



Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow for a 3-foot interior side setback along 14 feet of a proposed duplex. The subject property is zoned Commercial Highway (C-2). The Comprehensive Plan Designation is High Density Residential (R-3). Per the SHMC amendments approved on July 25, 2023 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the interior side yard setback is 5 feet per story. The remainder of the proposed duplex, approximately 29 feet, is within the 10% quantifiable setback standard.

Application VR23-04 is being filed simultaneously with Application AD23-01. Application AD23-01 is pending an Administrative Decision and is not decided upon by the Planning Commission.

**APPLICANT &
PROPERTY OWNER:**

James Hurley

FILE NUMBER:

VR23-04

PROPERTY LOCATION:

1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 2700.

**REVIEW AND
DESIGN CRITERIA:**

Sweet Home Municipal Code Section(s) 17.14.050, 17.14.060
17.20.020, and 17.106.060

HEARING DATE & TIME:

November 16, 2023 at 6:30PM

HEARING LOCATION:

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

STAFF CONTACT:

Diane Golden, Associate Planner
Phone: (541) 367-8113; Email: dgolden@sweethomeor.gov

REPORT DATE:

November 9, 2023

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	High Density Residential
Property North	Commercial Highway (C-2)	High Density Residential

Property East	Commercial Highway (C-2)	High Density Residential
Property South	Residential High Density (R-3)	High Density Residential
Property West	Commercial Highway (C-2)	High Density Residential

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

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

Access: The subject property has access from 22nd Avenue, Larch Street and an alley on the north property boundary.

Water and Sewer Services: The subject property has access to City water services in 22nd Avenue and in the alley abutting the north property line of the subject property. The subject property has access to City sewer services in the alley abutting the north property line of the subject property.

TIMELINES AND HEARING NOTICE:

Application Received: October 19, 2023

Application Deemed Complete: October 19, 2023

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: October 23, 2023

Notice Published in New Era Newspaper: October 25, 2023

Date of Planning Commission Hearing: November 16, 2023

120-Day Processing Deadlines: February 16, 2024

II. COMMENTS

CEDD Engineering: No comments as of the mailing of this notice.

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.

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: I need a variance on the east/north corner of the lot equaling 14 feet of the building with 3 feet of setback. The remainder of the setbacks are within the 10% quantifiable standard.

Staff Findings: The applicant is asking for a 3-foot setback along 14 feet of the proposed duplex. 28.5 feet of the proposed duplex is within the 10% quantifiable interior side setback standards of the R-3 zone. The subject property is a pre-existing, nonconforming lot. The lot area is approximately 3,468 square feet. The minimum lot size for a duplex in the R-3 zone is 5,000 square feet. The lot is abnormally shaped with an existing foundation that the applicant wishes to use to reduce development costs.

Staff finds that the unique physical circumstances of the subject property make a variance necessary for the applicant to build the proposed duplex shown on the site plan (see Attachment B).

- 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: Yes, with the variance the property can be used to its full potential.

Staff Findings: The subject property abuts nonconforming residential properties in the C-2 zone to the north, east and west (see Attachment A). The proposed variance shall allow the applicant to preserve and enjoy the property rights the same as the owners of other nonconforming properties in the vicinity.

- 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: No, bringing this residence to the area would bring housing to the area that matches the 20-year plan.

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, lot size has dictated to the use in the zoning.

Staff Findings: The request for a variance did not arise because of a property line adjustment or partition. The applicant is requesting to develop a duplex on a pre-existing, nonconforming 3,468

square foot lot. The size and abnormal shape of the lot make it necessary for the applicant to apply for a variance in order to utilize the existing foundation and reduce development costs.

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

Applicant's Comments: Yes, I have been working with staff to obtain the proper setbacks.

Staff Findings: A previous variance application was submitted by the applicant on July 26, 2023. On September 21, 2023 the Planning Commission denied the application. The staff met with the applicant to discuss options for moving forward at which time staff discovered that the incorrect variance had been applied for at the direction of staff. The applicant submitted a revised site plan for review and worked with staff to identify the minimum variance to alleviate the hardship because of the size and shape of the property. Staff feels that the request for a 3-foot setback along 14 feet of the duplex is the minimum variance needed. All other setbacks are below the 10% quantifiable setback standards.

