



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

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.

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: 246 156 257#

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

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

Meeting Minutes:

- a) [2026-01-15 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [VR26-01 Planning Commission Staff Report](#)
- b) [VR26-02 Planning Commission Staff Report](#)

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.

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.

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

January 15, 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 6:34 PM

Roll Call of Commissioners

PRESENT

Commissioner Brandy Wysong-Frick
Commissioner Henry Wolthuis
Vice Chair Jamie Melcher
Commissioner Nancy White

ABSENT

Chairperson Laura Wood
Commissioner Joe Graybill

STAFF

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

GUESTS

Sudip Lamichhane, 4824 Hwy 20, Sweet Home, 97386

Public Comment.

No comments were made.

Meeting Minutes:

- a) 2025-09-18 Planning Commission Meeting Minutes

Vice Chair Melcher stated that the motion should read as "A motion to recommend city council to approve application ZMA25-01."

Commissioner White made a motion to approve the amended meeting minutes of September 18, 2025, and Commissioner Wolthuis seconded it. The motion carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Commissioner Wolthuis, Vice Chair Melcher,
Commissioner White

Voting Nay: None

Absent: Commissioner Graybill, Chairperson Wood

Chair and Vice Chair Elections

Manager Clegg asked commissioners what their preference was for voting on chair and vice chair. They were advised of the options to take a vote during the current session or wait to have a full commission before the votes were cast. All commissioners were in favor of waiting for a full commission with all commissioners present to vote.

Public Hearings

Conditional Use Application CU25-02 Staff Report

The Public Hearing was opened at 6:37 PM

Vice Chair Melcher 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 a conditional use permit to construct a fuel station containing two (2) gasoline pumps and one underground fuel storage tank in the south parking lot of the Hilltop Market, north of Highway 20. The applicant is applying for Conditional Use per SHMC 17.20.040 (I): Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section. Tax Lot 1900 contains approximately 23,522 square feet (0.54 acres) and is located in the Commercial Highway (C-2) zone. Based on a review of the FEMA flood insurance rate map, Panel 41043C0916G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area. 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. The subject property has frontage on Highway 20. The subject property has city water and sewer services.

The purpose of the C-2 zone is to provide areas suitable and desirable for highway-related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home that have developed with commercial activities or that have potential for such activity as long as sufficient vehicular access control is maintained. The proposed use shall be required to comply with the development standards set forth in SHMC Chapter 17.20.060. Staff find that the proposed fuel station meets the applicable development standards and is compatible with the purpose and intent of the Commercial Highway Zone.

Unless otherwise specified by this Development Code, the following minimum dimensional standards apply to all development within the C-2 (Commercial Highway) zone. There is no minimum lot area or minimum lot width. Required setbacks in the C-2 zone are as follows: a 20-foot front yard setback, a 0-foot interior side yard setback, a 20-foot street side yard setback, and a 0-foot rear yard setback. Where a side or rear yard is a residential zone, a minimum 10-foot setback is required. The maximum allowed structure height is 35 feet, and the maximum lot coverage is 100 percent. Most fuel stations within the Sweet Home city limits include convenience or mini mart uses, and the proposed development is consistent with this pattern. Additionally, there are no fuel stations located on the east end of Sweet Home, making this an appropriate and desirable location for the proposed use. Staff find that the site's size, shape, location, topography, existing improvements, and natural features are adequate to accommodate the proposed use.

The proposed development is considered timely, as adequate transportation systems, public facilities, and public services currently exist or are planned to serve the subject site. The property is located within the C-2 (Commercial Highway) zone along U.S. Highway 20, an area specifically intended to accommodate highway-oriented commercial uses with sufficient vehicular access. The proposed fuel station is located within the existing parking area of an established commercial use and will utilize existing access, circulation, and infrastructure.

The subject property abuts Commercial Highway properties on all sides. There are multi-family residential units to the northeast of the property but not directly abutting the subject property. 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.

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

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 have 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.

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 CU25-02: The applicant/property owner shall show safe and adequate vehicular access on the building permit site plan. The applicant/property owner shall demonstrate that their development meets fire code, environmental and hazardous materials standards.³ 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 record for CU25-02.

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 CU25-02
2. Move to deny Application CU25-02
3. Move to continue the public hearing.
4. Other

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

Questions from Commissioners:

Commissioner Wysong-Frick asked about the layout of the pumps, and if they will be more geared towards servicing trucks and boats. Commissioner Wysong-Frick shared Commissioner Wolthuis's concerns of property access.

Commissioner Wolthuis expressed concern about the gas station's access through the Spoleto's parking lot, citing potential infringement on their property. Manager Clegg clarified it was all owned by the same person.

Commissioner White inquired about potential interference with the laundromat.

Vice Chair Melcher inquired about the required setbacks for the fuel pumps, and the traffic pattern assigned for the pumps.

Applicant Testimony:

Mr. Lamichhane opened with an introduction of himself. He stated that he has been in Sweet Home for 7 years, moving here from California. He owns two businesses: Foster Lake Market and Hilltop Market. He stated that residents have expressed a strong desire for a fuel station on that side of town and often inquire about his plans for its installation.

Additional Questions from the Commissioners:

Commissioner Wysong-Frick asked about letters and notices being sent out, and if any were returned. Manager Clegg assured her that they were sent to properties within a 300-foot radius; none were returned.

Commissioner Wolthuis asked about ownership of the property; the applicant clarified that it is owned by him. Commissioner Wolthuis added that he has no problems with it and will be voting for it.

Testimony in Favor: None
Testimony in Opposition: None
Neutral Testimony: None

Public hearing was closed at 6:50 PM

Discussion of the Commissioners:

Commissioner White said that coming off of the pass with her motor home to find a gas station that offers access to her motor home can sometimes be a problem and would be nice to have a gas station with easy access in and out.

Commissioner Wysong-Frick stated that she was surprised that it was never thought about before and noted that there isn't a gas station on that side of town. She also noted the number of subdivisions and housing going in on the east side of town that could benefit from it.

Vice Chair Melcher stated the benefits it would have for summer recreation at the lake, and the convenience of being able to get gas without driving all the way into town.

All commissioners concur that the construction of this gas station would be advantageous to the community on that side of town.

A motion to approve Application CU25-02 was made by Commissioner White and was seconded by Commissioner Wolthuis. The motion carried by the following vote:

Voting Yea: Commissioner Wysong-Frick, Commissioner Wolthuis, Vice Chair Melcher,
Commissioner White.
Voting Nay: None

Absent: Commissioner Graybill, Chairperson Wood

Application CU25-03

Opened at 6:56 PM

Manager Clegg informed the Commission that she had received an email from the applicant on January 14, 2026 asking to withdraw the application.

Closed at 6:57 PM

Application CU25-04

Opened at 6:58

Manager Clegg informed the Commission that she had received an email from the applicant on January 14, 2026 asking to withdraw the application.

Closed at 6:58

Staff Updates:

Manager Clegg introduced her new Planning & Building Permit Technician, Ray Grundy, and gave an update that the city now has an engineering technician, and the Community and Economic Development is now fully staffed.

Manager Clegg shared that the department is working on a few subdivisions and has a lot of duplexes it is taking in. She added that HB458 has made duplexes very popular.

Manager Clegg referred to the zone changes made previously for potential multi-family units that could commence in the near future.

Planning Commission Business

None.

Adjournment

The meeting was adjourned at 7:01 PM

Jamie Melcher, Vice Chair
Sweet Home Planning Commission

Respectfully submitted by Ray Grundy, Planning & Building Permit Technician



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST: 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. [SHMC 17.42.040]

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

Application VR26-01 is being filed simultaneously with Application P26-02. Application P26-02 is reliant on the approval of Application VR26-01.

- APPLICANT:** Andy Snegirev
- PROPERTY OWNER:** A-Team Services LLC
- FILE NUMBER:** VR26-01
- PROPERTY LOCATION:** 1188 43rd Ave, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E33AC Tax Lot 3300.
- REVIEW AND DESIGN CRITERIA:** Sweet Home Municipal Code Section(s) 17.10, 17.42, 17.58.030, 17.106, and 17.126.
- HEARING DATE & TIME:** March 5th, 2026, at 6:30PM
- HEARING LOCATION:** City Hall Council Chamber 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:** February 27, 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 FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: 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.

