



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

July 06, 2023, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Mission Statement

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

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 246 156 257#

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

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

Meeting Minutes:

- a) [May 4, 2023 Meeting Minutes](#)
- b) [June 15, 2023 Meeting Minutes](#)

Public Hearings

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

Staff Updates:

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

Adjournment

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

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at

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

no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”
- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant’s Testimony
 - Proponents’ Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents’ Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

May 04, 2023, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order and Pledge of Allegiance

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

Roll Call of Commissioners

PRESENT

Laura Wood
Jamie Melcher
Henry Wolthuis
Eva Journey
Todd Branson
Nancy White

ABSENT

Jeff Parker, excused

STAFF

Blair Larsen, Community and Economic Development Director

GUESTS

Daniel Smith, 3235 Highway 20, Sweet Home, OR 97386
Terry and Renae Hoover, 863 18th Avenue, Sweet Home, OR 97386

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

None

Meeting Minutes:

- a) April 6, 2023 Planning Commission Meeting Minutes

A motion to approve the minutes with the revision that Eva Journey's absence was excused was made by Melcher, seconded by Wood.

Yea: 5

Nay: 0

Abstain: 1

Absent: 1

Public Hearings

- a) Application CMA23-01

The public hearing opened at 6:43 PM.

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.

Commissioner Wolthuis asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none. Commissioner Wood stated that she lives within a notice zone.

CEDD Director Larsen gave the staff report and testified on behalf of the application giving the purpose for the comprehensive plan map amendment.

Testimony in favor: None

Testimony in opposition: Renea Hoover asked if the zone change would affect property taxes. Larsen explained that it would not, it is only to change the zoning. Larsen explained the purpose of the Public Facility Zone. Hoover was concerned with public access, development and possible sales of the properties. Larsen explained the zone change will not have an effect on development or taxes. Wolthuis stated that the application is a house keeping item to bring the zoning into compliance with the use. Hoover asked if the property lines would be changed. Larsen explained that there are no property lines changes with a zone change. Wood further explained the purpose of the zone change.

Neutral Testimony: None

The public hearing was closed at 7:03 PM

Larsen announced that he would be happy to stay after the meeting and talk to anyone that has questions, but did not want to speak during the public hearing.

Commission discussion: Melcher stated that staff addressed the issues brought up by the public and the change will bring these properties into the correct zoning. Melcher was in favor of it. Journey stated that the change is consistent with the way the City is moving into the future. White felt it will tie it together neatly and will make the process less complicated. Branson stated that it should have been done a while ago and he is in favor of it. Wood feels that it will clean up the zoning and make the government more effective. Wood is in favor of the change.

A motion to approve Application CMA23-01 and recommend it to City Council was made by Wood, seconded by Journey.

Yea: 6

Nay: 0

Absent: 1

b) Application ZMA23-02

The public hearing was opened at 7:06 PM

Commissioner Wolthuis asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

CEDD Director Larsen gave the staff report and testified on behalf of the application giving the purpose for the zone map amendment.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The public hearing was closed at 7:13 PM

Melcher, Journey, White and Branson stated that they have the same comments as for the comprehensive plan map amendment. Wood stated that it made sense to match the zone change with the comprehensive plan change.

A motion to approve Application ZMA23-02 and recommend it to City Council was made by Wood, seconded by Melcher.

Yea: 6

Nay: 0

Absent: 1

Staff Updates:

Larsen informed the Commissions that Angela, the Associate Planner was at a training.

Larsen gave an update on current and proposed land use applications.

The City Council passed the Housing needs analysis.

The next hearing for the Redwood Street vacation is at the End of May.


Larsen informed the first City Council meeting of every month is now a work session meeting. There will be no voting except for land use decisions.

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

None

Adjournment

The meeting was adjourned at 7:22 PM


Henry Wolthuis, Vice Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

June 15, 2023, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Henry Wolthuis
Jeff Parker
Eva Journey
Nancy White

ABSENT

Todd Branson
Jamie Melcher
Laura Wood

STAFF

Blair Larsen, Community and Economic Development Director
Angela Clegg, Associate Planner

GUESTS

Katie Vineyard, 4309 A Long Street, Sweet Home, OR 97386
Mollie Wolthuis, 300 5th Avenue, Sweet Home, OR 97386

Public Comment.