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

Applicant's Comments: yes, will be designed to meet codes.

Staff Findings: If approved, the applicant shall comply with the City of Sweet Home engineering Standards, Sweet Home Municipal Code 17.14 Residential High Density (R-3) Zone, and the Oregon Residential Specialty Code.

IV. STAFF RECOMMENDATION

Staff finds the applicant has requested the minimum variance necessary to alleviate the hardship due to the physical circumstances of the subject property. 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. The final configuration of proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B.
2. Administrative approval of Adjustment Application AD23-01 shall be required. Approval of Application VR23-04 shall be denied should the CEDD Director deny Application AD23-01.
3. All development shall comply with the City of Sweet Home engineering Standards and the development standards of SHMC 17.14.070.
4. The applicant shall demonstrate that the duplex will meet Oregon Residential Specialty Code.

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 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 VR23-04 and thereby permit the variance for the subject lot located at 1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02700; 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 VR23-04 and thereby deny the request for a variance for the subject lot located at 1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 02700; 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. VR23-04 Application
- D. Application AD23-01 (For Information Only)

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.

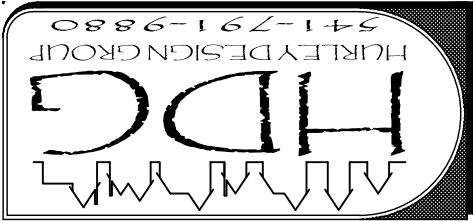


SUBJECT PROPERTY

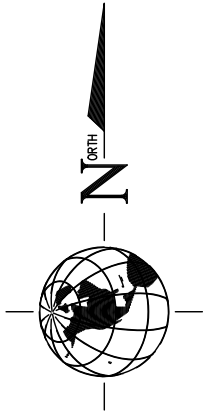
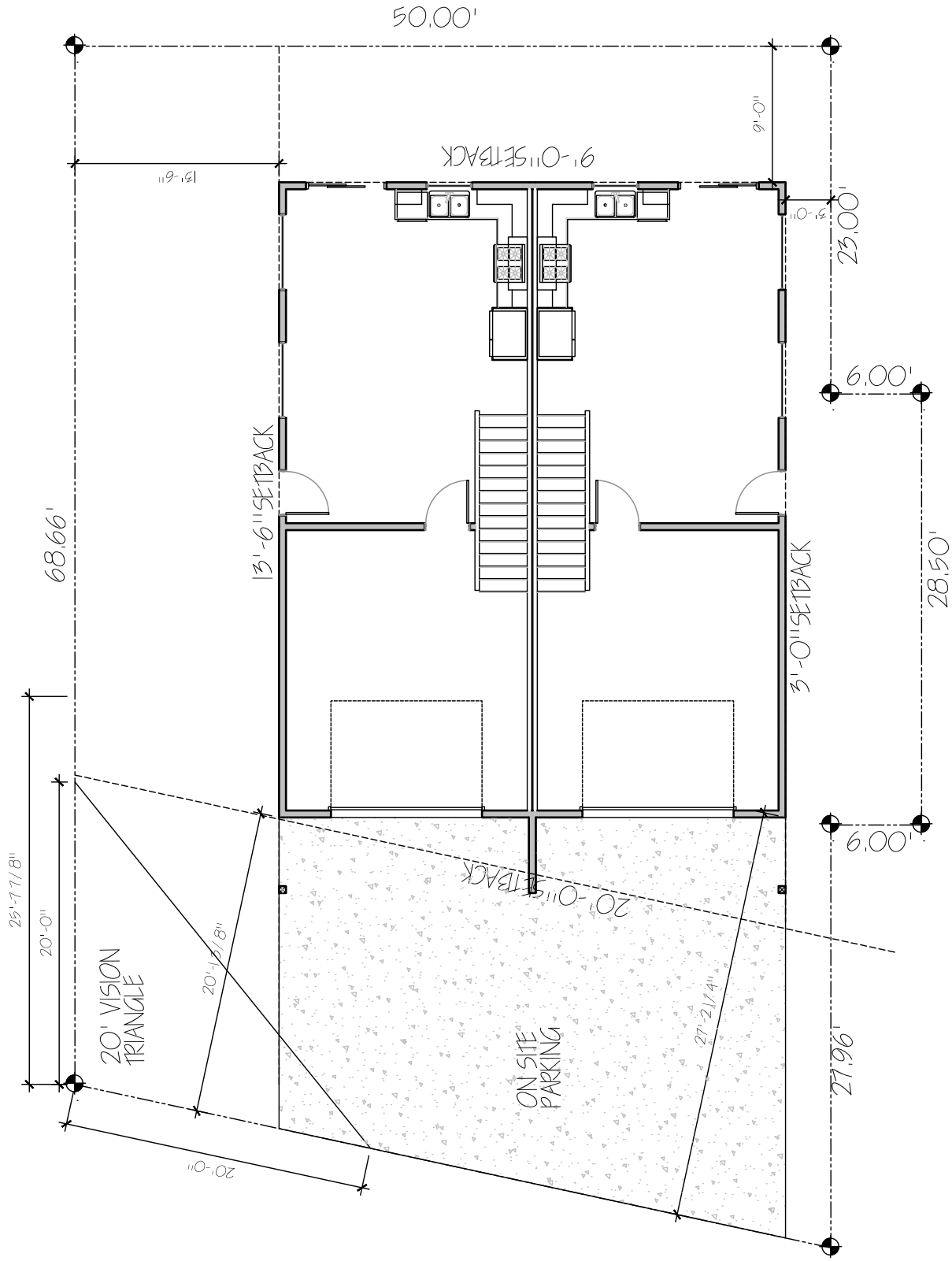
LARCH ST