Access: Based on the Subject Property Map (Attachment A), the property abuts 43rd Avenue.

Services: There are existing City water and sewer services to the existing residential dwelling from 43rd Avenue.

Street: According to the submitted site plan (Attachment B) subject property abuts approximately 155 feet of 43rd Avenue.

TIMELINES AND HEARING NOTICE:

Application Received: January 20, 2026

Application Deemed Complete: January 21, 2026

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: January 26, 2026

Notice Published in New Era Newspaper: January 23, 2026

Date of Planning Commission Hearing: March 5, 2026

120-Day Processing Deadlines: May 21, 2026

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

Matt Cook

CEDD Engineering: CEDD Engineering has reviewed this application and has no comment at this time. There is infrastructure in place along 43rd avenue including a storm drain ditch, 16" DI Water main, and 8" CON sewer main.

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

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

Sweet Home

Fire District: No comments as of the issuance of this staff report.

Public Comments: No comments as of the issuance of this staff report.

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

The Planning Commission may allow a Variance from a requirement or standard of this Development Code after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance. [17.106.060(A)]**

Applicants Comment: The applicant requests a variance for a 4 parcel partition due to the existing home on the property does not meet the road access setback requirement for a " subdivision" there for we propose to have 4 parcels. [Attachment C, page 11.]

Staff Findings: The applicant is requesting a variance to allow a four (4)-lot partition. 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.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.**

Applicants Comment: Compliance with width to depth ratio standard of SHMC 17.58.030(B). [Attachment C, page 12.]

Staff Findings: 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.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

Applicants Comment: Authorization of the requested variances will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. As outlined in the section above, all other city development code standards are either satisfied or will be satisfied through conditions of approval. [Attachment C, page 12.]

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

D. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

Applicants Comment: The need for the variance from SHMC 17.58.030(6) is not self-imposed as the existing parcel. [Attachment C, page 12.]

Staff Findings: 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.

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

Applicants Comment: The requested variance is the minimum necessary to alleviate the identified hardship; therefore, this criterion is met. [Attachment C, page 12.]

Staff Findings: Staff finds that the requested variance is the minimum allowed for what the applicant is requesting.

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

Applicants Comment: Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed parcels will allow for an adequate building envelope to comply with all applicable building code

requirements and engineering design standards. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the proposed parcels. [Attachment C, page 12.]

Staff Findings: Staff Recommends a Condition of Approval that all building code requirements and engineering design standards be met during the building permit process.

IV. STAFF RECOMMENDATION

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.

V. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. 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

VI. PLANNING COMMISSION ACTION

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

Appeal Period: Staff 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.

Order: 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.

Motion:

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

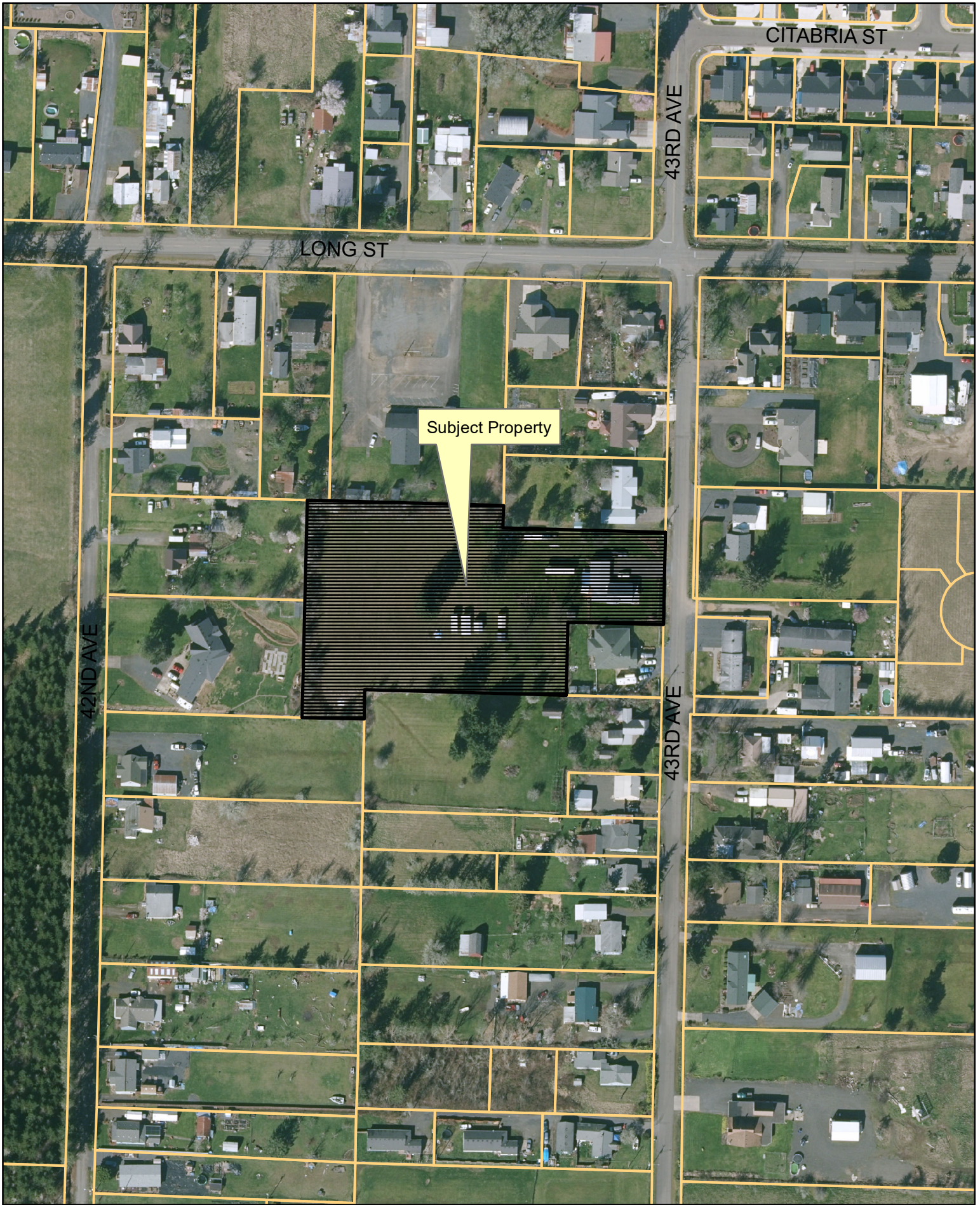
date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.

3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VII. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Applicant's Summary

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:30 PM, Monday through Thursday, excluding holidays.



