



**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

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**REQUEST:** The applicant is seeking a variance to the limits on building height, fence height, and the use of barbed wire in the Residential Low Density (R-1) Zone. The Wastewater Treatment Plant Building A and Primary Digester building(s) may reach a building height of greater than 30' [SHMC 17.25.070]. Construction of the combined building requires the construction of a retaining wall along the south and west property lines that will exceed the allowable fence height and include the use of barbed wire [SHMC 17.08.033.E.1.a.2.B and 17.08.033.D.3.a].

The Wastewater Treatment Plant is a pre-existing Public Facility in a residential zone. A Public Facility is allowed in a residential zone via a Conditional Use. Conditional Use CU22-04 was approved by the Planning Commission on April 7, 2022.

<b>APPLICANT:</b>	The City of Sweet Home
<b>PROPERTY OWNER:</b>	The City of Sweet Home
<b>FILE NUMBER:</b>	VR22-01
<b>PROPERTY LOCATION:</b>	1359 Pleasant Valley Road, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lots 600, 1100, 1300, 1501, and 1502.
<b>REVIEW AND DESIGN CRITERIA:</b>	Sweet Home Municipal Code Section(s) 17.88.040, 16.12.030, 17.24.020
<b>HEARING DATE &amp; TIME:</b>	May 19, 2022
<b>HEARING LOCATION:</b>	City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386
<b>STAFF CONTACT:</b>	Angela Clegg, Associate Planner Phone: (541) 367-8113; Email: <a href="mailto:aclegg@sweethomeor.gov">aclegg@sweethomeor.gov</a>
<b>REPORT DATE:</b>	May 12, 2022

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## I. PROJECT AND PROPERTY DESCRIPTION

### ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Public
Property North	Linn County	Linn County
Property East	Residential Low Density (R-1)	Medium Density Residential
Property South	Commercial Highway (C-2)	Medium Density Residential Highway Commercial
Property West	Residential Low Density (R-1) Linn County	Medium Density Residential Highway Commercial Linn County

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the eastern portion of the subject property is in the Special Flood Hazard Area.

Based on the Sweet Home ArcGIS map, the eastern portion of the subject property is in the AE (100 year) floodplain and the AE (100 year) Floodway.

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.

The eastern portion of the subject property is in the Natural Resource Zone.

Access: Access to the subject property is via a City Facilities access off Pleasant Valley Road.

Water and Sewer Services: The proposed parcels have access to City water and sewer services.

### **TIMELINES AND HEARING NOTICE:**

Application Received: April 13, 2022

Application Deemed Complete: April 13, 2022

Notice Distribution to Neighboring Property  
Owners Within 100 feet and Service Agencies: April 14, 2022

Notice Published in New Era Newspaper: April 20, 2022

Date of Planning Commission Hearing: May 19, 2022

120-Day Processing Deadlines: August 11, 2022

## II. COMMENTS

- CEDD Engineering:** Regarding the Variance Request for height and barbed wire fencing at the Wastewater Treatment Plant, as it is an important local government facility, building configuration and security is important. CEDD-ES has no issues with the request.
- 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:** 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.

- 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 applicant is seeking a variance to the limits on building height, fence height, and the use of barbed wire in the Residential Low Density (R-1) Zone. The Wastewater Treatment Plant Building A and Primary Digester building(s) may reach a building height of greater than 30' [SHMC 17.25.070]. Construction of the combined building requires the construction of a retaining wall along the south and west property lines that will exceed the allowable fence height and include the use of barbed wire [SHMC 17.08.033.E.1.a.2.B and 17.08.033.D.3.a]. The Wastewater Treatment Plant is a pre-existing Public Facility in a residential zone. A Public Facility is allowed in a residential zone via a Conditional Use. Conditional Use CU22-04 was approved by the Planning Commission on April 7, 2022.

**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.

With the above findings, 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.

With the above findings, 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.

With the above findings, 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 R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.**

Staff Findings: The applicants are seeking a variance to the limits on building height, fence height, and the use of barbed wire in the Residential Low Density (R-1) Zone. The Wastewater Treatment Plant Building A and Primary Digester building(s) may reach a building height of greater than 30' [SHMC 17.25.070]. Construction of the combined building requires the construction of a retaining wall along the south and west property lines that will exceed the allowable fence height and include the use of barbed wire [SHMC 17.08.033.E.1.a.2.B and 17.08.033.D.3.a].

The Wastewater Treatment Plant is a pre-existing Public Facility in a residential zone. A Public Facility is allowed in a residential zone via a Conditional Use. Conditional Use CU22-04 was approved by the Planning Commission on April 7, 2022.

