



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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow for a front setback of 15 feet instead of the required 20 feet. A front yard abutting a residential zone shall be a minimum of 20 feet per SHMC 17.32.040. The western property line of the proposed parcel abuts a residential zone. The reduction of the front setback is due to the Sweet Home Fire District requiring additional square footage for a fire apparatus turnaround. The southern portion of the proposed parcel is within the 50-foot riparian zone, is designated as a natural resource zone and is a significant wetland (see Attachment C).. Streets, roads, driveways, or paths are exceptions in the riparian zone per SHMC 17.72.050. The property is in the Commercial Central (C-1) Zone.

APPLICANT: Mark Lund

PROPERTY OWNER: Mark Lund

FILE NUMBER: VR21-01

PROPERTY LOCATION: One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700.

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

HEARING DATE & TIME: May 3, 2021

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: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Central Commercial (C-1)	Central Commercial
Property North	Central Commercial (C-1)	Central Commercial
Property East	Central Commercial (C-1)	Public
Property South	Residential High Density (R-2)	High Density Residential
Property West	Residential Low Density (R-1)	High Density Residential Central Commercial

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010. The southern portion of property are in the Special Flood Hazard Area and in the Natural Resource Zone.

Wetlands: Ames Creek and the 50-foot riparian zone of the property are in a Significant Wetland. The southern portion of the property are in the 100-year floodplain listed on the National Wetlands Inventory (NWI) Map or on the Sweet Home Local Wetlands Inventory Map.

Access: The proposed development would have access from Long Street.

Water and Sewer Services: The proposed development has access to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received:	March 31, 2021
Application Deemed Complete:	April 1, 2021
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	April 1, 2021
Notice Published in New Era Newspaper:	April 7, 2021
Date of Planning Commission Hearing:	May 3, 2021
120-Day Processing Deadlines:	July 30, 2021

II. COMMENTS

CEDD Engineering: Regarding the Variance Request for the development at Long St and 10th Avenue, considering the encroachment of the riparian corridor and Natural Resource Zone along Ames Creek, the development must naturally be sited toward the front of the property. The submitted site plan indicates the required landscape buffer between the sidewalk and the single car parking space in front will fit. While not part of Variance Criteria, the presence of two sanitary sewer easements on the property also constrain any building footprint to certain locations. City services are available onsite and in Long Street for this development. CEDD-ES have no concerns about this variance.

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

Building Division: The Building Program has no issues with this request for Variance.

Sweet Home Fire District: The setback variance would be something the applicant would need from our review of his plan. We asked that he adjust building locations for Sweet Home Fire to be able to access both buildings from the driveway turning east. Please note this made a variance necessary that we are aware of and support.

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

III. REVIEW AND DESIGN CRITERIA

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

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

Staff Findings: The situation that created the need for a variance was not created by the applicant. The situation is due to the southern portion of the proposed property being within the 50-foot riparian corridor and is designated as a significant wetland. The applicant has proposed a parking area within the wetland and abutting the riparian corridor buffer.

The following activities may be excepted from the requirements of this chapter upon administrative review approval that they are designed to meet the standards listed in this chapter. A. Drainage facilities, utilities, and irrigation pumps; B. Streets, roads, driveways or paths; [SHMC 17.72.050 (A-B)]

With the above conditions, the application complies with these criteria.

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

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

The application complies with these criteria.

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

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

The application complies with these criteria.

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

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

The application complies with these criteria.

- d. **The requested variance is consistent with the purposes of the zone; [SHMC 17.88.040(D)]**
 - i. **The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of the city.**
 - ii. **The purpose of the Natural Resources (NR) Zone is designed to protect identified significant natural resources in the City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources.**

Staff Findings: The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Ames Creek has a 50-foot-wide vegetated corridor, per side. Staff finds that the requested variance is consistent with the purposes of the C-1 and NR zones.

The application complies with these criteria.

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

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

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

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

The application complies with these criteria.

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

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

The application complies with these criteria.

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

Staff Findings: The southern portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment B). The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Ames Creek has a 50-foot wide vegetated corridor, per side.

The application complies with these criteria.

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

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

IV. STAFF RECOMMENDATION

Staff finds the applicant has met the criteria listed above in Section III. As a result, staff recommends approval of VR21-01. Staff has not recommended any Conditions of Approval.

V. PLANNING COMMISSION ACTION

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

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

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

Motion:

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

1. Move to approve application VR21-01 and thereby permit the variance proposed at One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700; 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 VR21-01 and thereby deny the request for a variance proposed at One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VI. ATTACHMENTS

- A. Subject Property Map
- B. Proposed Site Plan
- C. VR21-01 Application submitted March 31, 2021

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.