Katie Vineyard addressed the Planning Commission regarding the Knotty Pine subdivision. She stated that she was originally against the approval of the subdivision. Vineyard said that she contacted code enforcement regarding the tall grass and weeds and was told that it would be taken care of. It has not been taken care of and she would like the Planning Commission to take property maintenance into consideration when approving future subdivisions. Commissioner Parker stated that he would pass the information on to the appropriate staff and that Vineyard can go to City Council with the complaints as well.

Meeting Minutes:

- a) May 4, 2023 Meeting Minutes

Motion to move the minutes to the next meeting made by Wolthuis, seconded by Journey.

Yea: 4

Nay: 0

Absent: 3

Public Hearings

a) Application LA23-02 Staff Report

The public hearing was opened at 6:37 PM

Commissioner Parker read the application summary. Commissioner Parker asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

Larsen gave an introduction. Larsen and Clegg read through the code amendments.

Testimony in favor: none

Testimony in opposition: none

Neutral Testimony: none

The hearing was closed at 7:36 PM.

A motion to recommend the adoption of the legislative amendments including the corrections that were discussed, was made by Wolthuis, seconded by Jurney.

Yea: 4

Nay: 0

Absent: 3

Staff Updates:

Clegg gave an update of current land use actions and staff changes.

Larsen gave an update on the Transportation System Plan committee meeting, the Parks Master Plan.

Clegg informed the committee of Harvest Festival sign ups and the new Community Market on Saturdays by old City Hall.

Larsen gave an update on the downtown painting project. There was discussion about the process.

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

Adjournment

The meeting was adjourned at 7:50 PM

Jeffrey Parker, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow an eight-foot security fence for site security and to match the existing fence. The subject property is a pre-existing public facility in the Recreation Commercial (RC) zone. Fences and walls located less than five feet from a street property line shall not exceed a maximum height of three and one-half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence) [SHMC 17.52.050(A)(1)]. Fences and walls located more than five feet from the street property line shall not exceed a maximum height of seven feet [17.52.050(A)(2)]. Interior side and rear yards. Fences and walls located at a property line not abutting a street shall not exceed a maximum height of seven feet [17.52.050(B)]. Barbed wire. Barbed Wire may be used in the City Limits [17.52.050(C)].

Per Ordinance Bill No. 12 for 2013 (Ordinance No. 1318) and Ordinance Bill No. 13 for 2013 (Ordinance No. 1319), adopted June 13, 2023, the subject property was rezoned to Public Facility (PF) Zone.

APPLICANT &

PROPERTY OWNER: The City of Sweet Home

FILE NUMBER: VR23-02

PROPERTY LOCATION: 1500 47th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E28D Tax Lot 213.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.52.050 and 17.106

HEARING DATE & TIME: July 6, 2023 at 6:30PM

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

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

REPORT DATE: June 29, 2023

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Recreation Commercial (RC)	Public Facility
Property North	Recreation Commercial (RC)	Mixed Use Employment

Property East	Industrial (I) Residential Low Density (R-1)	Mixed Use Employment
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Recreation Commercial Residential High Density(R-3)	Mixed Use Employment Residential High Density

Floodplain: 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.

Wetlands: The subject property does not wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map: SSR-21A.

The subject property is in the Natural Resource Zone.

Access: The subject property has access from 47th Avenue.

Water and Sewer Services: The subject property has access to City water and sewer services in 47th Avenue.

TIMELINES AND HEARING NOTICE:

Application Received: May 18, 2023

Application Deemed Complete: May 22, 2023

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: May 22, 2023

Notice Published in New Era Newspaper: May 22, 2023

Date of Planning Commission Hearing: July 6, 2023

120-Day Processing Deadlines: September 19, 2023

II. COMMENTS

CEDD Engineering: CEDD Engineering has no concerns with this request.

Public Works Division: No comments as of the mailing of this notice.

Building Division: No comments as of the mailing of this notice.

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

Ruth Price ODOT Rail Crossing: ODOT Rail Crossing does not have any concerns/comments.

Public Comments: No comments as of the mailing of this notice.