Subject Property

CITABRIA ST

LONG ST

43RD AVE

42ND AVE

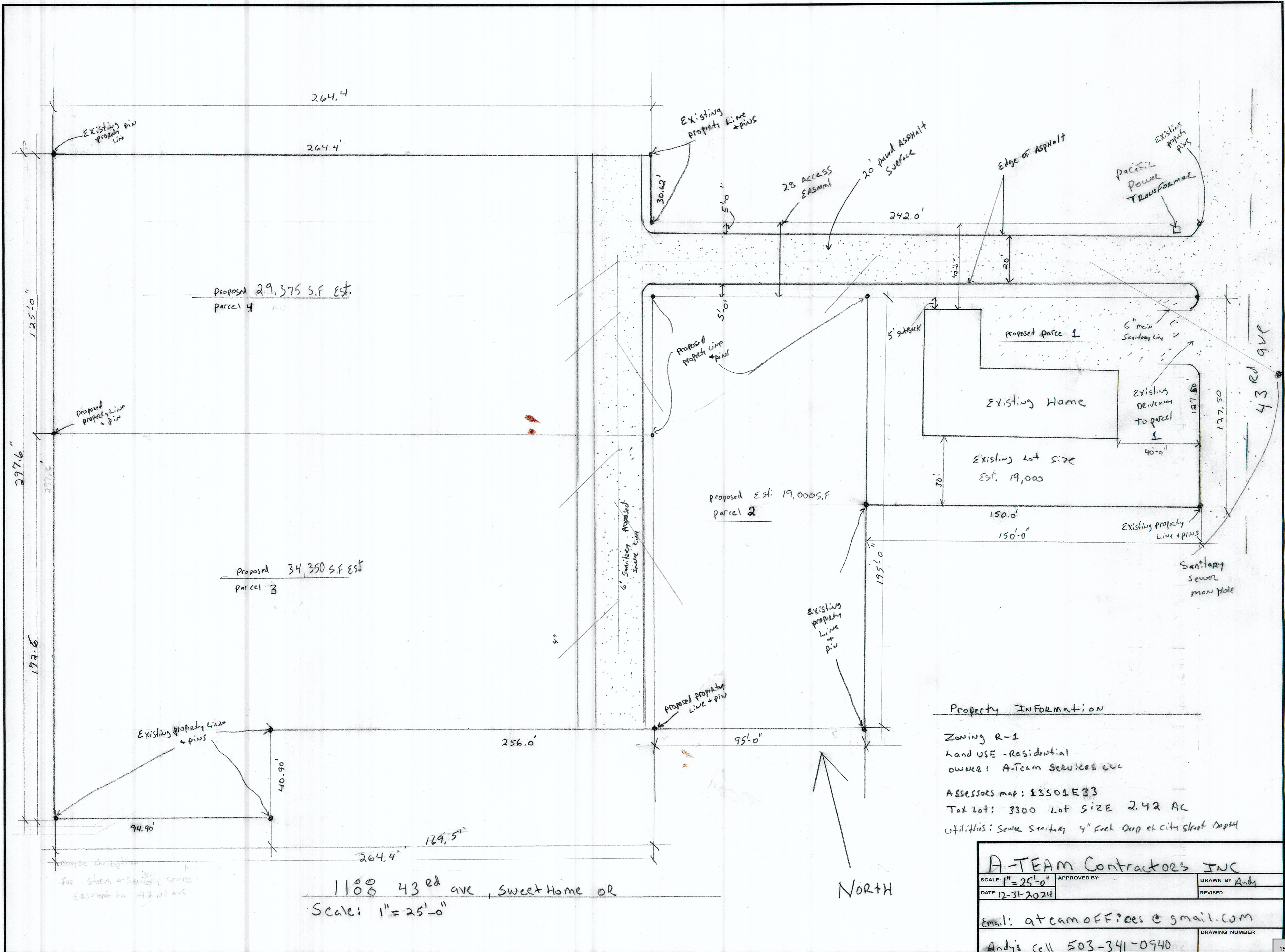
43RD AVE



1 inch = 167 feet

Subject Property
VR26-01

Date: 01/21/2026



Property Information
 Zoning R-1
 Land Use - Residential
 Owner: A-Team Services LLC
 Assessor's map: 13501E33
 Tax Lot: 3300 Lot Size 2.42 AC
 Utilities: Sewer Sanitary 4" Fresh Deep at city street depth

A-TEAM Contractors INC	
SCALE: 1" = 25'-0"	APPROVED BY:
DATE: 12-31-2024	DRAWN BY: Andy
REVIS	
Email: ateamoffices@gmail.com	
DRAWING NUMBER	
Andy's cell 503-341-0940	

1108 43rd ave, Sweet Home OR
 Scale: 1" = 25'-0"

TENTATIVE PARTITION PLAT & VARIANCE APPLICATIONS

Submitted to: City of Sweet Home
Planning Division
3225 Main Street
Sweet Home, OR 97386

Applicants/Property Owners: A-TEAM SERVICES LLC
1415 POPLAR ST
SWEETHOME OR 97386
(503) 341-0940 / ateamoffices@gmail.com

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

Contact:
Email:

Site Location: 1188 43RD AVE , Sweet Home, OR 97386

Linn County Assessor's Map No.: 13S01E33 AC

Site Size: ±2.42-acres

Existing Land Use: Residential

Comprehensive Plan Designation: Low Density Residential

Zone Designation: Low Density Residential (R1)

Surrounding Zoning: North: R1
South: R1
East: R1
West: R1

Surrounding Uses: North: Residential Dwelling
South: Residential Dwelling
East: Residential Dwelling
West: Residential Dwelling



I. Executive Summary

The applicant Uprise Investing LLC seeks approval of the following two applications:

1. A Tentative Partition Plat to divide a an existing residence 2.42 ac parcel into 4 parcels
2. A variance for the existing home placement on the property prohibits the access width required for the partition or development of the property

The subject property has the following assigned addresses: 1188 43rd ave and is identified as Linn County Tax Assessor's Map No. 13s01e33 ac

This written narrative and associated documentation included in the application materials establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the city to approve the application.

II. Analysis of Development Code Criteria

1. Partitions are subject to provisions in Chapter 17.58.
2. Per SHMC 17.98.020, preliminary partition plats are reviewed in accordance with a Type II review procedure.
3. The application submittal requirements for a preliminary subdivision plat application are found under Section 17.98.040 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

III. 17.98.050 Decision Criteria

Section 17.98.050 of the Sweet Home Municipal Code (SHMC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion A

Each parcel shall satisfy the dimensional standards of the applicable zone unless a variance from these standards is approved.

1. This application is for a Tentative Partition Plat to divide a single ±2.42-acre parcel into four parcels: Parcel 1 - 11,408 s.f ; Parcel 2 – 19,000-s.f ; Parcel 3 – 24,000 s.f -parcel 4 23,000s,f
2. The subject property has the following assigned addresses: 1188 43 rd ave ; and is identified as Linn County Tax Assessor's Map No. 13S01E33 AC
3. The subject property is in the Low Density Residential (R1) zoning district.
4. The subject property is currently improved

According to SHMC 17.10.010, the R-1 District is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots.

20-021 A-Team

Long 1188 43rd

Partition Application

january 20th 2026

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5. Development is not proposed in association with the partition application. Per SHMC 17.10.020, Permitted Uses, the following residential uses are permitted in the R-1 zone as outright permitted uses: single-family detached and duplex.
6. Per SHMC 18.10.030 Special Uses, partitions are subject to provisions in Chapter 17.58. This narrative includes a plan set and written narrative addressing the partition review criteria.
7. Per SHMC 17.10.050 Density Regulations, states that no more than one dwelling per lot or parcel with a maximum 5.4 dwelling unit per net acre. Duplexes count as one dwelling unit for purposes of density calculation.

Per SHMC 17.04.020, net acreage is defined as follows: *Net density is calculated on the total acres, minus any floodplain, dedicated right-of-way, or other proposed or required dedications or allocations of land to uses other than the allowed residential units, except garages and other typical residential accessory uses.*

The net acreage of the subject property is 2.63-acres, which equates to maximum density of 14 dwelling units.

8. A comparison of the dimensional standards of SHMC 17.12.060 and the proposed are as shown in the table below:

Minimum Lot Area & Width		
	Standard	Proposed
Single Family and Duplex	5,000 sf	Parcel 1 - 11,408 sfs; Parcel 2 19,000s; Parcel 3 – 23,000s,f parcel4 24,000s,f
Minimum Width at building line	70 feet	Parcel 1 – 76-feet; Parcel 2 – 76-feet; Parcel 3 – 75-feet
Minimum Setbacks		
Front Yard	15 feet	N/A
Garage	20 feet to the entrance	N/A
Side Yard (Interior)	5 feet / 12-feet both sides combined	N/A
Side Yard (Street)	15 feet	N/A
Rear Yard	15 feet	N/A
Maximum Structure Height		
Primary Building	30 feet	N/A
Accessory Building	20 feet (roof apex)	N/A



Maximum Lot Coverage		
Residential	40%	N/A

9. SHMC 17.42.120(A), states, "the easement containing the private access easement shall be excluded from the lot or parcel size calculation."

The net area of the proposed Parcels is as follows: Parcel 1 – 11,408 s,f ; Parcel 2 – 19,000s,fs; Parcel 3 -23,000 s.f parcel 4 -24,000sf

10. SHMC 17.42.120(C), states, "where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line.

"See site map "

11. Per SHMC 17.12.070, development standards, all development in the R-1 zone must comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. *Off-street parking. All single-family homes and duplexes shall require a garage or carport; and in addition, provided two hard surface parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.50.*

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

- B. *Signs shall conform to the standards contained in Chapter 17.50.*

No signs are proposed in association with this partition.

- C. *Fencing. Fence shall conform to provisions contained in Chapter 17.52*

Fencing is not proposed in association with this partition.

