



REQUEST FOR COUNCIL ACTION

Title: WWTP Application VR22-01

Preferred Agenda: April 12, 2022

Submitted By: Angela Clegg, Associate Planner

Reviewed By: Blair Larsen, Community and Economic Development Director

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy: SHMC 17.08.033 and 17.24.070

Towards Council Goal: Goal 1.2. Increase community awareness of infrastructure needs and appropriate planning documents.

Attachments: VR22-01 Application
WWTP Site Maps and Engineering Drawings

Purpose of this RCA:

The purpose of this RCA is to approve and sign the Zoning Variance application VR22-01. The Wastewater Treatment Plant (WWTP) is a preexisting nonconforming industrial use in a residential low-density zone. The applicant is asking for industrial zone criteria to be applied to the upgrades to the facility.

Background/Context:

The purpose of Variance chapter is to provide flexibility to development standards in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to permit efficient use of land while ensuring that the purpose of each development standard is met.

SHMC 17.24.070.A states that the height of a building for a dwelling, excluding detached accessory dwellings, shall not exceed a height of 30 feet. The applicant is requesting a variance to the building height. The WWTP Building A and Primary Digester building(s) may reach a building height of greater than 30 feet. The Industrial zone does not restrict building height, except buildings exceeding 35 feet in height (SHMC 17.44.070).

Per SHMC 17.08.033.E.1.a.(2), Fences and walls located less than three 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. cedar fence) or four feet when constructed with open material (i.e. chain-link fence); and Fence and walls located more than three feet from the street property line shall not exceed a maximum height of seven feet. The applicant is requesting a variance to the fence height for an industrial use in a residential zone. Because of the uneven topography of the WWTP site, the applicant is asking for a variance to fence height to allow for consistency along the fence line. Certain sections of the fence may need to exceed 7 feet.

Per SHMC 17.08.033.D.3.a, Barbed wire is permitted on top of a six-foot tall fence in the industrial (M) zone. The total height of the fence and barbed wire is limited to seven feet. The applicant is requesting the use of barbed wire for an industrial use in a residential zone.

The applicant has submitted a Conditional Use application to be heard during a public hearing at the April 7, 2022 Planning Commission meeting. The approval of the Conditional Use application will allow the applicant to proceed with the WWTP upgrades. The Variance application coincides with the continued use of the site as industrial, and the criteria associated with the Industrial zone.

The Challenge/Problem:

If the variance is not approved, the applicant will not be able to complete the upgrades to the WWTP per engineering and safety standards.

Stakeholders:

- City of Sweet Home Residents – Residents deserve well designed, safe, and reliable wastewater services.
- Downstream Residents – An improved WWTP will result in better water quality for all users and neighbors downstream.
- DEQ – Improvements will bring the WWTP into compliance with Oregon DEQ.

Issues and Financial Impacts:

If the fence cannot be built to an Industrial height with barbed wire, the WWTP could be vulnerable to unwanted public access, vandalism, theft, etc. If the building height is not approved, the applicant may incur additional design and/or site work fees to incorporate WWTP engineering design requirements within residential zone criteria.

Elements of a Stable Solution:

A stable solution is one in which a decision on the application is made and signed. Approving Variance application VR22-01 will allow staff and consultants to move forward with the WWTP expansion.

Options:

1. Deny Application VR22-01 – Staff would withdraw the application. The WWTP would have to be redesigned to comply with current code.
2. Approve Application VR22-01 as presented and authorize the City Manager Pro Tem or Designee to Sign the Application – This action will allow the project to continue.
3. Approve Application VR22-01 with changes and authorize the City Manager Pro Tem or Designee to Sign the Application – The Council could recommend changes to the application. Staff would take these recommendations and revise the application for review at a future City Council meeting.

Recommendation:

Staff Recommends Option 2: Approve Application VR22-01 as presented and authorize the City Manager Pro Tem or Designee to Sign the Application.