommodate up to 13 residences.

Gregory Jones expressed concern that duplexes are inconsistent with the character of Sweet Home, asserting that such developments often lead to issues with open storage, abandoned vehicles, and unsupervised children. Additionally, he raised concerns regarding the security of existing fencing for pet containment and the potential for increased trespassing on neighboring properties.

Regarding regulatory compliance, Gregory Jones argued that the creation of more than three lots should fall under the scope of a subdivision, and he contended that the applicant cannot meet the necessary requirements for such a designation. Furthermore, he disputed previous claims regarding the absence of water on the site, noting the existence of a creek flowing from the 43rd Avenue subdivision through the proposed development and adjacent properties. He stated his belief that the area constitutes a wetland. In closing, Gregory Jones reiterated his and the neighborhood's collective opposition to the requested variance.

Tia Hall testified in opposition to the proposal. She stated that Andy Snegirev had previously contacted her regarding an easement through her property to address standing water issues on the proposed parcels. Tia Hall further expressed concerns regarding increased population density in the area, noting that residents purchased their properties for the privacy and space afforded by the current neighborhood character.

Jay Lion expressed concerns regarding the proposed installation of sewer holding tanks, noting that the property's slope toward his parcel could result in runoff onto his land in the event of a leak. He further contended that the proposed density provided insufficient space, resulting in an overcrowded development. In closing, Jay Lion stated his opposition to the proposed use of the property and raised additional concerns regarding existing standing water on the site.

Neutral Testimony: None

Applicant Rebuttal:

Andy Snegirev clarified that his outreach to the neighbors was conducted in good faith and asserted that the proposed infrastructure improvements would benefit their properties for any future development. He noted that while he appreciates the neighbors' concerns regarding animals and space, city residency necessitates the development of vacant parcels. He further stated that existing city infrastructure and ditches are currently managing the property's surface water. Finally, he reiterated that the primary intent of the development is to provide affordable housing for the community.

Following the rebuttal, Commissioner Graybill inquired whether the applicant had consulted with the Fire Chief regarding fire access requirements. Andy Snegirev responded that he had made several unsuccessful attempts to establish contact with the Fire Chief.

Manager Clegg stated that, following the conclusion of the applicant's rebuttal, she would provide additional details to address the Commissioners' remaining questions.

The public hearing was closed at 7:17 PM

Discussion of the Commissioners:

Manager Clegg clarified that while previous examples suggested a capacity for 13 homes, the specific conditions of approval for this application permanently prohibit further lot division or additional density. She emphasized that these restrictive covenants are binding for both the applicant and all future property owners. Regarding public safety, Manager Clegg confirmed she had consulted with the Fire Chief, who verified that the proposed 20-foot roadway width is sufficient for emergency apparatus access. She further noted that while Sweet Home has significant groundwater, the proposed infrastructure improvements are designed to mitigate and disperse existing surface water on the parcels.

In response to inquiries from Commissioner Wysong-Frick regarding development limits, Manager Clegg explained that the applicant is restricted to one single-family dwelling or one duplex per lot. Commissioner Wolthuis observed that this would result in four families residing on the two rear lots. When asked about the City's oversight, Manager Clegg clarified that the city does not exercise discretionary control over the specific build, as the proposal constitutes an outright permitted use within the zone. Manager Clegg and Chairperson Wood further confirmed that because the City's population exceeds 10,000, the provisions of SB 458 are applicable.

Commissioner Graybill inquired whether an Accessory Dwelling Unit (ADU) could be constructed alongside a duplex. Manager Clegg clarified that ADUs are only permitted in conjunction with single-family dwellings.

The Commission discussed the substantial size of the proposed and neighboring lots, with Chairperson Wood acknowledging the inherent access challenges to the property. While expressing a general dislike for "hammerhead" turnaround designs, Chairperson Wood conceded its feasibility given the lot topography, noting that any future development of the site would face identical access constraints. She further noted that the City's Comprehensive Plan prioritizes the development of large internal lots to maximize land use before expanding the Urban Growth Boundary.