22ND AVE





22nd St.



	GAS STUBOUT
	WATER STUBOUT
	WATER VALVE
	PROPERTY CORNER
	MONUMENT FOUND AS NOTED
	COUNTOUR (ASSUMED ELEV)
	EASEMENT / SETBACK LINE
	CONCRETE CURB
	UTILITY LINE (AS NOTED)
	PROPERTY BOUNDARY
	GROUND SLOPE

(SPECIES & DIA AS NOTED)
TREE TO BE REMOVED
TREE (DIA AS NOTED)

FIRE HYDRANT
SEWER STUBOUT
CATV PEDESTAL
TELEPHONE PEDESTAL
ELECTRIC PEDESTAL

DATE: 10-13-2023
 SCALE: 1" = 10'
 FILE # XXX
 PROJECT: XXX
 PAGE 5

STEP PLAN



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: 10.19.23

Date Complete: 10.19.23

File Number: VR-23-04

Application Fee: N/A

Receipt #: —

Planning Commission Hearing Date: 11.16.23

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:

James Hurley

Applicant's Address:

35890 Santiam Hwy

Applicant's Phone Number:

541-730-1698

Applicant's Email Address:

—

Property A

Owner's Name:

James Hurley

Owner's Address:

1307 22nd Ave

Owner's Phone Number:

James.Hurley@Paint.Com

Owner's Email:

1307 22nd Ave

Property Address:

326C 2700

Assessor's Map and Tax Lot:

3949

Property Size Before:

C-2

Property Size After:

R-3

Zoning Classification:

Comprehensive Plan:

—

Property B

Owner's Name:

—

Owner's Address:

—

Owner's Phone Number:

—

Owner's Email:

—

Property Address:

—

Assessor's Map and Tax Lot:

—

Property Size Before:

—

Property Size After:

—

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.

—

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:

[Signature] 19 OCT 23

Date:

—

Property Owner's Signature:

—

Date:

—

Property Owner's Signature:

—

Date:

—

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:

I need variance on the East/North corner of the Lot
equaling 14 Feet of The Building with 3' of Set Back. Remainder
of the setbacks - are within the 10% quantifiable standard

- 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:

yes, with the variance the property can be used to its full potential

- 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:

No, Bringing this Residence to the Area would bring housing to the Area matches the 20yr Plan

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

No, Lot size has dictated to the use in the zoning

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

yes, I have been working with STAFF to obtain the proper setbacks

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

yes, will be designed to meet code



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
Adjustment requested by
James Hurley

) Adjustment
) File No. AD23-01
)

NOTICE OF ADMINISTRATIVE DECISION ON A LAND PARTITION APPLICATION

FINDINGS OF FACT

CHARACTERISTICS OF PROPERTY

1. Location: The property, located at 1307 22nd Avenue, Sweet Home, Oregon 97386, is north of Larch Street and east of 22nd Avenue.
2. Zoning and Plan Designation: The subject property is zoned Highway Commercial (C-2). The 2022 Comprehensive Plan land use classification for the subject property is High Density Residential. 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 which have developed with commercial activities, or which have potential for such activity as long as sufficient vehicular access control is maintained. (SHMC 17.20.010).
3. Site Description: The subject property is a vacant lot with an existing foundation.