III. REVIEW AND DESIGN CRITERIA

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

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

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

Applicant's Comments: The variance is necessary to provide adequate site security for the Water Treatment Plant (WTP). The Water Treatment Plant is a critical infrastructure facility and is also an attractive target for vandalism and malicious acts. The existing fence is of robust construction (7' cyclone and 1' barbed wire for a total of 8') but only protects a small portion of the site. Extension of the fence to protect the property & facility entrances has been identified as a needed security improvement in the Risk and Resiliency Assessment, which the City's Engineer of Record (West Yost Associates) developed in accordance with the America's Water Infrastructure Act of 2018 (aka AWIA).

The immediate project is to install fencing along the southern property line to protect the entrance. In the future we intend to install additional fencing to protect the northern portion of the property and we will ensure the access easement on the southeast corner of the property which benefits adjacent lot 300 will be excluded from the fenced area. To provide a consistent level of security across the premises without some sections being weaker than others, the new fence extensions need to match the existing fence materials.

Staff Findings: The subject property is in the Public Facility (PF) zone (adopted June 13, 2023). Fences and walls located more than five feet from the street property line shall not exceed a maximum height of seven feet [SHMC 17.52.050(A)(2)]. Barbed Wire may be used in the City Limits [SHMC 17.52.050(C)].

There is an existing 8-foot fence with 7 feet of cyclone fencing and 1 foot of barbed wire. The applicant is requesting the variance to be consistent in height and materials with the existing security fence.

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

Applicant's Comments: The variance is necessary to enjoy the right of a secure premises and fulfill the City's obligation to protect critical public infrastructure. Other properties in the vicinity enjoy a level of security and safety typical of residential developments, however the Water Treatment Plant is a more attractive target for vandalism and malicious acts (higher risk of an incident) and carries greater consequences if the site is tampered with (higher impact of an incident). Therefore, to provide an equivalent level of enjoyment of the right to security, greater security measures are required.

Staff Findings: Per the applicant's comments, the fence height is necessary for the security and safety of the Water Treatment Plant. The request shall allow the applicant to have a fence consistent, in height and materials, with the existing security fence on the property.

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

Applicant's Comments: The variance will have no impact to neighboring properties. The variance will improve public welfare by providing improved security to the Water Treatment Plant and is consistent with the recommended improvements of the City's AWIA Risk and Resiliency Assessment.

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

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

Applicant's Comments: No. National incidents have demonstrated the need for improved security and risk mitigation to protect public drinking water facilities. The AWIA act required the City to conduct a Risk and Resiliency Assessment to evaluate each component of our drinking water system and this project was identified as a needed facility improvement.

Staff Findings: Per the applicant's comments the request for a variance to the fence height was identified as a needed facility improvement after an evaluation in accordance with the AWIA act.

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

Applicant's Comments: To provide for a consistent level of security for the premises without some sections being weaker than others, the new fence materials and construction need to match the existing fence.

Staff Findings: Staff finds that the variance to the fence height is the minimum that would alleviate the identified hardship identified in the evaluation of the site.

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

Applicant's Comments: The fence will be constructed of industry standard cyclone fence with barbed wire and will be professionally installed.

Staff Findings: The applicant shall comply with the standards in Sweet Home Municipal Code 17.52 Fencing and Screening.

IV. STAFF RECOMMENDATION

Staff finds the applicant has met the criteria listed above in Section III. Staff has not recommended any Conditions of Approval.

V. PLANNING COMMISSION ACTION

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

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

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

Motion:

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

1. Move to approve application VR23-02 and thereby permit the variance for the subject lot located at 1500 47th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 213; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR23-02 and thereby deny the request for a variance for the subject lot located at 1500 47th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 213; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Application VR23-02 submitted May 18, 2023
- D. Appendix M with Narrative