Commissioner White acknowledged the neighbors' preference for open space but emphasized the critical community need for additional housing. Commissioner Wysong-Frick, a resident of the area, expressed empathy for both the neighbors' concerns regarding water and the applicant's intentions, though she voiced lingering concerns regarding the impact on adjacent properties.

Manager Clegg and Chairperson Wood reminded the Commission that the variance under consideration applies strictly to the roadway width, not the concurrent partition or the general condition of the parcels. Chairperson Wood emphasized that the Commission's role is to determine if the roadway meets the legal criteria for a variance according to code, regardless of personal sentiment.

Following a discussion on standard road construction and street types, Manager Clegg explained that the variance request is necessitated by the proximity of the existing home to the road and the division of the property into four lots. Commissioner White observed that the proposed width is sufficient for emergency vehicles and large pickups, stating she saw no grounds for denial. Commissioner Graybill concurred.

Chairperson Wood noted that the property's constraints did not appear to be self-imposed, and Commissioner Graybill added that the existing structure and minimum setbacks significantly limit access options. The Commission reached a consensus on these points. Commissioner Wolthuis concluded by stating that while the emotional weight of the application made the decision challenging, the narrow issue at hand was the driveway width. He expressed that leaving the land undeveloped would be a missed opportunity and voiced his support for approval.

A motion to approve Application VR26-01 was made by Commissioner Graybill and was seconded by Commissioner White. The motion was carried by the following vote:

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

Voting Nay: None.

Absent: Vice Chair Melcher

b) VR26-02 Planning Commission Staff Report

Variance Application VR26-02 Staff Report

The Public Hearing was opened at 7:34 PM

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

Manager Clegg presented the staff report to the Commission.

The applicant is requesting approval of a Variance to allow a 5-foot interior north side yard setback for a proposed residential accessory structure.

The applicant poured a concrete slab in compliance with R-1 development standards prior to purchasing the structure and was unaware that the structure's height would require an increased setback. The proposed accessory structure is approximately 17.75 feet in height.

Pursuant to Sweet Home Municipal Code (SHMC) 17.70.010(B)(2), the required side yard setback for a structure of this height is 15 feet. The applicant originally applied for an adjustment based on a staff calculation error. Upon discovery of the staff error, it was determined the request exceeds the 10 percent adjustment threshold and requires approval of a Variance pursuant to SHMC 17.106.010: *A Variance may be approved for those requests resulting in greater than a 10% change in a quantifiable standard.*

The applicant is therefore requesting a Variance to reduce the required side yard setback from 15 feet to 5 feet.

The subject property is zoned Residential Low Density (R-1) and is designated Low Density Residential (R-1) under the Comprehensive Plan.

The subject property is not the special flood hazard area. The subject property does not show wetlands/waterways on the properties that are depicted on the Statewide Wetlands Inventory Map or the National Wetlands Inventory Map.

The applicant initially poured a concrete slab in compliance with R-1 development standards prior to purchasing the accessory structure. At the time the slab was installed, the applicant understood the development to meet the applicable setback requirements. It was not until the building permit review process that the applicant became aware that the height of the proposed structure would trigger an increased side yard setback requirement.

When this was identified, the concrete slab had already been completed, and the structure had been purchased. Relocating the slab to meet the 15-foot setback would require demolition and/or reconstruction, resulting in significant costs to the applicant.

Pursuant to Section 17.106.060(A), a variance may be granted when the Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. In this case, the strict application

of the increased setback requirement is directly related to the structure's height rather than to site-specific impacts. The location of the existing slab, installed in good faith under the applicant's understanding of the R-1 standards, creates a practical hardship unique to this property.

Staff find that the circumstances surrounding the completed slab and purchased structure, combined with the development pattern in the area, support consideration of the requested variance under Section 17.106.060(A), as the code provision does not fully account for the site-specific conditions present in this case.

Section 17.106.060(B) requires that the variance be necessary to preserve a substantial property right enjoyed by other properties in the same vicinity or district and may not be based solely on economic hardship.