- D. *Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.56.*

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

- E. *Other. A property owner is advised other regulations may apply for property in an identified natural resources area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).*

The subject property is not located within a special flood hazard area nor is it listed on national or local historic registry.

Criterion B

The parcels shall meet the Development Standards for Land Division of Chapter 17.58.



- 12. Per SHMC 17.58.010 Purpose, the purpose of this Chapter is to provide for the orderly, safe, and efficient division of land within The City.
- 13. Per SHMC 17.58.020 Scope, A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.

The proposal includes a 4-parcel partition and therefore subject to the standard provided below.

- 14. Per SHMC 17.58.030 Standards for Lots or Parcels, the following standards apply to all partitions and subdivisions:

- A. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.*

The net area of the proposed Parcels is as follows: Parcel 1 – 11,400 s,f; Parcel 2 – 19,000; Parcel 3 – 23,000s.f parcel 4 -24,000sf

- B. Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.*

See site map

- C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is: 1. Infeasible due to parcel shape, terrain, or location of existing structures; 2. Unnecessary to provide for the future development of adjoining property. 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.*

Parcel 2,3,4, is proposed to have flag access to 43rd ave Proposed Parcels 1 has existing access to existing home

- D. Flag Lots. Flag lots shall be subject to the following development standards: 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width. 2. The access strip shall not be included in the lot area calculation. 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.*

Parcel 2,3,4 is proposed to be a flag lot. will obtain access to 43rd ave via a shared private access easement. The access easement width is proposed to be 25-foot-wide



with likely development greater than 150 feet. Therefore, a fire hammerhead style turnaround is proposed within a record emergency access easement.

- E. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.*

No through lots are proposed with this partition.

- F. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.*

All lot lines run as far as practicable at right angles to Long Street.

- G. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.*

As shown on the tentative partition plat, all proposed parcels will have access to public utilities via a shared utility easement.

15. According to SHMC 17.58.050 Improvement Requirements – Partitions, the following improvements will be applied as conditions of approval:

- A. Private Access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.*
- B. Public Facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.*
- C. Street Frontage Improvements. The following improvements shall be required:*
 - 1. Consistent with the adopted transportations plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.*
 - 2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a non-remonstrance agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines,*



storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.

3. *If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:*

a. Public streets upon which the property fronts to public standards, including surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a non-remonstrance agreement consistent with item (B)(2), above.

b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.

c. The installation of storm sewers, sanitary sewers, water lines and other utilities.

D. *Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.*

Criterion C

Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.

16. SHMC 17.42.120 Setbacks states, "the line fronting along a private street or private access easement shall be considered a property line. Setbacks to the garage and home shall be measured from this easement line."

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

17. According to SHMC 17.12.060, the minimum setbacks for the R-1 zone are as follows: 15-foot front building/20-foot front vehicle entrance; 5-foot/15-feet combined interior side, 15-foot street side, and 15-foot rear yard.

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.



Criterion D

Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44.

18. SHMC 17.40.030 states, "standards for the provision and utilization of public facilities or services available within The City of Sweet Home shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by The City."

19. According to Table 17.40-1, single family and duplex development require the following improvements:

Land Use	Fire Hydrant	Street Improvement	Water Hookup	Sewer Hookup	Storm Drain	Streetlights	Bike and Ped.
Single Family Home, Duplex	No, unless required by Fire Code	C-2	Yes	Yes	Yes	No	C-2

Street Improvements for Single Family Dwellings, Duplex Dwellings and Partitions:

1. *New single-family dwellings and duplex dwellings on an existing parcel less than 2.0 acres in size and fronting an existing street which does have a full street improvement including sidewalks, as required in the City's Street design standards and Chapter 17.42.040, shall dedicate the needed right-of-way and shall install the full improvement along a parcel's frontage.*
2. *If there is no adjacent improvement, a right-of-way permit fee, in accordance with the City's adopted connection fees, will be required in lieu of constructing the improvement.*
3. *If a street extension to serve the residence is necessary, the owner must provide the necessary right-of-way dedication and street improvement to city street standards along the full frontage of the parcel.*
4. *A partition to parcels of 2.0 acres or larger does not require street improvements. A partition to parcels smaller than 2.0 acres requires street improvements.*

20. The subject property is ±2.38-acres and abuts a street that is not fully improved. Improvements include a 70-foot right-of-way, a paved travel lane in either direction, and



drainage ditches on either side of the roadway. A waiver of remonstrance for future street improvements has been signed by the property owner and filed with the City of Sweet Home.

21. Per Figure 2.2 of the Sweet Home Transportation Plan (TSP), 43rd ave is classified as a minor arterial street.
22. According to SHMC, 17.42.040, minor arterial street is required to have the following: 70-foot maximum right-of-way width, 40-foot maximum curb-to-curb width, 7-foot minimum travel lane width, two 6-foot-wide bike lanes, 8-foot maximum parking lane width, 7-foot minimum sidewalk width with shared driveway access.
23. Per SHMC 17.42.110, private access easement must conform to the following standards:
 - A. *Width. Where permitted, the access easement shall comply with the following standards:*
 1. *Minimum easement width: 20 feet*
 2. *Minimum paved width: For private access of 150' or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' – 16 feet.*
 3. *Maximum length: 200 feet*
 4. *No more than 2 single-family detached dwellings or 2 duplexes shall have their sole access to the easement. Easements serving more than 2 homes, or 2 duplexes shall comply with the provisions for a Residential Neighborhood Street*
 - B. *Surface Improvement. The surface width noted in A.1. above shall be improved with either asphalt or concrete for the entire length of the private access easement.*
 - C. *Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners' association, or similar instrument acceptable to The City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.*
 - D. *Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the requirements of the Sweet Home Fire District.*
 - E. *Fire Lanes. All private access easements shall be designated as fire lanes and signed for "no parking." All private access easements and joint use driveways shall comply with International Fire Code.*
 - F. *Easement Required. Where The City approves a private access easement or joint use driveway, the property owners shall record an easement with the deed allowing joint*



use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to The City for its records, but The City is not responsible for maintaining the driveway or resolving any dispute between property owners

24. Parcel 2,3,4 is proposed to have flag access to 43rd ave . Proposed Parcels 1 has an existing acces from 43rd ave . As shown on the tentative partition plat
25. The proposed shared access easement will be designed to a residential neighborhood street standard consisting of a 25-foot-wide right-of-way with 20-foot-wide curb-to-curb width, and a 7-foot-wide travel lane in either direction.
26. Per SHMC 17.46.020, the provision of Chapter 17.26 applies to all partitions, subdivisions, multi-family developments, commercial developments, and industrial development, and to the reconstruction or expansion of such developments.
27. SHMC 17.46.030 states, "no construction of any facilities in a development included in Chapter 17.90 shall be permitted until a storm drainage and erosion control plan, designed in accordance with The City's Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by The City."
28. No development is proposed with this partition. Any required storm drainage and erosion plans will be reviewed and approved in association with a site or building permit.
29. The standards per Chapter 17.48 Utility lines and facilities are as follows:
 - A. *Design and Location.* The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
 - B. *Private Utilities.* All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
 - C. *Water Service Required.* All development which has a need for public water shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.
 - D. *Sanitary Sewer Required.* All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.



E. *Streetlights. When required, the installation of streetlights shall be pursuant to the requirements of The City Engineering Standards and the requirements of the utility company serving the development.*

F. *Easements, General. Easements shall be provided along property lines as deemed necessary by The City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.*

30. As shown on the tentative partition plat, an easement for private utilities extensions will be recorded upon or in association with the final plat.

31. Per SHMC 17.48.030, "all public facility improvements shall be designed and constructed in compliance with adopted City of Sweet Home Engineering Standards. The Director of Public Works (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered pursuant to provisions in this Development Code."

32. As shown in the tentative partition plat, easements for private utilities extensions and access will be recorded upon or in association with the final plat.

IV. **17.110.050 Decision Criteria**

Section 17.106.060 of the Sweet Home Municipal Code (SHMC) includes the following review criteria that must be met for a variance to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion A

The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

33. The applicant requests a variance for a 4 parcel partition due to the existing home on the property does not meet the road access setback requirement for a "subdivision" there for we propose to have 4 parcels

34. See proposed site map

35. See proposed site map



Criterion B

Such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.