Staff finds, based on the Conditional Use criteria, that 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 applicants are requesting three variances: building height, fence height, and the use of barbed wire in the Residential Low Density (R-1) Zone.

Staff finds, based on the Conditional Use criteria, that the application shall remain consistent with the purposes of the zone.

- 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.

With the above findings, 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.

With the above findings, 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: Staff has not identified a physical circumstance or condition that makes the subject property difficult to develop.

Based on the above findings, the application complies with 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 VR22-02. 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 VR22-01 and thereby permit the variance for Tax Lots 600, 1100, 1300, 1501, and 1502, located at 1359 Pleasant Valley Road Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lots 600, 1100, 1300, 1501, and 1502; 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 VR22-01 and thereby deny the request for a variance for Tax Lots 600, 1100, 1300, 1501, and 1502, located at 1359 Pleasant Valley Road Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lots 600, 1100, 1300, 1501, and 1502; 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. Application VR22-01

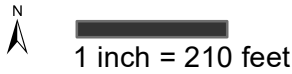
The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:00 PM, Monday through Friday, excluding holidays.





Subject Property Map  
VR22-01

Date: 4/13/22







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

### Application for a Zoning Variance

Date Received: 04.13.22  
Date Complete: 04.13.22  
File Number: VR22-01  
Application Fee \$: \$590.00  
Receipt #: —  
Hearing Date: 05.19.22

**Applicant's Name:**

The City of Sweet Home

**Applicant's Address:**

3225 Main Street, Sweet Home, OR 97386

**Applicant's Phone and e-mail:**

541-367-8113, aclegg@sweethomeor.gov

**Subject Property Address:**

1359 Pleasant Valley Road, Sweet Home, OR 97386

**Subject Property Assessor's Map and Tax Lot:**

13S01E31BB 600, 1100, 1300, 1501, and 1502

**Subject Property Size:**

456,976 SF (per PLA20-07, PLA20-08, PLA20-09, and PLA20-10)

**Subject Property: Zoning Classification**

Residential Low Density (R-1)

**Property Owner:**

The City of Sweet Home

**Owner's Address:**

3225 Main Street, Sweet Home, OR 97386

**Owner's Phone and email:**

541-367-8113, aclegg@sweethomeor.gov

**Comprehensive Plan Classification:**

Public

**Nature of Applicants Request**
**Variance Request from Sweet Home Municipal Code Sections:**

17.24.070 Building Height, 17.08.033.E.1.a.(2).(B) Fence Height, 17.08.033.D.3.a. Barbed Wire

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

The applicant requests a variance to the building height. The WWTP Building A and Primary Digester building(s) may reach a building height of greater than 30', which is the limit of the current zone for the WWTP site.

The applicant requests a variance for the fence height for an existing industrial use in a residential zone, including the use of barbed wire.

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

Due to space on the project site and rapidly rising costs, the original design with 4 separate buildings for Administration, Maintenance, Headworks and Dewatering are now combined into a single Pre-Engineering Metal Building.

Construction of the combined building requires the construction of a retaining wall along the south and west property lines that will exceed the allowable fence height in the current zone for the WWTP site. See attached Site Plan and Profile Drawings.

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

17.88.040.C 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.) The subject property is an existing industrial use in a residential zone.

**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:**

*Christina Munster*  
City Manager/Pro Tem

Date:

4/13/2022

**Property Owner's Signature:**

*[Signature]*

Date:

4-12-2022

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.

