



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 requesting to subdivide an approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area.

The proposed subdivision is in the Residential Low Density (R-1) Zone.

APPLICANT: Savely Kalugin

PROPERTY OWNER: Saz Yakis

FILE NUMBER: SD21-01

PROPERTY LOCATION: Between 23rd Avenue and Foothills Drive, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04403.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.12, 16.16, and 17.24.040 through 17.24.060.

HEARING DATE & TIME: May 3, 2021 at 6:30 PM

HEARING LOCATION: City Hall Council Chambers, 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting to subdivide approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. The proposed subdivision is in the Residential Low Density (R-1).

Foothills Ridge Subdivision will create 26 lots for single-family dwellings on 6.50 acres located on Linn County Assessor's Map No. 13S01E32CA, Tax Lot 4403 (Attachment B). Lots created by the proposed subdivision will provide a variety of sizes. The smallest proposed lot is 8,226 square feet, while the largest lot is 9,950 square feet. The proposed subdivision's average lot size is 8,932 square feet.

The proposed subdivision conforms to all applicable sections of the Sweet Home Municipal Code (SHMC) and when necessary City of Sweet Home's Comprehensive Plan. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the SHMC.

The subject property is accessed via Foothills Drive and 23rd Avenue. Foothills Drive is a paved road, has one lane in each direction, and is constructed to urban local road standards. 23rd

II. COMMENTS

Engineering Division: Regarding the proposed Foothills Ridge subdivision connecting the West end of Foothills Drive and the South end of 23rd Avenue, the following items shall be required.

The TSP roadway dimensions require a minimum 3-foot planter strip for Local Streets which the narrative and plan do not show. Foothills Drive is wide enough for planter strips to be constructed and are required. The proposal shows a 50-foot right-of-way, which provides adequate width for 5 feet sidewalk, 4 feet planter, and 30-foot curb to curb widths which provides the minimum 7 feet parking and travel lanes, etc. However, 23rd Avenue is only 40 feet wide with some portions at 35-foot-wide, the planter strips are not required, and sidewalks can be curbside.

The City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B. The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. However, city water crews have recently removed that work item from the subdivision requirements with our replacement in April 2021 of that waterline. The city has placed 250 foot of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. The city has done this work for our own distribution system needs; the developer would have had to do this otherwise. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.

The Fire & Ambulance District is requiring that the NE corner of Foothills Drive and 23rd Ave be a rounded corner with a 20-foot radius, to facilitate turning of large vehicles. The properties on the south boundary accessed by easement do not indicate if the front residences will or will not connect to that shared driveway. If they do then each driveway will have four residences, lessening the number of driveway aprons to Foothills Drive itself. However, it may create some issues with emergency services and access to those residences.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A STOP sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The Tract A as noted in the plan and narrative is intended to be transferred to City of Sweet Home ownership. The maintenance of

private stormwater basins is up to the local residences with or without a HOA, who benefit from the subdivision development and the stormwater basin, not the city. That property needs to remain under the ownership of the developer, or a HOA.

Because of the limited width of 23rd Ave, and the potential awkward connection to the adjacent drainage channel if it was done in the roadway, the outlet from the detention basin is shown to connect to that channel on the property of Lot 1 (Anderson) of Jefferson View Addition. An easement will be necessary on that property if there is not one currently available.

The tentative plan does not show how the development will accommodate runoff from the south hillside. There will need to be an easement, channel, area catch basins or some combination of those along the south line of the properties. That stormwater collection will then be another pipeline in the shared driveway easement down the driveway to Foothills Drive. The southern properties are about 12 foot to 15 foot above the central flat portion of the development.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets, so by the time this proposed subdivision starts construction, there may already be good pavement in portions of 23rd Ave and Harding Street.

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

Public Works: 23rd Avenue improvements will be required upon development.

Building Division: The Building Program has no issues with this proposed Subdivision. Proof of Private Access and Utility Easements to rear properties will be required on final survey, with approved widths/measurements.

**Oregon Department
Of State Lands:** The applicant requested an offsite determination last year, WD2020-0035. We sent a copy of the response to your office. The determination recommended a wetland delineation be completed and submitted to the department for review. Delineation reports must be approved by the department to be valid for permitting or to show avoidance. I did not find any other records in our database for this property, so we have not yet received a delineation report for this project. The determination may take the place of the WLUN for your application review process. Please condition approval accordingly – A delineation shall be submitted to DSL, and may need a permit.