36. Compliance with width to depth ratio standard of SHMC 17.58.030(B)

Criterion C

The authorization of such a variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

37. Authorization of the requested variances will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. As outlined in the section above, all other city development code standards are either satisfied or will be satisfied through conditions of approval.

Criterion D

The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted)

38. The need for the variance from SHMC 17.58.030(B) is not self-imposed as the existing parcel

Criterion E

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

39. The requested variance is the minimum necessary to alleviate the identified hardship; therefore, this criterion is met.

Criterion F

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

40. Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed parcels will allow for an adequate building envelope to comply with all applicable building code requirements and engineering design standards. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the proposed parcels.



V. OVERALL CONCLUSION

Based on the analysis in this report, the proposed preliminary partition plat and variance applications meets all the applicable review criteria as outlined above.

VI. ATTACHMENTS

A. Tentative Partition Plat





City of Sweet Home

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

In the matter of the
Partition requested by
Snegirev / A-Team Services LLC

) Partition
) File No. P26-02
)

NOTICE OF ADMINISTRATIVE DECISION ON A LAND PARTITION APPLICATION

FINDINGS OF FACT

SUMMARY

1. The applicant is requesting to partition an approximately 105,415 square foot lot into four parcels per Sweet Home Municipal Code 17.98. Proposed Parcel 1 shall be approximately 19,000 square feet. Proposed Parcel 2 shall be approximately 19,000 square feet. Proposed Parcel 3 shall be approximately 34,350 square feet. Proposed Parcel 4 shall be approximately 29,375 square feet.
2. Variance Application VR26-01 was **approved/denied** by the Planning Commission during a public hearing on March 5, 2026. The Planning Commission approved the following variance Conditions of Approval:
 - Further division of the proposed parcels will 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.
 - All building code requirements and engineering design standards be met prior to the final inspection.
3. According to the Sweet Home Infrastructure Map, the existing parcel has access to City water and sewer services within 43rd Avenue, which serves the existing residential dwelling on Parcel 1. Based on review of FEMA FIRM Map Panel 41043C0914G (dated September 29, 2010), the subject property is not located within a Special Flood Hazard Area. Additionally, no wetlands or waterways are identified on the subject property as shown on the Statewide Wetlands Inventory or the National Wetlands Inventory Map.
4. If Variance Application VR26-01 is approved, the applicant shall construct the private access easement to meet, at a minimum, the Neighborhood Street Standards set forth in SHMC 17.40.040. If duplex development occurs, the applicant shall comply with the additional requirements specified in SHMC 17.72.040(D).

Public facility requirements will be determined based on the type of development proposed. Applicable requirements are outlined in the Public Works Engineering comments in Section II of the staff report and in Conditions of Approval 5 and 6.

5. Public Notice and Comments: Public Notices were distributed in accordance with Chapter 17.124.010(D, E).
6. The Planning and Building Manager deliberated on this matter and passed a motion to approve the application on [insert date]. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.

APPEAL PROCEDURE

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

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

17.124.010(J) Planning commission action. The Planning Commission action on a Type II appeal shall be in the form of a decision. Within five working days of the Planning Commission decision, the applicant and all individuals who participated in the public hearing or requested notice of the decision, shall be mailed written notice of the decision. The notice shall specify findings justifying the decision to approve or deny the request and any conditions of approval.

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

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

17.124.010(M) Notice of city council decision. Within five working days of the final City Council decision, the applicant and those who attended the hearing or requested notice, shall be mailed written notice of the City Council decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

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

procedures.

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

CHARACTERISTICS OF PROPERTY

1. Location: The property is located on the west side of 43rd Avenue, 4 lots south of Long Street.
2. Zoning and Plan Designation: The subject property is zoned Residential Low Density (R-1) zone. The 2022 Comprehensive Plan land use classification for the subject property is Low Density Residential. The purpose of the 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. [SHMC 17.10.010].
3. Site Description: Before the partition, the property totals approximately 105,415 square feet. After the partition, the property will be divided into four parcels as follows:
 - Proposed Parcel 1: approximately 9,747 square feet and has an existing residential dwelling
 - Proposed Parcel 2: approximately 19,000 square feet and is vacant.
 - Proposed Parcel 3: approximately 34,350 square feet and is vacant.
 - Proposed Parcel 4: approximately 29,375 square feet and is vacant.

CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for a partition was reviewed by the Planning and Building Manager based on the applicable criteria in the attached Staff Report below.

CONCLUSION:

The Planning and Building Manager finds that the criteria presented in the staff report have been met.

CONDITIONS OF APPROVAL:

1. The final configuration of proposed Parcels 1, 2, 3, and 4 shall substantially conform to the plot plan reviewed in this application (see Attachment B). Proposed Parcel 1 shall be approximately 19,000 square feet. Proposed Parcel 2 shall be approximately 19,000 square feet. Proposed Parcel 3 shall be approximately 34,350 square feet. Proposed Parcel 4 shall be approximately 29,375 square feet.
2. Approval of Variance Application VR26-01 shall be required prior to the approval of partition Application P26-02. Should Application VR26-01 be denied, approval of Partition Application P26-02 shall also be denied.
3. Any further division of the proposed parcels shall be prohibited. This restriction would not apply to duplex lot divisions permitted under Senate Bill 458, as codified in SHMC 17.72.040.
4. If the applicant develops duplexes on the proposed lots and then divides the duplexes based on Senate Bill 458, additional improvements shall be required based on SHMC 17.72.040(D).

5. If the applicant develops single-family dwellings, individual water and sewer service connections shall be extended from the existing mainlines in 43rd Avenue. If duplexes are developed, the applicant shall install a manhole in 43rd Avenue and extend an 8-inch sanitary sewer main westward to adequately serve the subject properties. The extension shall terminate with a manhole.
6. If duplexes are developed, the applicant shall install a 6-inch by 16-inch hot-tapped valve on the existing 43rd Avenue water main. A 6-inch water main shall then be extended westward to adequately serve the subject properties. The extension shall include a fire hydrant at the west end of the line and shall terminate with a blow-off assembly.
7. All applicable access and utility easements shall be shown on the final plat.
8. The applicant shall submit a development agreement prior to recording the final plat.

Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition. [SHMC 17.58.050(D)]

9. All development shall comply with the applicable development standards of SHMC Chapter 17.10 and Title 17 Article III at the time of development
10. A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application. The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees. No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition. [SHMC 17.98.060]
11. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

ORDER

Based on the Findings and Conclusions above, the Planning and Building Manager approved with conditions, the partition request for the property located at 1188 43rd Avenue, Sweet Home, Oregon, Linn County Map 33AC, Tax Lot 03300.

DECISION DATE: [insert date]

MAILING DATE: [insert date]

APPEAL DEADLINE: [insert date]

Angela Clegg, Planning & Building Manager

Date

Jason Ogden, City Manager

Date

The decision made by the Manager is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline (12 days from the date the decision is mailed). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Division, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission shall hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 818-8029.

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 shall be provided at reasonable cost. A copy of the staff report is available for inspection at no cost and a copy shall be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 818-8029

SWEET HOME PLANNING DEPARTMENT STAFF REPORT

REQUEST: The applicant is requesting to partition an approximately 105,415 square foot lot into four parcels per Sweet Home Municipal Code 17.98. Proposed Parcel 1 shall be approximately 19,000 square feet. Proposed Parcel 2 shall be approximately 19,000 square feet. Proposed Parcel 3 shall be approximately 34,350 square feet. Proposed Parcel 4 shall be approximately 29,375 square feet. The subject property is located in the Residential Low Density (R-1) zone.

Application P26-02 is being filed simultaneously with application VR26-01 to allow for a four (4) lot partition. Application P26-02 is reliant on the approval of application VR26-01.

APPLICANT: Andy Snegirev

PROPERTY OWNER: A Team Services LLC

FILE NUMBER: P26-02

PROPERTY LOCATION: Located at 1188 43rd Ave, Sweet Home, Oregon 97386; identified on the Linn County Assessor's Map as 13S01E33AC, Tax Lot 3300.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 17.10.030, Chapter 17.58, Chapter 17.98, Chapter 17.24.

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

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

Property Information:

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: 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.

Access: Based on the Subject Property Map (Attachment A), the property abuts 43rd Avenue.