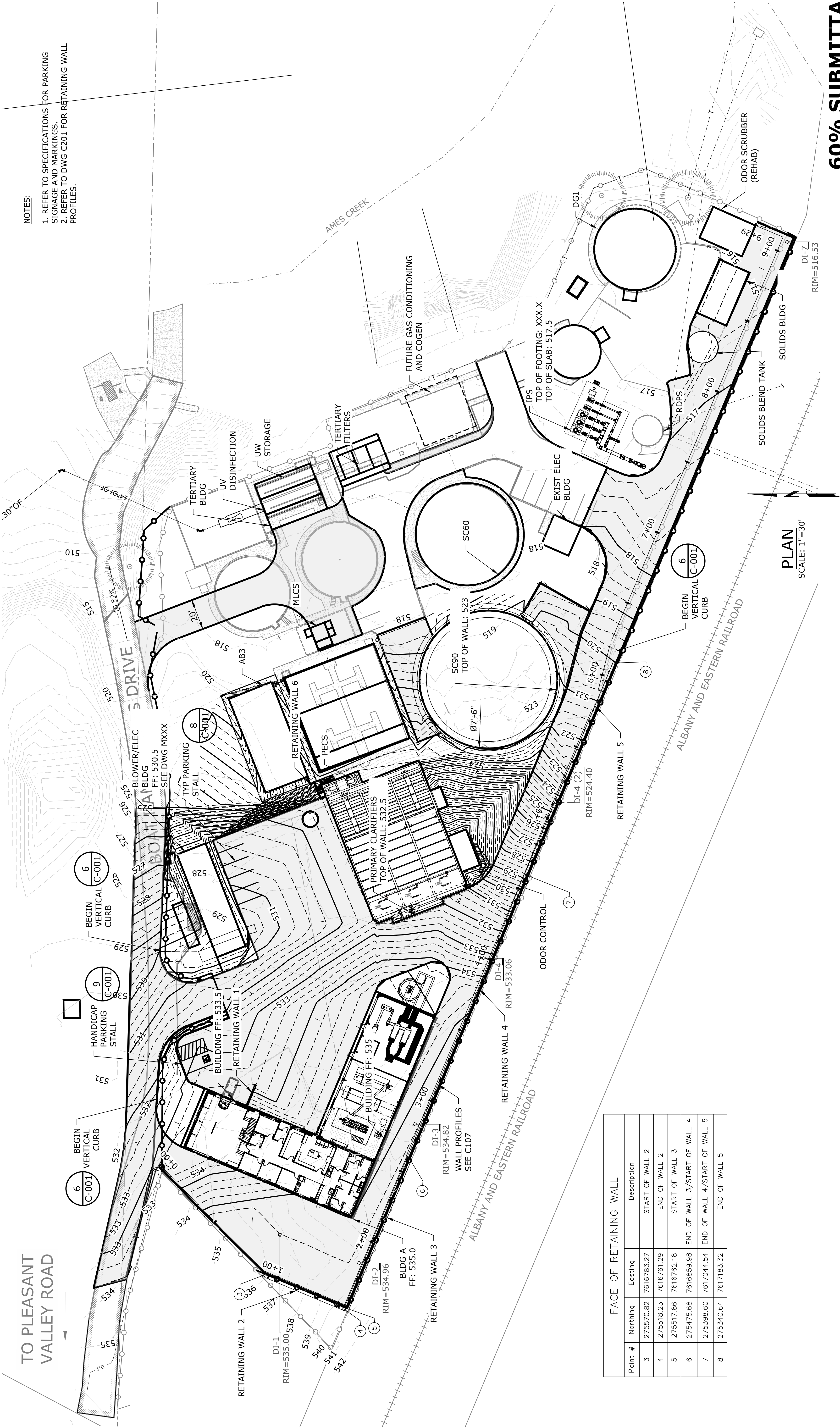


P:\Clients\96 City Of Sweet Home\50-21-09 WWTP Phase 1 Final Design\CAD\Production\19-2605-OR-C-GRADE-BB.dwg C-106 3/15/2022 3:13 PM BBARRY 24.1s (LMS Tech)

TO PLEASANT VALLEY ROAD

NOTES:

- 1. REFER TO SPECIFICATIONS FOR PARKING SIGNAGE AND MARKINGS.
- 2. REFER TO DWG C201 FOR RETAINING WALL PROFILES.



FACE OF RETAINING WALL		
Point #	Northing	Easting
3	275570.82	7616783.27
4	275518.23	7616761.29
5	275517.86	7616762.18
6	275475.68	7616859.98
7	275398.60	7617044.54
8	275340.64	7617183.32

PLAN  
SCALE: 1"=30'