SUMMARY

1. The applicant is seeking an adjustment to allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback for a proposed duplex. Per the SHMC amendments approved on July 25, 2023 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the streetside setback is 15 feet and the rear setback is 10 feet. Per SHMC 17.100.010 an adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. The streetside setback is a 9% change, and the rear setback is a 9% change.

Application AD23-01 is being filed simultaneously with Application VR23-04. Application VR23-04 will be decided upon during a public hearing with the Planning Commission on November 16, 2023.

2. There are City water services in 22nd Avenue and City sewer services in the alley abutting the northern property boundary. Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not in the 100-year floodplain. The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

3. Public Notice and Comments: Public Notices were distributed in accordance with Chapter 17.124.010(D, E).
4. The Community and Economic Development Director deliberated on this matter and passed a motion to approve the application on November 13, 2023. 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(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(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.

CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for an adjustment was reviewed by the Community and Economic Development Director based on the applicable criteria in the Staff Report below.

CONCLUSION:

The Community and Economic Development Director finds that the criteria presented in the staff report have been met.

Conditions of Approval:

1. The final configuration of the proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal shall allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback from the proposed duplex.
2. The Planning Commission approval of Variance Application VR23-04 shall be required. Approval of Application AD23-01 shall be denied should the Planning Commission deny Application VR23-04.
3. All development shall comply with the development standards of SHMC 17.20.060.
4. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

ORDER

Based on the Findings and Conclusions above, the Community and Economic Development Director, approved with conditions, the partition request for the 1307 22nd Avenue Sweet Home, Oregon, Map 32BC, Tax Lot 2700.

DECISION DATE: November 13, 2023

MAILING DATE: November 14, 2023

APPEAL DEADLINE: November 26, 2023

Blair Larsen, CEDD Director

Date

The decision made by the CEDD Director 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 of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will 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) 367-8113).

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 is available for inspection at no cost and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 367-8113

SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

REQUEST: The applicant is seeking an adjustment to allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback for a proposed duplex. The subject property is zoned Commercial Highway (C-2). The Comprehensive Plan Designation is High Density Residential (R-3). Per the SHMC amendments approved on July 25, 2023 and effective August 24, 2023, duplexes shall be allowed as a permitted use in the C-2 zone. Per SHMC 17.20.020(A) Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14]. Per SHMC 17.14.060 the streetside setback is 15 feet and the rear setback is 10 feet. Per SHMC 17.100.010 an adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. The streetside setback is a 9% change, and the rear setback is a 9% change.

Application AD23-01 is being filed simultaneously with Application VR23-04. Application VR23-04 will be decided upon during a public hearing with the Planning Commission on November 16, 2023.

APPLICANT &

OWNER: James Hurley

FILE NUMBER: AD23-01

PROPERTY LOCATION: 1307 22nd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BC Tax Lot 2700.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.14.050, 17.14.060, 17.20.020, 17.100.060

STAFF CONTACT:

Diane Golden, Associate Planner
Phone: (541) 367-8113, Email: dgolden@sweethomeor.gov

PROJECT AND PROPERTY DESCRIPTION

Zoning and Comprehensive Plan Designations:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	High Density Residential
Property North	Commercial Highway (C-2)	High Density Residential
Property East	Commercial Highway (C-2)	High Density Residential
Property South	Residential High Density (R-3)	High Density Residential
Property West	Commercial Highway (C-2)	High Density Residential

Property Information:

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

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

Access: The Proposed duplex has access from 22nd Avenue and Larch Street.

Sidewalks: There is an existing sidewalk along 22nd Avenue.

Services: The subject property has access to City water services in 22nd Avenue and in the alley abutting the north property line of the subject property. The subject property has access to City sewer services in the alley abutting the north property line of the subject property.

Street: The proposed parcel abuts approximately 68 feet of 22nd Avenue, abuts approximately 50 feet of Larch Street, and abuts approximately 50 feet of an alley.