Sidewalks: There are currently no sidewalks along 43rd Avenue. Sidewalk construction is not required at this time; however, a recorded development agreement will be required prior to recording the final plat.

Services: There are existing City water and sewer services to the existing residence from 43rd Avenue.

Street: The subject property abuts approximately 128 feet of 43rd Avenue.

Notice and Timelines

- Application Received: January 20, 2026
- Application Deemed Complete: January 21, 2026
- Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: January 26, 2026
- Notice Published in New Era Newspaper: January 23, 2026
- 120 Day Processing Deadline: May 21, 2026
- Notice was provided as required by SHMC 17.124.010(D-E)

II. COMMENTS RECEIVED

**Matt Cook
CEDD Engineering:** CEDD Engineering has reviewed this application and has no comments at this time beyond those in VR26-01.

**Blake Patterson
Public Works Eng:** If single family homes are proposed, individual taps for water/sewer services may be tied into our mainlines on 43rd Avenue. If any duplexes/multifamily dwellings are planned, a manhole shall be set on 43rd Avenue with an 8" mainline extending to appropriately service the properties to the West and shall be terminated by a manhole.

If duplexes/multifamily dwellings are planned, a 6x16 hot-tapped valve shall be installed on the 43rd Avenue water mainline, with a 6" water main extending to appropriately service properties to the West, the installation shall include a hydrant on the West end of the run, and shall be terminated by a blow-off assembly.

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

Sweet Home Fire District: No comments as of the issuance of this staff report.

Public Comments: No comments as of the issuance of this staff report.

III. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a land partition is subject to the review criteria listed in Sweet Home Municipal Code Sections 17.10, 17.42, 17.44, 17.58.030, 17.58.050, 17.58.070, 17.98, and 17.124

The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied per SHMC Section 17.98.060(B). Staff Findings of Fact and analysis are as follows.

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.***

Applicants Comment: The net area of the proposed Parcels is as follows: Parcel 1 - 11,400 s.f; Parcel 2 - 19,000; Parcel 3 - 23,000s.f parcel 4 -24,000sf [Attachment C, Page 5].

Staff Findings: In the R-1 Zone, the minimum required lot area is 7,000 square feet for both single-family dwellings and duplexes. All other proposed uses shall meet the applicable density and development standards.

According to the tentative partition plat (Attachment B), the existing parcel has an area of approximately 105,415 square feet prior to partition. Following the proposed partition, proposed Parcel 1 shall be approximately 19,000 square feet, proposed Parcel 2 shall be approximately 19,000 square feet, proposed Parcel 3 shall be approximately 34,350 square feet, and proposed Parcel 4 shall be approximately 29,375 square feet.

Based on these measurements, staff find that each proposed parcel meets the minimum lot area requirement and that the application complies with this criterion.

- B. Lot width and depth. The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.***

Applicants Comment: See site map [Attachment C, Page 5].

Staff Findings: Based on the tentative partition plat (Attachment B), proposed Parcel 1 has an average width of approximately 127 feet and an average depth of approximately 155 feet. Proposed Parcel 2 has an average width of approximately 95 feet and an average depth of approximately 195 feet. Proposed Parcel 3 has an average width of approximately 153 feet and an average depth of approximately 351 feet. Proposed Parcel 4 has an average width of approximately 125 feet and an average depth of approximately 264 feet.

The depth of each proposed parcel does not exceed three times its width, consistent with development code requirements

Based on these findings, staff conclude that the application complies with this criterion.

- C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the***

provisions of Chapter 17.42 when it is determined that a public street access is:

- 1. Infeasible due to parcel shape, terrain, or location of existing structures;**
- 2. Unnecessary to provide for the future development of adjoining property.**
- 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.**

Applicants Comment: Parcel 2,3,4, is proposed to have flag access to 43rd ave Proposed Parcels 1 has existing access to existing home [Attachment C, Page 5].

Staff Findings: Based on the tentative partition plat (Attachment B), proposed Parcel 1 shall have approximately 127 feet of frontage along 43rd Avenue.

Based on SHMC 17.42.110(A)(4) proposed Parcels 2, 3 and 4 shall have approximately 28 feet of frontage along 43rd Avenue via a private access easement.

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 dwelling 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.

Staff recommend a condition of approval that Variance Application VR 26-01 be approved prior to the approval of Partition Application P26-02.

With the above condition of approval, staff conclude that the application complies with this criterion.

D. Flag lots. Flag lots shall be subject to the following development standards:

- 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.**
- 2. The access strip shall not be included in the lot area calculation.**
- 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.**

Applicants Comment: Parcel 2,3,4 is proposed to be a flag lot. will obtain access to 43rd ave via a shared private access easement. The access easement width is proposed to be 25-feet-wide with likely development greater than 150 feet. Therefore, a fire hammerhead style turnaround is proposed within a record emergency access easement [Attachment C, pages 5 and 6].

Staff Findings: According to SHMC 17.42.110(A)(4) and SHMC 17.04 Definitions, the applicant is proposing a private access easement not a flag lot to parcels 2, 3, and 4. The north/south section of the easement shall serve as an emergency turnaround.

E. Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.

Applicants Comment: No through lots are proposed with this partition. [Attachment C, Pages 6].

Staff Findings: The applicant is not proposing a through lot.

F. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.

Applicants Comment: All lot lines run as far as practicable at right angles to Long Street. [Attachment C, Page 6].

Staff Findings: Based on the tentative partition plat (Attachment B), proposed Parcel 1 shall have side lot lines that run at right angles to 43rd Avenue. Proposed Parcels 2, 3 and 4 shall have side lot lines that run at right angles to the private access easement.

Based on the above findings, staff conclude that the application complies with this criterion.

G. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.

Applicants Comment: As shown on the tentative partition plat, all proposed parcels will have access to public utilities via a shared utility easement. [Attachment C, Page 6].

Staff Findings: According to the Sweet Home Infrastructure Map, the existing residential dwelling has access to City water and sewer services in 43rd Avenue.

No new development is proposed as part of this application. Required utility easements shall be shown on the final plat, and connection costs for City services will be determined during the building permit review process.

With these conditions, staff find that the application complies with this criterion.

17.58.050 IMPROVEMENT REQUIREMENTS – PARTITION

During the review of partition proposals, The City shall require, as a condition of approval, the following improvements:

A. Private access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.

Staff Findings: 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 dwelling 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.

According to SHMC 17.42.110(A)(4) and SHMC 17.04 Definitions, the applicant is proposing a private access easement serving proposed parcels 2, 3, and 4. The private access easement shall be developed at a minimum to the Residential Neighborhood Street Standards.

Should the applicant develop duplexes on the proposed lots and then divide the duplexes based on Senate Bill 458, additional improvements shall be required based on SHMC 17.72.040(D).

Staff recommend a condition of approval that the applicant comply with all street and development standards at the time of development.

With these conditions, staff find that the application complies with this criterion.

B. Street frontage improvements. The following improvements shall be required:

- 1. Consistent with the adopted transportation plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.**
- 2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a development agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.**
- 3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:**
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a development agreement consistent with item (B)(2), above.**
 - b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.**
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.**

Staff Findings: Based on the tentative partition plat (Attachment B), proposed Parcel 1 will have approximately 127 feet of frontage along 43rd Avenue. Proposed Parcels 2, 3 and 4 shall have approximately 28 feet of frontage along 43rd Avenue via a private access easement.

The applicant is filing Variance Application VR26-01 simultaneously with Application P26-02. The applicant is requesting a variance to allow a four (4)-lot partition. 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 dwelling 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 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.

Should the applicant develop duplexes on the proposed lots and then divide the duplexes based on Senate Bill 458, additional improvements shall be required based on SHMC 17.72.040(D).

Staff recommend a condition of approval that Application VR26-01 be approved prior to the approval of Application P26-02.

With these conditions, staff find that the application complies with this criterion.

- C. Public facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.**

Staff Findings: Based on the Sweet Home Infrastructure Map, the existing residence has City water and sewer services. There is an existing storm channel along the west side of 43rd Avenue.

No development is proposed as part of this application. However, based on the Public Works Engineering comments in Section II above, if single family homes are proposed, individual taps for water/sewer services shall be tied into the mainlines on 43rd Avenue. If any duplexes/multifamily dwellings are planned, a manhole shall be set on 43rd Avenue with an 8" mainline extending to appropriately service the properties to the West and shall be terminated by a manhole.