**Sweet Home
Fire District:**

The Fire District has some concerns with access to this housing division. 23rd is narrow, not developed and would typically be accessed for Fire and EMS because of its location in relation to the proposed project. If something is typical, making an exception creates risk and inconsistency. In emergency services, we understand that on a map a firefighter looks at this small street and believes it is the shortest fastest route which can matter in a lifesaving event. Foothill Drive going from 60 feet in width to 50 feet creates another inconsistency that will be a transition: a driver in responding apparatus will deal with a road narrowing suddenly which makes no sense in any way that this would be acceptable by design. At every exit or entrance turning radius will be done by a 40-foot ladder truck that needs to make access on a narrow street into a narrow entrance the access points cause apparatus to slow or even jockey to make a turn. Parking will be an issue and fire lanes will need to be posted into flag lot type drives. This design is a concern but I'm sure there are resolutions for issues.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a subdivision are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

- 1. The information required by this chapter has been provided. [SHMC 16.16.040(A)]**

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application, and the applicant provided this information

The application complies with this criterion.

- 2. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable. [SHMC 16.16.040(B)]**
 - A. Size and shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated. [SHMC 16.12.030(A)]**
 - B. No lot or parcel shall be dimensioned to contain a part of an existing or proposed street. [SHMC 16.12.030(B)]**
 - C. Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17. [SHMC 16.12.030(C)]**

YARD SETBACKS AND LOT SIZE AND WIDTH.

Except as provided in § 17.08.060, in a R-1 zone, yard setbacks shall be as follows.

- 1. The front yard shall be a minimum of 20 feet. [SHMC 17.24.050(A)]**
- 2. Each side yard shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of 13 feet. [SHMC 17.24.050(B)]**

3. **The street side yard shall be a minimum of 15 feet.** [SHMC 17.24.050(C)]
4. **The rear yard shall be a minimum of 15 feet.** [SHMC 17.24.050(D)]
5. **On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.** [SHMC 17.24.050(E)]
6. **Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.** [SHMC 17.24.050(F)]

Except as provided in § 17.08.050, the minimum lot size and width in a R-1 zone shall be as follows:

1. **The minimum lot area shall be 8,000 square feet; and** [SHMC 17.24.040(A)]
2. **The minimum lot width at the front building line shall be 80 feet.** [SHMC 17.24.040(B)]

- D. Lot depth shall not exceed two and one-half times the average width.** [SHMC 16.12.030(D)]

Staff Findings: Based on a review of the applicant's site plans (Attachment B), and the applicant's Residential Subdivision Application (attachment C), lot depth would not exceed two and one-half times the average width. There is a portion of each lot where the front building line would be at least 80 feet in width for an interior lot and 70 feet in width for a corner lot. No lot would be dimensioned to contain part of an existing or proposed street.

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

- E. Frontage. Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet.** [SHMC 16.12.030(E)]

Staff Findings: Based on a review of the applicant's site plans (Attachment B), the proposed Lots would have 25 feet of frontage along Foothills Drive. Every lot shall abut a street, other than an alley, for a width of at least 25 feet [SHMC 17.08.010(C)].

Based on staff's findings above, the application does not comply with this criterion.

- F. Access easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels.** [SHMC 16.12.030(F)]

1. **Joint use driveways.** [SHMC 17.08.100(C)(6)]
 - a. **Joint use driveways are permitted.**
 - b. **A joint use driveway shall comply with International Fire Codes**
 - c. **A joint use driveway that serves four or more lots or parcels shall be developed to the standards of a local street.**
 - d. **Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.**

Staff Findings: Per the staff engineer's comment in Section II, the City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B (attachment B). The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25. It has access from Ames Creek road, so that only a waterline would be connected through the lots.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The City has placed 250 feet of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. The city has done this work for our own distribution system needs; the developer would have had to do this otherwise. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.

Because of the limited width of 23rd Ave, and the potential awkward connection to the adjacent drainage channel, if it was done in the roadway, the outlet from the detention basin is shown to connect to that channel on the property of Lot 1 (751 23rd Avenue) An easement will be necessary on that property if there is not one currently available.

The tentative plan does not show how the development will accommodate runoff from the south hillside. There will need to be an easement, channel, area catch basins or some combination of those along the south line of the properties. That stormwater collection will then be another pipeline in the shared driveway easement down the driveway to Foothills Drive. The southern properties are about 12 feet to 15feet above the central flat portion of the development.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets, so by the time this proposed subdivision starts construction, there may already be good pavement in portions of 23rd Ave and Harding Street.