Accessory structures are a permitted use within the R-1 zone. The subject property is approximately 40,075 square feet. Based on the square footage of the lot, the applicant is allowed to construct an accessory structure up to approximately 4,207 square feet and can cover up to 40% of the lot. The applicant is proposing a 1,200 square foot accessory structure and has 33% of lot coverage to utilize.

The property owners in the vicinity are afforded the right to construct accessory structures consistent with zoning standards. The requested variance would allow the applicant to utilize the existing foundation to develop an accessory structure comparable in function and scale to those commonly permitted in the area.

Although relocation of the slab would result in significant costs, staff's findings are not based solely on economic hardship. Rather, the variance is necessary to allow reasonable enjoyment of a property right consistent with other similarly situated properties.

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

The variance is not the result of a property line adjustment or land division approval previously granted to the applicant.

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

Building Permit 827-25-000292-STR is reliant on the approval of Variance application VR26-02. Staff Recommends a Condition of Approval that all building code requirements and engineering design standards be met prior to the final inspection.

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

The application shall be subject to compliance with this condition, as required by the findings of fact presented in the Review Criteria (Section III). Any modifications to the condition would require approval in accordance with provisions of law.

Condition of Approval: All building code requirements and engineering design standards be met prior to the final inspection.

Public Comment: The Planning and Building Manager received a voicemail from a neighboring property owner expressing opposition to the application and proposed setback. The caller stated that the height of the structure and its proximity to the property line would

shade his garden area. A return voicemail was left requesting that the concerns be submitted in writing (via letter or email) so they could be included in the record. As of the date of this staff report, no written correspondence has been received.

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

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

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

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

1. Move to approve application VR26-02 and thereby permit the variance for the subject lot located at 1197 43rd Avenue. Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 01702; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR26-02 for the subject lot located at 1197 43rd Avenue. Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 01702; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

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

Commissioner's questions of staff:

Chairperson Wood addressed a discrepancy in the staff report regarding a previously identified mathematical error, inquiring whether the applicant initially believed a variance was unnecessary during the building permit application process. Manager Clegg confirmed the error, noting the correction was made to ensure accuracy in the current review.

Commissioner Graybill raised concerns regarding shifting sunset patterns and the potential for the development to cast shadows on adjacent properties, asking if staff had conducted a shadow study. Manager Clegg clarified that shadow patterns are not a criterion within the city's development code and, therefore, were not factored into the formal review.

Commissioner White requested clarification on the required setbacks relative to the proposed structure's height. Manager Clegg subsequently detailed the specific setback requirements applicable to the project.

Applicant testimony:

Marilyn Nicholson submitted documentation to the Commission, including a letter detailing her professional background and her commitment to City Code compliance. She cited

specific code sections pertaining to setback requirements and stated that the City had prior knowledge of her plans, noting she had received no previous indication that her proposal required adjustments. Marilyn Nicholson informed the Commission that her setbacks were verified by a professional land surveyor and confirmed she is currently in possession of an active building permit for the structure.

Furthermore, Marilyn Nicholson disputed previous testimony, clarifying that the concrete pad for the structure was not poured prior to her purchase of the structure. She provided additional documentation to clarify the intent of her variance request and to resolve any conflicting information in the record. In closing, she affirmed her ongoing efforts to adhere to municipal standards and respectfully requested that the Commission approve the variance.

Commissioner questions of the applicant: None

Testimony in Favor: None.

Testimony in Opposition: None.

Neutral Testimony: None.

The public hearing was closed at 7:49 PM

Discussion of the Commissioners:

Chairperson Wood inquired about the maximum height allowed within the required setback and the specific degree of the variance being requested. She noted that while she had considered the overall lot size and the feasibility of relocating the structure, her deliberation was informed by the applicant's testimony and the acknowledgment of a municipal error that allowed the project to proceed to its current stage.