If duplexes/multifamily dwellings are planned, a 6"x16" hot-tapped valve shall be installed on the 43rd Avenue water mainline, with a 6" water main extending to appropriately service properties to the West, the installation shall include a hydrant on the West end of the run and shall be terminated by a blow-off assembly.

Connection fees for City services will be determined during the building permit review process. Staff recommend including a condition of approval requiring that all future development comply with the applicable standards of SHMC 17.10.070, 17.46, 17.48, and 17.58.050 at the time of development.

With these conditions, staff find that the application meets the criteria related to public facilities.

- D. Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.**

Staff Findings: The subject property contains an existing single-family dwelling located near the front of the lot. The dwelling is proposed to remain and occupy one of the four resulting parcels. Due to the location of the dwelling and required setbacks, there is insufficient width on either side of the dwelling to construct a public local street meeting current subdivision and local street standards.

The applicant has requested a variance to allow a four (4)-lot partition served by a private access easement. If the variance is approved, the applicant shall, at a minimum, construct the access easement to Residential Neighborhood Street Standards in accordance with SHMC 17.42. Staff recommend a condition of approval requiring that Application VR26-01 be approved prior to approval of Application P26-02.

If duplexes are constructed on the proposed lots and subsequently divided pursuant to Senate Bill 458, additional public improvements shall be required in accordance with SHMC 17.72.040(D).

Prior to recording the final plat, the applicant shall enter into a development agreement with the City of Sweet Home. Consistent with the completion requirements, all required public improvements shall be

completed prior to issuance of building permits, or alternatively, shall be secured through a performance bond or other instrument acceptable to the City prior to final plat approval.

Staff recommend a condition requiring that all future development comply with the applicable provisions of SHMC 17.10.070, 17.42, 17.44, and 17.58.050 in effect at the time of development.

With these conditions, staff finds the application satisfies the completion requirements of the applicable criteria.

17.98.040 SUBMITTAL REQUIREMENTS

- A. The applicant shall prepare and submit a preliminary plan and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The applicant shall submit one 11" x 17" copy of the preliminary plan along with one digital copy. The plan shall include the following information:**
- 1. General Information. The following general information shall be shown on the tentative plan:**
 - a. Vicinity map showing all streets, property lines, streams, and other pertinent data to locate the proposal.**
 - b. North arrow and scale of drawing.**
 - c. Tax map and tax lot number or tax account of the subject property.**
 - d. Dimensions and size in square feet or acres of the subject property and of all proposed parcels.**
 - 2. Existing Conditions:**
 - a. Location of all existing easements within the property.**
 - b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.**
 - c. The location and direction of water courses or drainage swales on the subject property.**
 - d. Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.**
 - 3. Proposed Plan:**
 - a. Locations, approximate dimensions and area in square feet of all proposed parcels. All parcels shall be numbered consecutively.**
 - b. Location, width and purpose of any proposed easements.**
- B. At the discretion of the City, specific requirements may be waived provided there is sufficient information to allow processing of an application.**

Staff Findings: The applicant submitted a tentative partition map on January 20, 2026. The Planning and Building Technician deemed the application complete on January 21, 2026. During preparation of the staff report, the Planning and Building Manager determined that the site plans lacked required information and requested revisions from the applicant. Revised site plans were submitted by the applicant on February 27, 2026.

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

17.98.050 DECISION CRITERIA: Approval of a partition shall be subject to the following decision criteria:

- A. Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved [SHMC 17.98.050(A)].**

17.10.060 DIMENSIONAL STANDARDS:

A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone [SHMC 17.10.060 (A)]:

- 1. Minimum Lot Area and Width:**
 - a. Single Family Dwelling, Manufactured Home: 7,000 square feet.**
 - b. Duplex: 7,000 square feet.**
 - c. Other Uses: Sufficient to meet setbacks and development requirements**
 - d. Minimum Width at Building Line: 70 feet.**
- 2. Minimum Setbacks:**
 - a. Front Yard: 15 feet.**
 - b. Garage or Carport: 20 feet to entrance.**
 - c. Side Yard (Interior): 5 feet minimum any side, 12 feet both sides combined.**
 - d. Side Yard Street: 15 feet.**
 - e. Rear Yard: 15 feet.**
- 3. Maximum Structure Height:**
 - a. Primary Building: 30 feet.**
 - b. Accessory Building: 20 feet (roof apex).**
- 4. Maximum Lot Coverage: 40%.**

Applicants Comment: This application is for a Tentative Partition Plat to divide a single ±2.42-acre parcel into four parcels: Parcel 1 - 11,408 s.f; Parcel 2 - 19,000-s.f; Parcel 3 - 24,000 s.f -parcel 4 23,000s. [Attachment C, Pages 2-4.]

Staff Findings: Based on the attached site plan (Attachment B), proposed Parcel 1 shall be approximately 19,000 square feet. Proposed Parcel 2 shall be approximately 19,000 square feet. Proposed Parcel 3 shall be approximately 34,350 square feet. Proposed Parcel 4 shall be approximately 29,375 square feet.

The minimum width at building line for proposed Parcel 1 is approximately 127 feet. The minimum width at building line for proposed Parcel 2, if facing the north section of the private easement shall be approximately 95 feet, and if facing the west section of the easement shall be approximately 195 feet. The minimum width at building line for proposed Parcel 3 shall be approximately 133 feet. The minimum width at building line for proposed Parcel 4 shall be approximately 125 feet.

The applicant is not proposing any new development as part of this application. Setbacks, structure height, and lot coverage will be verified during the building permit review process.

Based on the above information, staff find that the application complies with the minimum dimensional standards of the R-1 zone.

B. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.

Staff Findings: The applicant has not proposed a flag lot.

C. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

Staff Findings: The applicant has not proposed any development with this application. Staff recommend a condition of approval that the applicant comply with all applicable development and dimensional standards of the Residential Low-Density Zone at the time of development.

B. The parcels shall meet the Development Standards for Land Division of Chapter 17.58 [SHMC 17.98.050(B)].

Applicants Comment: The proposal includes a 4-parcel partition and therefore subject to the standard provided below. The net area of the proposed Parcels is as follows: Parcel 1 - 11,40b s,f; Parcel 2 - 19,000; Parcel 3 - 23,000s.f parcel 4 -24,000sf. Parcel 2,3,4, is proposed to have flag access to 43rd ave Proposed Parcels 1 has existing access to existing home. Parcel 2,3,4 is proposed to be a flag lot. will obtain access to 43rd ave via a shared private access easement. The access easement width is proposed to be 25-feet-wide with likely development greater than 150 feet. Therefore, a fire hammerhead style turnaround is proposed within a record emergency access easement. No through lots are proposed with this partition. All lot lines run as far as practicable at right angles to Long Street. As shown on the tentative partition plat, all proposed parcels will have access to public utilities via a shared utility easement. [Attachment C, pages 4-7]

Staff Findings: The findings for SHMC 17.58 can be found on pages 7-12 of this Staff Report.

C. Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved [17.98.050(C)].

Applicants Comment: Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development. (Attachment C, Page 7)

Staff Findings: There is an existing residential dwelling on proposed Parcel 1 that will remain occupied. Based on the submitted site plan (Attachment B), proposed Parcel 1 shall comply with the minimum setback and lot coverage requirements of the R-1 zone. Proposed Parcels 2, 3, and 4 are vacant.

Staff recommend including a condition of approval requiring that all development comply with the applicable development and dimensional standards of the Residential Low Density (R-1) Zone at the time of development.

With these conditions, staff finds that the application complies with the applicable criteria.

D. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44 [SHMC 17.98.050(D) and SHMC 17.72.040(E)(4)].

