



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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VARIANCE APPLICATION

Application Fee \$900.00

A variance application is needed when a proposed development cannot meet zoning district property development standards established in the Linn County Land Development Code. Variances may be granted to allow development within a property line setback area or to exceed the lot coverage standard. Other types of variances include relief from landscaping or parking lot requirements, building height standards or lot width and depth standards. Variances may not be submitted for uses specified in any zoning district or to create a parcel smaller than the minimum lot size standard.

Planning staff will review a variance request once a complete application is accepted. A public notice will be sent to surrounding property owners and interested public agencies. After the notice period ends, staff has one week to make a decision on the application. If the application meets the decision criteria, then it will be approved. When there are issues that cannot be resolved at the staff level, an application will be sent to the Planning Commission for a public hearing. If an application is approved, there is a two week appeal period during which permits cannot be issued. Unless an appeal is filed, permits will be issued after the appeal period ends.

Often, it is necessary to have the subsurface sewage waste disposal system evaluated by the Environmental Health Program. Their evaluation and the variance review can occur at the same time. However, a decision on the variance cannot be made until Environmental Health has completed their evaluation.

Please fill out this application and prepare a plot plan (see attached sample). If you have any questions while filling out the application, please contact the department for help. Planning staff are available Monday through Friday, 8:30 a.m. - 5:00 p.m., and can be contacted at (541) 967-3816.

**LINN COUNTY VARIANCE PROCEDURE CODE
CHAPTER 938**

938.100 Variances; generally

- (A) Variances from the minimum lot or parcel size requirements of any district shall not be allowed unless authorized by subsections (B) or (C).
- (B) A variance from a minimum property size for an authorized unit of land in a Rural Resource Zone may not be approved by the decision maker.
- (C) Any authorized unit of land in the Rural Development Zone created prior to March 4, 1998, that cannot otherwise be partitioned may be divided if:
- (1) the property size of each unit created by that division is not less than 95% of the minimum property size for the respective zoning district; and
 - (2) the application otherwise meets the requirements of the Land Development Code.
- (D) Variances may not be submitted for uses specified within any zoning district.
- (E) The Director may not accept an application seeking, nor may the decision maker approve a variance from the development standards set forth in:
- (1) LCC 934.211 (Signs; prohibited);
 - (2) LCC 934.360 (Home occupations; performance standards);
 - (3) LCC 934.370 (Kennels; performance standards);
 - (4) LCC 934.442 (Development standards for private parks);
 - (5) LCC 934.590 (F/F (forest area) and FCM zoning district structural siting standards);
 - (6) LCC 934.790 (UGAZ manufactured home standards for placement on individual authorized units of land);
 - (7) LCC Chapter 940 (Marijuana Code); or
 - (8) LCC Section 934.900 (Accessory Dwelling Unit Standards).

938.200 Application procedure

An application filed under this Chapter shall comply with the provisions of LCC 921.040.

938.300 Decision criteria

- (A) Except as provided in LCC 938.100, a variance may be granted from the standards regulating property development as set forth in LCC 934 (Development Standards Code) if on the basis of the application, investigation, testimony and evidence submitted, the findings and conclusions show that all of the criteria in subsection (B) have been met.
- (B) Decision criteria.
- (1) A variance from a development standard as set forth in LCC 934 (Development Standards Code) is needed because conditions or circumstances or both exist on the land or structure involved that renders development impractical or impossible;
 - (2) Granting a variance from a development standard will not have a significant adverse affect on property, improvements, or public health or safety in the vicinity of the subject property; and
 - (3) Approval of the variance is limited to the minimum necessary to permit otherwise normal development of the property for the proposed use.

938.340 Decision criteria for UGA-UGM minimum property size

The Director may approve a variance to the minimum property size of an authorized unit of land in the UGA-UGM zoning district if:

- (A) the criteria of LCC 938.300 (B) (2) and (3) are met; and
- (B) the proposal is consistent with the affected city's comprehensive plan

938.400 Density standards; exceeding dwelling unit density for areas within major and peripheral habitats

- (A) The major and peripheral habitat density standards may be exceeded in the EFU and F/F zoning districts if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that the impact of the dwelling on major or peripheral habitat can be reduced through, but not limited to, the following measures:
- (1) Locating dwellings and structures near each other and existing roads;
 - (2) Locating dwellings and structures to avoid habitat conflicts and utilize least valuable habitat areas; and
 - (3) Minimize road development to that necessary to support the residential use.
- (B) The Director shall notify the Oregon Department of Fish and Wildlife and their comments taken into consideration prior to final action on the proposal