Commissioner Wysong-Frick observed that the proposed location appeared appropriate for an accessory structure, noting its height would be comparable to that of the primary residence. While expressing empathy for the neighbors' concerns regarding potential shading of their gardens, she noted that solar patterns shift and suggested that gardening locations may need to be adapted accordingly.

Commissioner Wolthius stated that the variance appeared necessary to rectify a procedural error not caused by the applicant. Commissioner White added that she had no objection to the request, noting that the existing concrete pad should be utilized for the structure.

Following this discussion, the Commission reached a consensus in support of the variance.

A motion to approve Application VR26-02 was made by Commissioner Wolthius and seconded by Commissioner Wysong-Frick. The motion carried by the following vote:

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

Voting Nay: None

Absent: Vice Chair Melcher

Staff Updates:

Manager Clegg reported a steady influx of property line adjustment and partition applications, noting that one adjustment application is currently pending. She informed the Commission that she is currently drafting code updates and anticipates presenting them for formal review in the coming months.

Commissioner Graybill requested a status update on the subdivision located at 43rd Avenue and Long Street. Manager Clegg replied that infrastructure work is nearing completion and noted that the applicant has filed an extension for the final plat of the property.

Planning Commission Business:

Manager Clegg informed the Commission that a new member has been selected for the board and is currently awaiting formal approval from the City Council. She further noted that the election of the Chairperson and Vice Chairperson is scheduled to take place during the meeting on April 16th.

Adjournment:

The meeting was adjourned at 7:59 PM.

Laura Wood, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Ray Grundy, Planning & Building Permit Technician.

DRAFT



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to construct an approximately 200-square-foot residential accessory structure on the subject property. The property, located at 2309 Harding Street, is an approximately 22,780-square-foot vacant lot. Under SHMC 17.10.040(I), a conditional use permit is required to allow a secondary use on a lot that does not contain a primary use. The subject property is located within the Residential Low-Density (R1) Zone.

APPLICANT AND

PROPERTY OWNER: Gail Heine

FILE NUMBER: CU26-01

PROPERTY LOCATION: 2309 Harding Street, Sweet Home, Oregon 97386; Identified on the Linn County Assessor’s Map as 32CA, Tax Lot 3500.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040(I), 17.70, 17.104, 17.126

HEARING DATE & TIME: April 16, 2026, at 6:30 PM

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

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

REPORT DATE: April 9, 2026

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

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

Access: The subject property has frontage on Harding Street.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: March 2, 2026
Notice Published in Newspaper: March 11, 2026
Planning Commission Public Hearing: April 16, 2026
120-Day Deadline: June 24, 2026
Notice was provided as required by SHMC 17.126.01

II. COMMENTS

**Jaysen Cunningham
Building Dept:**

Building being under 200 square feet, no requirement for building permit. However, structure will still need to be placed within the required setbacks for the R-1 zone. If building exceeds 200 square feet, building permit will be required.

**Matt Cook
CEDD Engineering:**

CEDD Engineering has reviewed the request and has no comments at this time.

**Blake Patterson
Public Works Dept.**

Full utilities to property with a usable drainage ditch/culvert out front. No comments from Public Works.

Public Comments: No comments as of the issuance of this Staff Report.

III. REVIEW AND DECISION CRITERIA

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

17.104.050 DECISION CRITERIA

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

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

Applicants Comment: I was told I needed a permit for an “unpermitted” (200 sq.ft. or less) shed because there is no existing house on the property.

Staff Findings: The applicant is requesting a conditional use permit to construct an approximately 200 square foot residential accessory structure on the subject property. 2309 Harding Street is a vacant lot and based on SHMC Chapter 17.10.040(I) a conditional use is required for a secondary use of a lot without primary use.

Based on the above findings, staff conclude that the application complies with the applicable conditional use criteria.

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

Applicants Comment: Yes, it's a shed, near to or even on where the previous house was.