Notice and Timelines

Application Received:	October 19, 2023
Application Deemed Complete:	October 19, 2023
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	October 23, 2023
Notice Published in New Era Newspaper:	October 25, 2023
120-Day Processing Deadlines:	February 16, 2024

I. COMMENTS RECEIVED

CEDD Engineering: No comments as of the issuance of this staff report.

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.

II. REVIEW CRITERIA AND FINDINGS OF FACT

An application for an adjustment is subject to the review criteria listed in Sweet Home Municipal Code Sections 17.14.050, 17.14.060, 17.20.020, 17.100.060. Staff Findings of Fact and analysis are as follows.

17.100.040 Submittal Requirements

- A. *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.***
- 1. *General information. The following general information shall be shown on the site plan:***
- a. Vicinity map showing all streets, property lines 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.***
- e. ***Location of all existing easements and City utilities (water, sanitary sewer, storm drainage) within the property.***
- f. ***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.***
- g. ***A site plan or other information clearly indicating the proposed adjustment, including dimensions if applicable.***

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 proposed site map on October 19, 2023, with the applicable criteria listed above.

Based on the above findings, staff finds that the application complies with these criteria.

17.100.050 Adjustment Applicability

A. An applicant may propose a modification from a standard or requirement of this Development Code, except when one or more of the following apply:

- 1. The proposed request would allow a use which is not permitted in the district.***

Staff Findings: The applicant is proposing to develop a duplex. Duplexes are a permitted use per SHMC 17.20.020(A) and 17.14.

Based on the above findings, staff finds that the application complies with these criteria.

- 2. Another procedure and/or criterion is specified in the Development Code for modifying or waiving the particular requirement or standard.***

Staff Findings: The applicant could apply for a variance for modifying setback standards. The requested adjustment is under the 10% change in quantifiable standard, therefore a variance is not necessary. Staff has not identified another procedure and/or criterion in the development code for modifying or waving the setback standards.

Based on the above findings, staff finds that the application complies with these criteria.

- 3. Modification of the requirement or standard is prohibited within the district.***

Staff Findings: The proposed setback adjustments are allowed via an adjustment or variance.

Based on the above findings, staff finds that the application complies with these criteria.

- 4. Adjustments are not allowed for sign standards, or minimum lot sizes.***

Staff Findings: The applicant is not proposing an adjustment to a sign standard or a minimum lot size.

17.100.060 Decision Criteria

A. Approval of an Adjustment shall require compliance with the following:

- 1. The particular proposed development otherwise clearly satisfies the intent and purpose of the provision being adjusted.***

Staff Findings: The intent and purpose of the adjustment is to allow for a duplex on a non-conforming parcel. The parcel is a corner lot of approximately 3,468 square feet. The minimum lot area in the Residential High Density (R-3) zone is 5,000 square feet. Per SHMC 17.20.020(A), duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone. Per SHMC 17.14.060, in the R-3 Zone, the streetside setback is 15 feet and the rear setback is 10 feet. The applicant is asking for no more than a 10% change in a quantifiable standard. The proposed streetside setback of 13'6" is a 9% change, and the proposed rear setback of 9' is a 9% change.

Based on the above findings, staff finds that the application complies with these criteria.

2. *The proposed development will not unreasonably impact adjacent existing or planned uses and development.*

Staff Findings: The subject property is surrounded by nonconforming residential developments in the Commercial Highway (C-2) zone. The applicant improved the subject property by clearing the debris and vegetation that was previously on the property. Staff feels that the proposed development will not unreasonably impact existing or planned uses and developments on adjacent properties.

Based on the above findings, staff finds that the application complies with these criteria.

3. *The Adjustment does not expand or reduce a quantifiable standard by more than 10% and is the minimum necessary to achieve the purpose of the Adjustment.*

Staff Findings: The proposed streetside setback is of 13'6" is a 9% change, and the proposed rear setback of 9' is a 9% change. The applicant is asking for no more than a 10% change in a quantifiable standard.

Based on the above findings, staff finds that the application complies with these criteria.

4. *There has not been a previous land use action prohibiting an application for an Adjustment.*

Staff Findings: There has not been a previous land use action prohibiting an application for an Adjustment.

Based on the above findings, staff finds that the application complies with these criteria.