C1

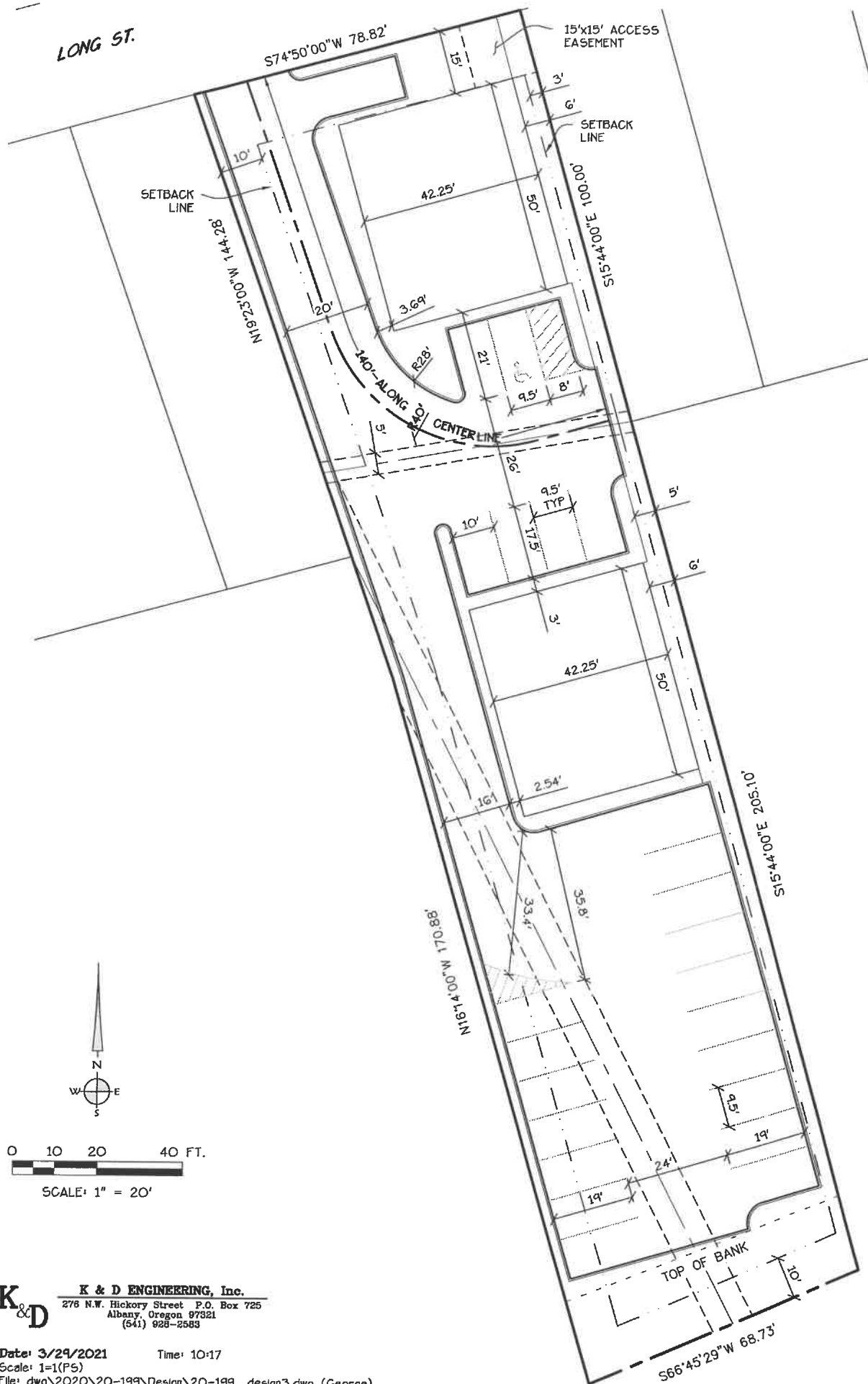
SUBJECT PROPERTY



1 inch = 72 feet

Subject Property Map
VR21-01

Date: 04.01.21



K_&D

K & D ENGINEERING, Inc.