Applicants Comment: The subject property is ±2.38-acres and abuts a street that is not fully improved. Improvements include a 70-foot right-of-way, a paved travel lane in either direction, and drainage ditches on either side of the roadway. A waiver of remonstrance for future street improvements has been signed by the property owner and filed with the City of Sweet Home. 21. Per Figure 2.2 of the Sweet Home Transportation Plan (TSP), 43rd ave is classified as a minor arterial street. According to SHMC, 17.42.040, minor arterial street is required to have the following: 70-foot maximum right-of-way width, 40-foot maximum curb-to-curb width, 7-foot minimum travel lane width, two 6-foot-wide bike lanes, 8-foot maximum parking lane width, 7-foot minimum sidewalk width with shared driveway access. Parcel 2,3,4 is proposed to have flag access to 43rd ave. Proposed Parcels 1 has an existing access from 43rd ave . As shown on the tentative partition plat. The proposed shared access easement will be designed to a residential neighborhood street standard consisting of a 25-foot-wide right-of-way with 20-foot-wide curb-to-curb width, and a 7-foot-wide travel lane in either direction. As shown on the tentative partition plat, an easement for private utilities extensions will be recorded upon or in association with the

final plat. Per SHMC 17.48.030, "all public facility improvements shall be designed and constructed in compliance with adopted City of Sweet Home Engineering Standards. The Director of Public Works (or designee shall determine compliance with these standards. These standards are considered requirements and may not be altered pursuant to provisions in this Development Code." As shown in the tentative partition plat, easements for private utilities extensions and access will be recorded upon or in association with the final plat. [Attachment C, pages 8-11.]

Staff Findings: Based on the tentative partition plat (Attachment B), proposed Parcel 1 will have approximately 127 feet of frontage along 43rd Avenue. Proposed Parcels 2, 3 and 4 shall have approximately 28 feet of frontage along 43rd Avenue via a private access easement.

Based on the Sweet Home Infrastructure Map, the existing residence has City water and sewer services. There is an existing storm channel along the west side of 43rd Avenue.

The applicant is filing Variance Application VR26-01 concurrent with Application P26-02. The applicant is requesting a variance to allow a four (4)-lot partition. 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 dwelling 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.

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.

Should the applicant develop duplexes on the proposed lots and then divide the duplexes based on Senate Bill 458, additional improvements shall be required based on SHMC 17.72.040(D).

No development is proposed as part of this application. However, based on the Public Works Engineering comments in Section II above, if single family homes are proposed, individual taps for water/sewer services may be tied into the mainlines on 43rd Avenue. If any duplexes/multifamily dwellings are planned, a manhole shall be set on 43rd Avenue with an 8" mainline extending to appropriately service the properties to the West and shall be terminated by a manhole.

If duplexes/multifamily dwellings are planned, a 6"x16" hot-tapped valve shall be installed on the 43rd Avenue water mainline, with a 6" water main extending to appropriately service properties to the West, the installation shall include a hydrant on the West end of the run and shall be terminated by a blow-off assembly.

Staff recommend a condition of approval that Application VR26-01 be approved prior to the approval of Application P26-02.

The applicant shall file a development agreement with the City of Sweet Home prior to recording the final plat. Staff further recommend a condition of approval requiring that all future development comply with the applicable standards of SHMC 17.10.070, 17.42, 17.44, and 17.58.050 at the time of development.

With these conditions, staff finds that adequate public facilities and access are available to serve the proposed parcels, and that the application complies with the applicable criteria.

IV. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. The final configuration of proposed Parcels 1, 2, 3, and 4 shall substantially conform to the plot plan reviewed in this application (see Attachment B). Proposed Parcel 1 shall be approximately 19,000 square feet. Proposed Parcel 2 shall be approximately 19,000 square feet. Proposed Parcel 3 shall be approximately 34,350 square feet. Proposed Parcel 4 shall be approximately 29,375 square feet.
2. Approval of Variance Application VR26-01 shall be required prior to the approval of partition Application P26-02. Should Application VR26-01 be denied, approval for a four (4) lot partition shall also be denied.
3. Any further division of the proposed parcels shall be prohibited. This restriction would not apply to duplex lot divisions permitted under Senate Bill 458, as codified in SHMC 17.72.040.
4. If the applicant develops duplexes on the proposed lots and then divide the duplexes based on Senate Bill 458, additional improvements shall be required based on SHMC 17.72.040(D).
5. If the applicant develops single-family dwellings, individual water and sewer service connections shall be extended from the existing mainlines in 43rd Avenue. If duplexes are developed, the applicant shall install a manhole in 43rd Avenue and extend an 8-inch sanitary sewer main westward to adequately serve the subject properties. The extension shall terminate with a manhole.
6. If duplexes are developed, the applicant shall install a 6-inch by 16-inch hot-tapped valve on the existing 43rd Avenue water main. A 6-inch water main shall then be extended westward to adequately serve the subject properties. The extension shall include a fire hydrant at the west end of the line and shall terminate with a blow-off assembly.
7. All applicable access and utility easements shall be shown on the final plat.
8. The applicant shall submit a development agreement prior to recording the final plat.

Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition. [SHMC 17.58.050(D)]

9. All development shall comply with the applicable development standards of SHMC Chapter 17.10 and Title 17 Article III at the time of development
10. A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application. The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees. No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure

will violate this Code absent recording the partition. [SHMC 17.98.060)

11. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

V. ATTACHMENTS

- A. Subject Property Map
- B. Tentative Partition Plat
- C. Applicants Summary
- D. Variance Application VR 26-01 Order and Decision

The full record is available for review at the City of Sweet Home Community and Economic Development Division Office located at City Hall, 3225 Main Street, Monday through Thursday, excluding holidays.

DRAFT



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST: 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:

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

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.

APPLICANT AND PROPERTY OWNER: Marilyn Nicholson

FILE NUMBER: VR26-02

PROPERTY LOCATION: 1197 43rd Ave, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 1702

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.10.060, 17.70.010(B), 17.106, and 17.126.

HEARING DATE & TIME: March 5th, 2026, at 6:30PM

HEARING LOCATION: City Hall Council Chamber 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: February 27, 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 FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: 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.

Access: Based on the Subject Property Map (Attachment A), the property abuts 43rd Avenue.

Services: There are existing City water and sewer services to the property from 43rd Avenue.

Street: The subject property abuts approximately 136 feet of 43rd Avenue.

TIMELINES AND HEARING NOTICE:

Application Received: January 28, 2026

Application Deemed Complete: January 29, 2026

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: February 2, 2026

Notice Published in New Era Newspaper: February 4, 2026

Date of Planning Commission Hearing: March 5, 2026

120-Day Processing Deadlines: May 30, 2026

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

Matt Cook

CEDD Engineering:

CEDD Engineering has no comments on Variance VR26-02. Utilities are available along 43rd Avenue to include a storm ditch, 8" CON sanitary sewer main, and 16" DI water main.

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

Jaysen Cunningham

Building Division: Building has no comment.

Sweet Home

Fire District: No comments as of the issuance of this staff report.

Public Comments: 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.

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

The Planning Commission may allow a Variance from a requirement or standard of this Development Code after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance. [17.106.060(A)]**

Staff Findings: The applicant is requesting a Variance to reduce the required side yard setback from 15 feet to 5 feet for a proposed accessory structure approximately 17.75 feet in height.

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 finds 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.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.

Staff Findings: 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 cost, 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.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

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

D. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

Staff Findings: 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.

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

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

Staff Findings: Staff finds that the requested variance is the minimum allowed for what the applicant is requesting.

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

Staff Findings: 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.

IV. STAFF RECOMMENDATION

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

V. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. All building code requirements and engineering design standards be met prior to the final inspection

VI. PLANNING COMMISSION ACTION

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

Appeal Period: Staff 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.

Order: 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.

Motion:

After opening of 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

VII. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:30 PM, Monday through Thursday, excluding holidays.



Subject Property



1 inch = 157 feet

VR26-02
Subject Property Map

Date: 01/30/2026

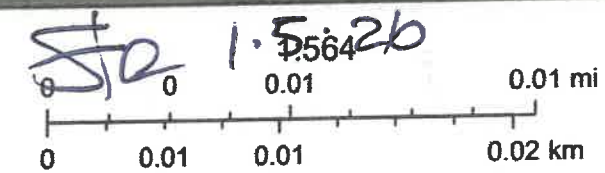
Linn County Planning Application

Site Address: 1197 43rd Ave.
Sweet Home, OR
97386



12/3/2025, 8:01:54 AM

- Permits
- City Limits
- ▭ County Boundary
- Roads
- ▭ Tax Lots



BLDG. DEPT. COPY

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Healy, City of Harrisburg, City of Idanha, City of Lebanon, City of Lyons, City of...

Map created using the Linn County Oregon web mapping application

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the

BUILDING FILE COPY