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

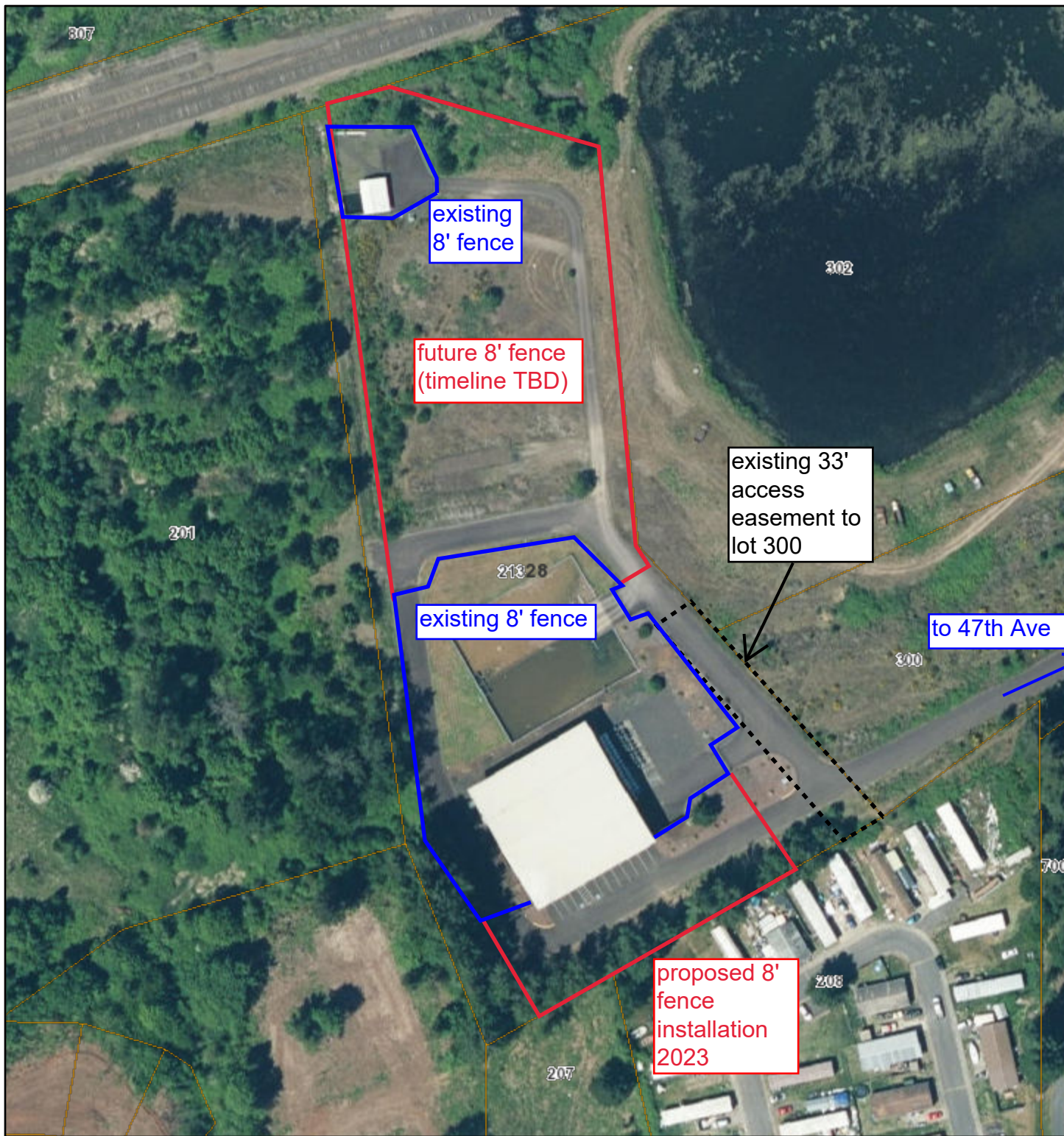


1 inch = 355 feet

Subject Property Map
VR23-02

Date: 5/22/23

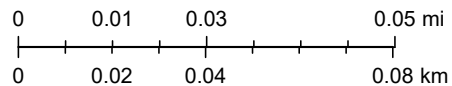
ArcGIS Web Map



7/14/2022, 11:47:38 AM

1:2,257

-  Cities
-  Highways
-  Roads
-  Sections
-  Tax Lots



Subject property: 1500 47th Ave
 Taxlot: 13S01E28D-213
 5.86 acres
 Use: Public (WTP)



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

Land Use Application

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

Date Received:
Date Complete:
File Number: VB23-02
Application Fee:
Receipt #:
Planning Commission Hearing Date:
City Council Hearing Date:

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

Applicant's Name:
City of Sweet Home (contact: Steven Haney)

Applicant's Phone Number:
541-730-1845

Applicant's Address:
3225 Main St

Applicant's Email Address:
shaney@sweethomeor.gov

Property A

Owner's Name:
City of Sweet Home

Property B

Owner's Name:

Owner's Address:
3225 Main St

Owner's Address:

Owner's Phone Number:
541-730-1845

Owner's Phone Number:

Owner's Email:
shaney@sweethomeor.gov

Owner's Email:

Property Address:
1500 47th Ave

Property Address:

Assessor's Map and Tax Lot:
13S-01E-28D-213

Assessor's Map and Tax Lot:

Property Size Before: 5.86 acres
Property Size After:

Property Size Before:
Property Size After:

Zoning Classification: RC
Comprehensive Plan: Public

Zoning Classification:
Comprehensive Plan:

Nature of Applicant's Request

Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.
Requesting variance to permit 8' tall security fence for site security and to match existing fence onsite. Please see attached narrative.

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

Applicant's Signature:

Date: 5/18/2023

Property Owner's Signature:

Date: 5/18/2023

Property Owner's Signature:

Date: 5-18-23

Property Owner's Signature:

Date:



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

APPENDIX M

VARIANCE

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to requirements. A Variance may be approved for those requests resulting in greater than a 10% change in a quantifiable standard. [SHMC 17.106.010]

Variance applications shall be reviewed in accordance with the Type III review procedures specified in Chapter 17.126. [SHMC 17.106.030]

An application for a Variance shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. [SHMC 17.106.030]

SHMC 17.106.040 SUBMITTAL REQUIREMENTS

The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)

The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The site plan shall show pertinent information to scale to facilitate the review of the proposed development.

- A. The following general information shall be shown on the site plan:
 - Vicinity map showing all streets, property lines and other pertinent data to locate the proposal.
 - North arrow and scale of drawing.
 - Tax map and tax lot number or tax account of the subject property.
 - Dimensions and size in square feet or acres of the subject property.
 - Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.
 - Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
 - A site plan or other information clearly indicating the proposed variance, including dimensions if applicable.

B. Do any of the criteria in SHMC 17.106.050 apply? Yes No
If the applicant answered yes, the proposal does not qualify for a variance.

C. Is the variance necessary? Does the subject Development Code provision not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses? Explain:

Please see attached narrative for responses to Questions C through H.

D. Is such variance necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district? Explain:

E. Will the authorization of such variance be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy? Explain:

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

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

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

C. Is the variance necessary? Does the subject Development Code provision not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses? Explain:

The variance is necessary to provide adequate site security for the Water Treatment Plant. The WTP is a critical infrastructure facility and is also an attractive target for vandalism and malicious acts. The existing fence is of robust construction (7' cyclone and 1' barbed wire for a total of 8') but only protects a small portion of the site. Extension of the fence to protect the property & facility entrances has been identified as a needed security improvement in the Risk and Resiliency Assessment, which the City's Engineer of Record (West Yost Associates) developed in accordance with the America's Water Infrastructure Act of 2018 (aka AWIA).

The immediate project is to install fencing along the southern property line to protect the entrance. In the future we intend to install additional fencing to protect the northern portion of the property and we will ensure the access easement on the southeast corner of the property which benefits adjacent lot 300 will be excluded from the fenced area. To provide a consistent level of security across the premises without some sections being weaker than others, the new fence extensions need to match the existing fence materials.

D. Is such variance necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district? Explain:

The variance is necessary to enjoy the right of a secure premises and fulfill the City's obligation to protect critical public infrastructure. Other properties in the vicinity enjoy a level of security and safety typical of residential developments, however the WTP is a more attractive target for vandalism and malicious acts (higher risk of an incident) and carries greater consequences if the site is tampered with (higher impact of an incident). Therefore to provide an equivalent level of enjoyment of the right to security, greater security measures are required.

E. Will the authorization of such variance be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy? Explain:

The variance will have no impact to neighboring properties. The variance will improve public welfare by providing improved security to the Water Treatment Plant and is consistent with the recommended improvements of the City's AWIA Risk and Resiliency Assessment.

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

No. National incidents have demonstrated the need for improved security and risk mitigation to protect public drinking water facilities. The AWIA act required the City to conduct a Risk and Resiliency Assessment to evaluate each component of our drinking water system and this project was identified as a needed facility improvement.

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

Yes. To provide for a consistent level of security for the premises without some sections being weaker than others, the new fence materials and construction need to match the existing fence.

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

Yes. The fence will be constructed of industry standard cyclone fence with barbed wire and will be professionally installed.