III. 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 II), 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 the proposed duplex shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal shall allow for a 13-foot, 6-inch streetside setback and a 9-foot rear setback from the proposed duplex.

2. The Planning Commission approval of Variance Application VR23-04 shall be required. Approval of Application AD23-01 shall be denied should the Planning Commission deny application VR23-04.
3. All development shall comply with the development standards of SHMC 17.20.060.
4. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

IV. ATTACHMENTS

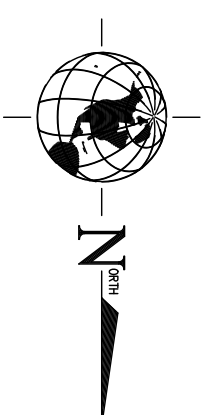
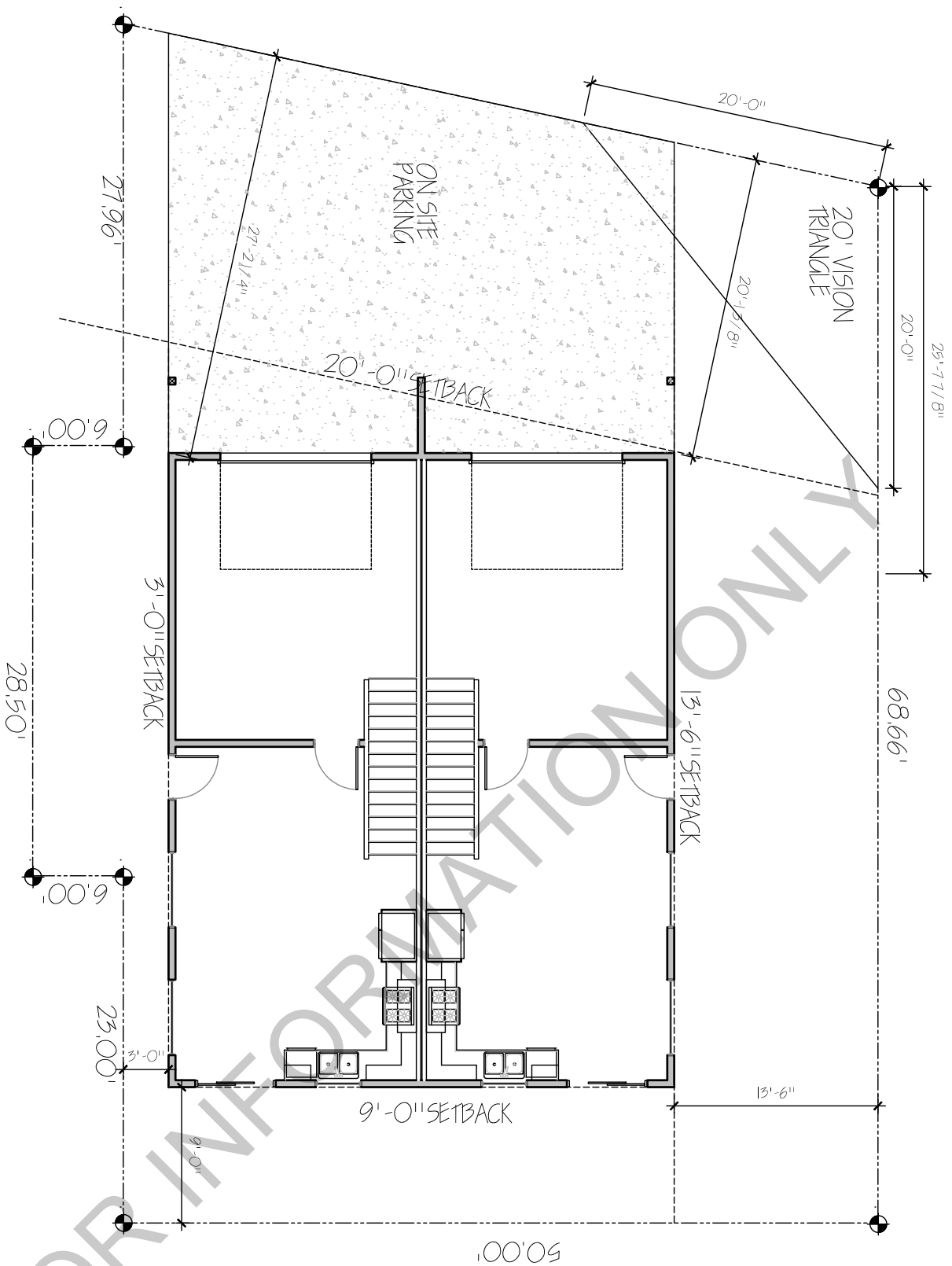
- A. Subject Property Map
- B. Proposed Site Map
- C. Application












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 through Friday, excluding holidays.