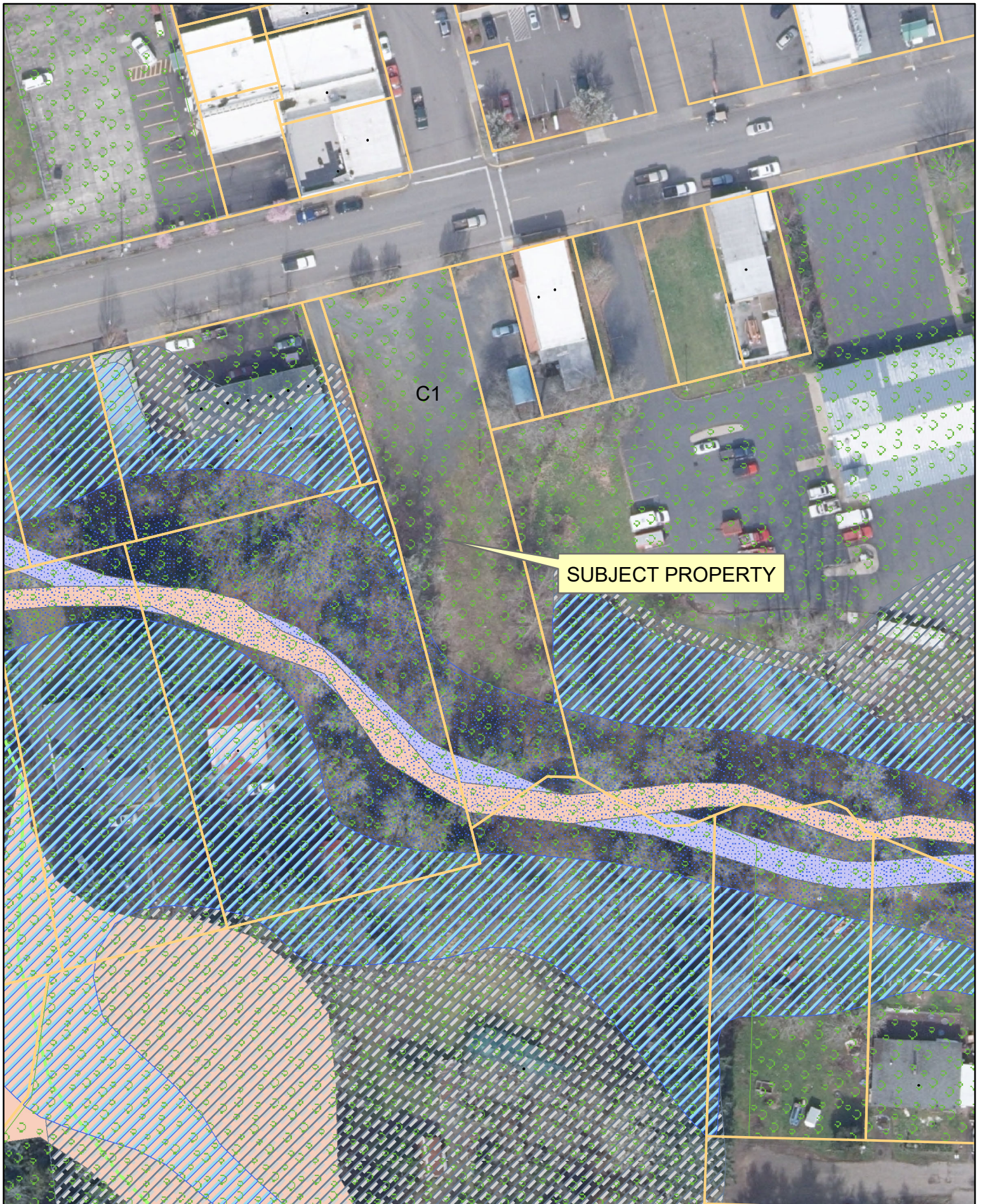
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 3/29/2021

Time: 10:17

Scale: 1=1(P5)

File: dwg\2020\20-199\Design\20-199_design3.dwg (George)



1 inch = 72 feet



Community and Economic Development Department

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

Application for a Zoning Variance

Date Received: 03.31.21
Date Complete: 04.01.21
File Number: VR21-01
Application Fee \$: 590.00
Receipt #: 4297
Hearing Date: 05.03.21

Applicant's Name: Mark Lund

Property Owner: Mark Lund

Applicant's Address: 1350 E 31st 11700 Long St.

Owner's Address: _____

Applicant's Phone and e-mail: 541-223-1105 mlund99@hotmail.com

Owner's Phone and email: _____

Subject Property Address: 59621 Mt Hope Dr. Lebanon, OR 97355

Subject Property Assessor's Map and Tax Lot: 11700 Long St. Sweet Home, OR 97386 1350 E 31st 11700

Subject Property Size: 0.53

Subject Property: Zoning Classification
Commercial

Comprehensive Plan Classification: _____

Nature of Applicants Request

Variance Request from Sweet Home Municipal Code Sections:

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

change → Front setback from 20' to 15'. would allow fire truck to get back of lot more efficiently.

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

building → Moving the front setback from 20' to 15' will shift the building forward and giving fire truck more access room to the back.

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

Submittal Requirements

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

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

Applicant's Signature: Mark Lund

Date: 3/31/21

Property Owner's Signature: Mark Lund

Date: 3/31/21

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

Variance Criteria

A. Tax lot # 135NE31AC11700

B. Yes

C. Yes

D. Just one variance request

E. N/A

F. Min

G. Yes. Significant wetlands and riparian corridors
on southern portion of lot.