Staff Findings: Unless otherwise specified by this Development Code, the following minimum dimensional standards apply to all development within the R-1 zone: a minimum lot area of 7,000 square feet; a minimum lot width of 70 feet at the building line; a front yard setback of 15 feet; a garage/carport setback of 20 feet; interior side yard setbacks of 5 feet minimum with a combined total of 12 feet; a rear yard setback of 15 feet; and a maximum lot coverage of 40 percent.

The subject property is an approximately 22,780-square-foot vacant lot. The applicant proposes to construct a residential accessory structure of about 200 square feet, which would occupy only 0.9% of the total lot area.

Based on the submitted site plan, Attachment B, the front setback shall be approximately 73 feet, the rear setback shall be approximately 195 feet (not shown on the site plan), the east side setback shall be 60 feet, and the west side setback shall be 5 feet.

Staff finds that the site's size, shape, location, topography, and natural features are adequate to accommodate the proposed use.

Based on the above findings, staff conclude that the application complies with the applicable criteria.

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

Applicants Comment: Again, it's a shed. It will house a lawnmower and other small tools to help maintain the otherwise empty lot.

Staff Findings: The applicant is requesting a conditional use permit to construct an approximately 200-square-foot residential accessory structure. A conditional use permit is required because a secondary structure cannot be established without a primary dwelling.

The proposed development is considered timely. The accessory structure does not require any public facilities or services, nor does it generate any increase in transportation demand. As noted by the applicant, the structure is a simple shed intended to store a lawnmower and small tools for maintaining the otherwise vacant lot.

Based on this information, staff finds that the application satisfies the applicable review criterion regarding the adequacy and timing of transportation systems and public facilities.

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

Applicants Comment: It's much smaller than the previously existing house and will impact nothing, except to ease my maintenance on the property.

Staff Findings: The subject property is bordered by single-family dwellings to the north, east, and west. To the south there is a large vacant lot. The proposed use is compatible with the surrounding development and will not alter the character of the area or interfere with the continued use of neighboring properties.

Based on this information, staff finds that the application meets the applicable criteria.

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

Applicants Comment: There aren't any negative impacts.

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

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

17.104.060 CONDITIONS OF APPROVAL

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

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

- 1. Requiring larger setback areas, lot area, and/or lot depth or width;**
- 2. Limiting the hours, days, place and/or manner of operation;**
- 3. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;**
- 4. Limiting the building height, size or lot coverage, or location on the site;**
- 5. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;**
- 6. Increasing the number of required parking spaces;**
- 7. Requiring street rights-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;**
- 8. Limiting the number, size, location, height and lighting of signs;**
- 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;**

10. **Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;**
11. **Designating sites for open space or outdoor recreation areas;**
12. **Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;**
13. **Requiring ongoing maintenance of buildings and grounds;**
14. **Setting a time limit for which the conditional use is approved.**

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

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

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

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions of Approval for CU26-01:

1. The applicant/property owner shall not construct an accessory structure larger than 200 square feet under this Conditional Use approval without first obtaining a building permit.
2. The applicant/property owner shall obtain and comply with all applicable local, state, and federal permits and requirements. Copies of all required permits and licenses shall be submitted to the Sweet Home Community and Economic Development Department for inclusion in the CU26-01 record.
3. The applicant/property owner shall comply with the dimensional standards of SHMC 17.10 at the time of development.

V. PLANNING COMMISSION ACTION

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's

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

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

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

1. Move to approve application CU26-01; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application CU26-01; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

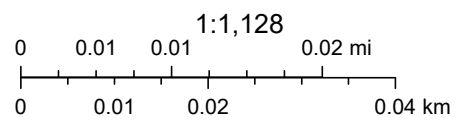
VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan

CU26-01 Subject Property Map



3/2/2026, 5:24:04 PM

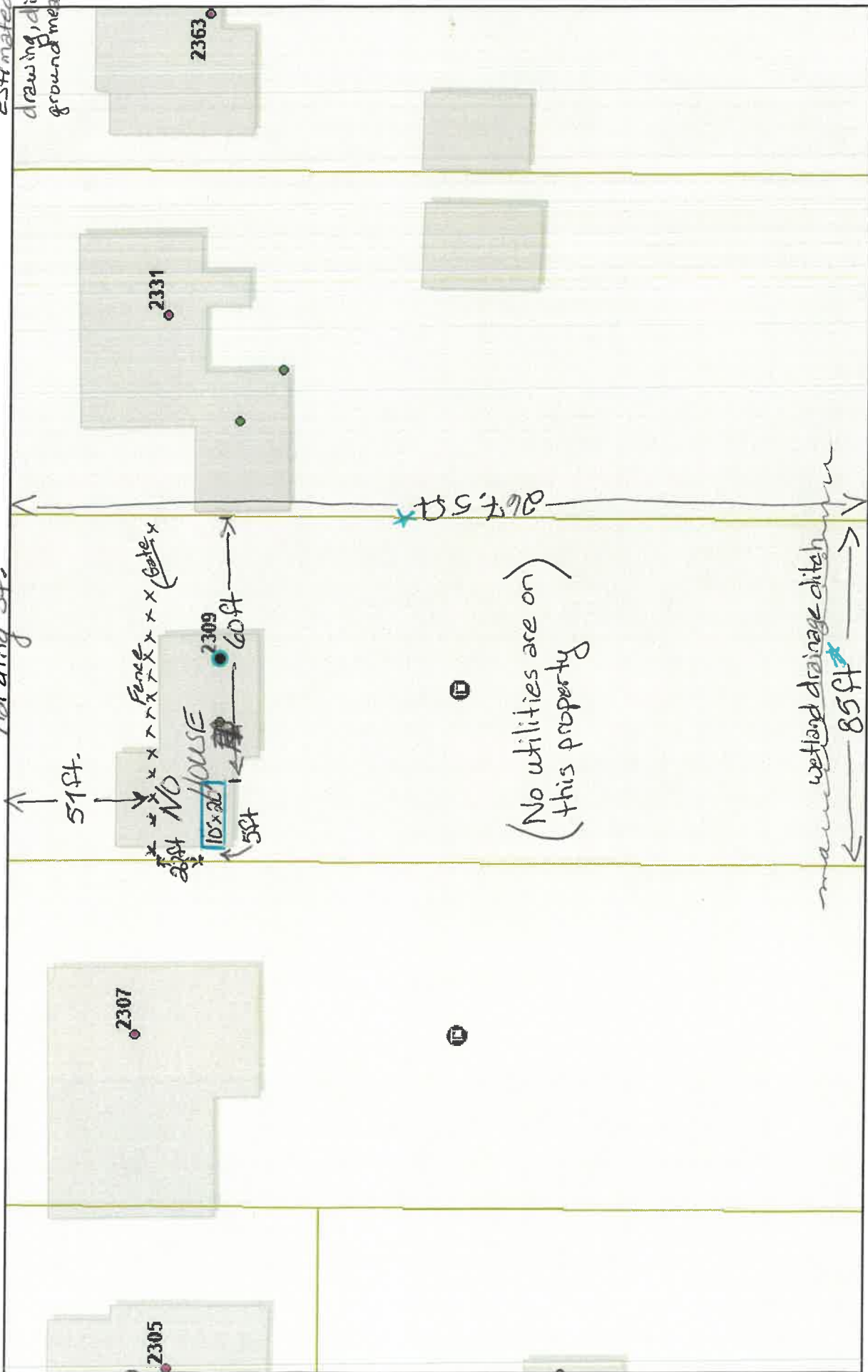


Microsoft, Vantor



Linn County Planning Application

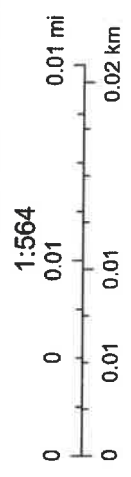
NOT TO SCALE
Measurements were estimated on drawing, did ground measuring



*Numbers from Plat map

2/17/2026, 11:31:00 AM

- Sales
- Permits
- Tax Lots
- City Limits
- County Boundary



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

Map created using the Linn County Oregon web mapping application
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