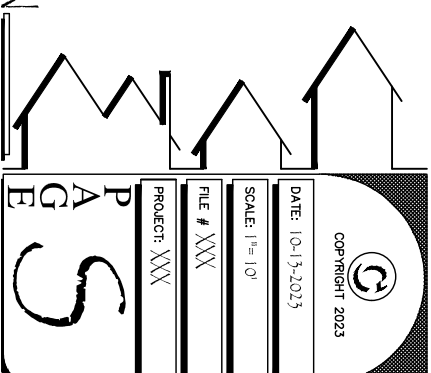
1 inch = 32 feet

22nd St.



- | | | |
|---|-------------------------|-------------------------|
|  | GAS STUBOUT | (SPECES & DIA AS NOTED) |
|  | WATER STUBOUT | TREE TO BE REMOVED |
|  | WATER VALVE | TREE (DIA AS NOTED) |
|  | PROPERTY CORNER | |
|  | MONUMENT FOUND AS NOTED | |
|  | COUNTOUR (ASSUMED ELEV) | |
|  | EASEMENT / SETBACK LINE | |
|  | CONCRETE CURB | |
|  | UTILITY LINE (AS NOTED) | |
|  | PROPERTY BOUNDARY | |
|  | GROUND SLOPE | |

SITE PLAN





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: 10.19.23
Date Complete: 10.19.23
File Number: AD23-01
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:

James Hurley
Applicant's Address:
35890 Santiam Hwy

Applicant's Phone Number:

541-730-1698
Applicant's Email Address:
james@hurleypaint.com

Property A

Owner's Name:
James Hurley
Owner's Address:
1307 22nd Ave
Owner's Phone Number:
541-730-1698
Owner's Email:
james@hurleypaint.com
Property Address:
1307 22nd Ave
Assessor's Map and Tax Lot:
32BC 2700
Property Size Before: 3949 Property Size After: 3949
Zoning Classification: C-2 Comprehensive Plan: R-3

Property B

Owner's Name:

Owner's Address:

Owner's Phone Number:

Owner's Email:

Property Address:

Assessor's Map and Tax Lot:

Property Size Before: _____ Property Size After: _____
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.

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: [Signature]

Date: 19 Oct 23

Property Owner's Signature: [Signature]

Date: _____

Property Owner's Signature: _____

Date: _____

Property Owner's Signature: _____

Date: _____



APPENDIX A

ADJUSTMENTS

For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a modification to the requirements. An Adjustment may be approved for those requests resulting in no more than a 10% change in a quantifiable standard. [SHMC 17.100.010]

Adjustments applications shall be reviewed in accordance with the Type II review procedures specified in Chapter 17.124. [SHMC 17.100.020]

An application for an Adjustment shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.124. [SHMC 17.100.030]

SHMC 17.100.040 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 adjustment, including dimensions if applicable.

B. Do any of the criteria in SHMC Chapter 17.100.050 Apply? ☐ Yes ☒ No
If applicant answered yes, the proposal does not qualify for an adjustment.

C. Does the Adjustments expand or reduce a quantifiable standard by more than 10%? ☐ Yes ☒ No
If applicant answered yes, the proposal does not qualify for an adjustment.

D. Does the particular proposed development otherwise clearly satisfy the intent and purpose of the provision being adjusted? Explain:

Yes, with The Adjustment ^{IS IN} ~~OF~~ The 10% quantifiable standard

- E. Will the proposed development unreasonably impact adjacent existing or planned uses and development?

Explain:

No, greatly Improves the current use of Lot

- F. Is the Adjustment the minimum necessary to achieve the purpose of the Adjustment? Explain:

yes, under 10' standard

- G. Has there been a previous land use action prohibiting an application for an Adjustment? ☐ Yes ☒ No
If yes, explain:

FOR INFORMATION ONLY