I. Application Check List (for departmental use only)

Date Received: _____ Receipt number: _____ Fee paid: _____

Application accepted by: _____ Completeness reviewed by: _____

Other applications included: _____

Date to be Deemed Complete: _____

_____ Environmental Health Program approval.

Existing system has been checked _____

Alteration or repairs required _____

New site has been approved _____

_____ Legal Properties, Subdivision/Plat/Deed Number: _____

_____ Owner(s) signature

_____ Applicant(s) signature

_____ Complete Site Plan

_____ Other property development standards can be met:

Width ____ Depth ____ Frontage ____ Coverage ____ Setbacks ____ Area ____

_____ Legal access provided

_____ Proposal is located within/adjacent to:

Zoning District _____ Plan designation _____ UGB _____

Planning area _____ Airport Notification Area / Overlay _____

Floodplain ____ Historic Resource ____ Big Game Habitat ____ S.B.H.O. _____

Aggregate ____ Wetlands ____ Sensitive Fish Habitat _____ Greenway ____

II. Background Information (to be completed by applicant- typed or handwritten with pen)

A. Applicant's name: _____

B. Mailing Address: _____

C. City: _____ State: _____ Zip Code: _____

D. Phone number (cell): _____ (work): _____

E. Email address: _____

F. Property owner (if different than applicant): _____

G. Mailing Address: _____

H. City: _____ State: _____ Zip Code: _____

I. Phone number (cell): _____ (work): _____

J. Email address: _____

K. Applicant's representative (optional): _____

L. Mailing Address: _____

M. City: _____ State: _____ Zip Code: _____

N. Phone number (cell) _____ (work) _____

O. Email address: _____

P. Site Address: _____

Q. Tax Assessor's Map Number of Property (Contact Linn County Tax Assessor's to find):
Township _____ Range _____ Section _____ Tax Lot(s) _____

R. Property Zoning: _____ Comp Plan Designation: _____

S. Size of property (in acres): _____

T. Additional parcels in contiguous ownership:
Township _____ Range _____ Section _____ Tax Lot(s) _____

U. Fire protection district _____

III. Vehicular Access (to be completed by applicant)

Access must be provided to the property in one of the following ways, please check the box(es) that apply to the property:

The property is accessed via existing frontage onto a county or public road.

Road name: _____

The property is accessed via a private road easement-of-record established before March 22, 1972.

Provide reference to easement recording volume and page (Contact the Linn County Clerk's Office to locate): _____

The property is accessed via a private road easement of access recognized by Linn County after March 22, 1972.

Provide reference to planning case file number: _____

Access yet to be provided to the property.

Please describe the new road access to be constructed: _____

IV. Verification of Ownership: If the person submitting the application and the owner of the property are not the same, then only the owner of the property should complete this section.

A. Does the application violate any recorded codes, covenants or restrictions that are attached to the subject property? _____

B. I have the following legal interest in the property (check which applies): owner of record _____, land sales contract purchaser ____ or holder of a recorded exclusive option to purchase _____.

Owner signature: _____

Date: _____

Owner signature: _____

Date: _____

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it.

If more than one owner is included on your records, please list all persons involved.

Other owners:

V. Applicant's Certification:

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true. I understand that any permit granted on the basis of this information may be revoked if it is found that such information is false.

Signature(s) of Applicant(s) _____

_____ Date _____

VI. Use of Property (to be completed by applicant)

A. Please describe the nature of land uses on adjoining properties. Be specific. If it's farm use, what type of farm use? Please indicate uses to the north, south, east and west.

B. Please describe the nature of land use in the general area. Indicate uses north, south, east and west beyond the properties contiguous to the subject land described above.

C. Please describe the physical conditions on the property including stream courses, wooded areas, landscaping, changes in terrain, existing driveway and the current use of the property. Also describe all structures located on the property and their uses. Show these structures on your site plan together with dimensions and setbacks. Include the septic system, septic repair area and well.

D. This variance is requested to the following property development standards in the ____ zoning district:

E. This variance is requested for the following purpose. (Explain what you are proposing and how that requires you to request a variance from the above specified Linn County Development Standard):

F. Please describe what conditions or circumstances or both that exist on the land or structure involved that makes development impractical or impossible.

G. Has another development plan been considered that would meet the standards and eliminate the need for this variance? Why hasn't it been used?

H. In order to be approved, this variance must not have a significant adverse affect on property, improvements, or public health or safety in the vicinity of the subject property. Tell us why you think this variance would not have a significant adverse affect. Consider factors such as distance, vision clearance, change in grade, natural screening, potential for city services and drainage patterns.

I. Please explain how the requested variance is the minimum necessary to permit otherwise normal development of the property for the proposed use.

STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal by the planning and building department, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

You may submit separate plans to show details of particular aspects of your proposal, landscaping, off-street parking, topography and drainage.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

SITE PLAN REQUIREMENTS:

- (1) Indicate scale (for example, 1" = 200').
- (2) North arrow--indicating direction of North on the map.
- (3) Completed information block at bottom of page, containing your name, and address.
- (4) Dimensions of the property. These may be taken from surveys, deeds and assessor's records.
- (5) Names of roads adjacent to property.
- (6) Approximate distance to nearest city or town.
- (7) Dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
- (8) Location of existing and proposed access ways, parking and loading areas, approaches and barriers. Type of surfacing should be indicated.
- (9) Location of significant land features, such as streams or creeks, drainage areas and slope of land.
- (10) Location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
- (11) Indicate existing uses of land (cultivation, pasture, timber and brush). Indicate type of crops, pasture grass and timber species.

Attach sample plot plan (see sample plot plan on Planning and Building webpage)