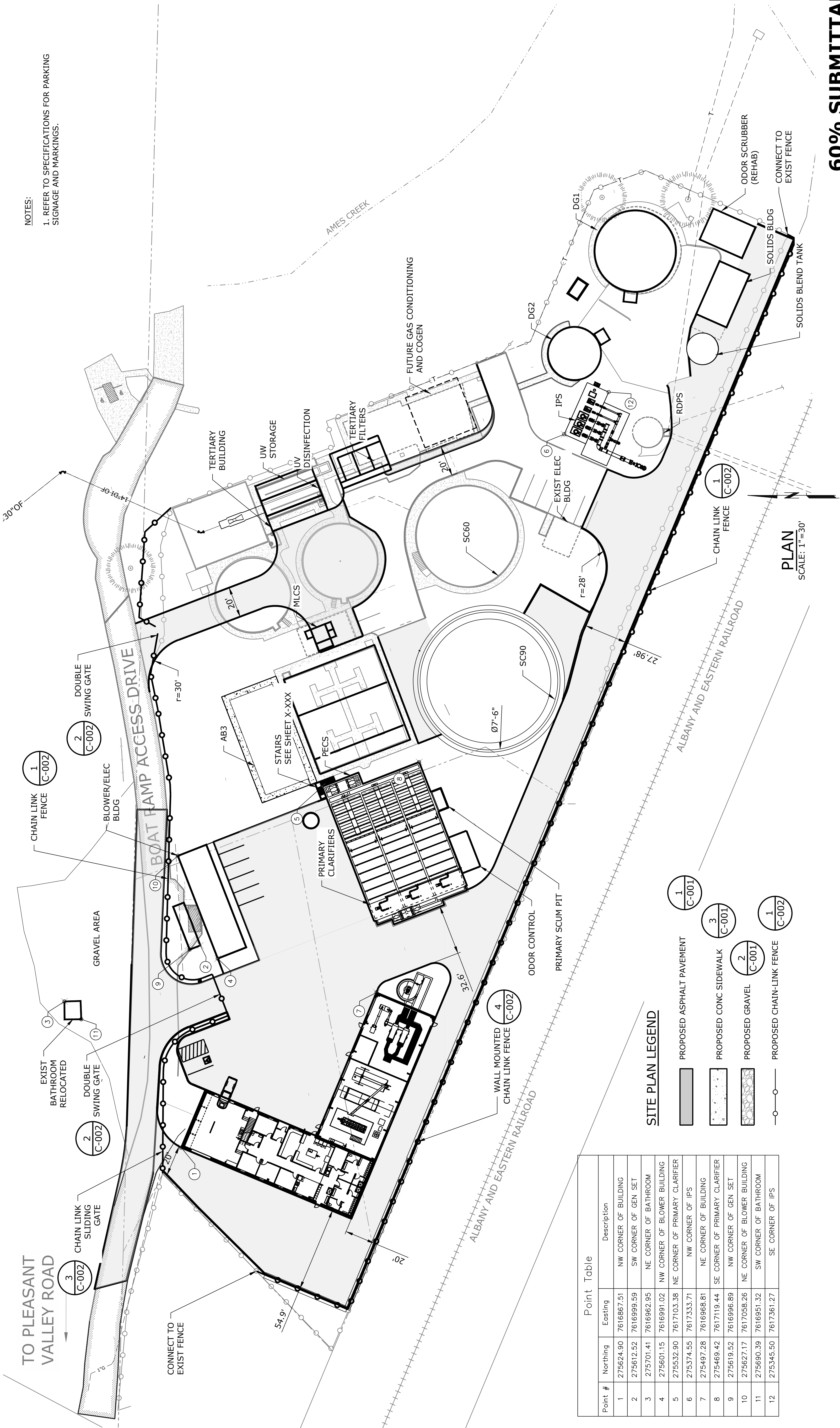
60% SUBMITTAL

<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>	CIVIL SITE		SWEET HOME WWTP IMPROVEMENTS PHASE 1		OVERALL GRADING, DRAINAGE, AND PAVING PLAN		SHEET	C-106
	WEST YOST Water. Engineered.				PROJECT NO.: 19-2605		AS SHOWN	DATE: March 2022
	NO.	DATE	BY	REVISION	SCALE: 1"=30'		XX of XXX	









Point Table		
Point #	Northing	Easting
1	275624.90	7616867.51
2	275612.52	7616999.59
3	275701.41	7616962.95
4	275601.15	7616991.02
5	275532.90	7617103.38
6	275374.55	7617333.71
7	275497.28	7616968.81
8	275469.42	7617119.44
9	275619.52	7616996.89
10	275627.17	7617058.26
11	275690.39	7616951.32
12	275345.50	7617361.27

SITE PLAN LEGEND

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONC SIDEWALK
- PROPOSED GRAVEL
- PROPOSED CHAIN-LINK FENCE

PLAN  
SCALE: 1"=30'

NOTES:  
1. REFER TO SPECIFICATIONS FOR PARKING  
SIGNAGE AND MARKINGS.

60% SUBMITTAL

NO.

DATE

BY

REVISION

PRELIMINARY ONLY  
DO NOT USE FOR CONSTRUCTION

MARCH 2022

West Yost  
WWW.WESTYOST.COM

BVB  
DESIGNED

BVB  
DRAWN

WJM  
CHECKED

NOTICE  
0 1/2 1  
IF THIS BAR DOES  
NOT MEASURE 1" =  
THEN DRAWING IS  
NOT TO SCALE

CIVIL SITE  
OVERALL SITE PLAN,  
STRUCTURE COORDINATES,  
STAGING AND ACCESS

SWEET HOME WWTP  
IMPROVEMENTS  
PHASE 1

Sweet Home  
Oregon  
let it be best

SHEET

C-105

XX of XXX

PROJECT NO.:

19-2605

SCALE:

AS SHOWN

DATE:

March 2022