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

The applicant has not proposed a joint use driveway.

With the above conditions, the application complies with this criterion.

G. Through lots should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation. [SHMC 16.12.030(G)]

- 1. A planting screen easement of at least ten feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses.**
- 2. Lots shall be served from only one side via a local street.**
- 3. A through lot shall have the yard abutting a street that has no access to the back yard and shall utilize setbacks for a back yard as per the underlying zone standards.**

Staff Findings: The applicant has not proposed any through lots.

The application complies with these criteria.

- H. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [SHMC 16.12.030(H)]**
- 1. Topographical conditions or street configurations may warrant an angle.**
 - 2. Generally, any angle should not exceed 30° from a right angle to the street.**

Staff Findings: As depicted on Attachment B, the proposed parcels would have side lines that are at, or very close, to right angles to Foothills Drive.

The application complies with these criteria.

- I. Flag Lots. Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements. [SHMC 16.12.030(I)]**

Staff Findings: The applicant is not proposing any flag lots.

The application complies with these criteria.

- J. If special setbacks are to be established in a subdivision or partition through the variance process, they shall be shown on the tentative plan and final plat and included in the deed restrictions. [SHMC 16.12.030(J)]**

Staff Findings: The applicant has not proposed any special setbacks. Staff finds that the configuration of the proposed subdivision lots meets these criteria

The application complies with these criteria.

- 3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]**

Staff Findings: The applicant is proposing to create 26 residential lots, 1 open space tract, an extension of Foothills Drive and associated utilities. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

The application complies with this criterion.

- 4. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes. [SHMC 16.16.040(D)]**

Staff Findings: Staff has not identified any features of this proposed subdivision that would inhibit development on adjoining property.

The application complies with this criterion.

- 5. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title. [SHMC 16.16.040(E)]**

Staff Findings: Per the staff engineer's comments in Section II above, The Transportation System Plan (TSP) roadway dimensions require a minimum 3-foot planter strip for Local Streets which the narrative and plan do not show. Foothills Drive is wide enough for planter strips to be constructed and are required. The proposal shows a 50-foot right-of-way, which provides adequate width for 5 foot sidewalk, 4ft planter, and 30ft curb to curb widths which provides the minimum 7ft parking and travel lanes, etc.

The Fire & Ambulance District is requiring that the Northeast corner of Foothills Drive and 23rd Ave be a rounded corner with a 20ft radius, to facilitate turning of large vehicles. The properties on the south boundary accessed by easement do not indicate if the front residences will or will not connect to that shared driveway. If they do, then each driveway will have four residences, lessening the number of driveway aprons to Foothills Drive itself. However, it may create some issues with emergency services and access to those residences.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A stop sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding St. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street.

Relevant to street standards 27th avenue is a 40 foot right-of way, 28th Avenue is a 50 foot right-of-way, 29th Avenue is a 60 foot right-of-way, Mountain View is a 40 foot right-of-way, and Harding Street is a 40 foot right-of-way.

With the above conditions, the application complies with this criterion.

6. The location and design allows development to be conveniently served by public utilities. [SHMC 16.16.040(F)]

Staff Findings: Per the staff engineer's comments in Section II above, the City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B. The easement would run from the south ROW line of Foothills Drive to the south line of Lots 24 and 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The city has placed 250 foot of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

With the above conditions, the application complies with this criterion.

7. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law. [SHMC 16.16.040(G)]

Staff Findings: Staff has not identified any special features of the site.

The application complies with this criterion.

8. **If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.** [SHMC 16.16.040(H)]

Staff Findings: The applicant is not proposing to develop this property in phases.

The application complies with this criterion.

9. **An application for residential development can be denied based on a lack of school capacity if:** [SHMC 16.16.040(I)]
 - a. **The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; and** [SHMC 16.16.040(I)(1)]
 - b. **The city has considered option to address school capacity; and** [SHMC 16.16.040(I)(2)]
 - c. **The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540.** [SHMC 16.16.040(I)(3)]
 - d. **This section does not confer any power to the school district to declare a building moratorium.** [SHMC 16.16.040(I)(4)]

Staff Findings: The City has not been informed by the Sweet Home School District that their adopted school facility plan has identified a lack of school capacity. Staff does not recommend that this application be denied based on a lack of school capacity.

The application complies with this criterion.

B. Conditions of Approval.

1. **The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria.** [SHMC 16.16.050(A)]
2. **Conditions of approval may include, but are not limited to, the following:** [SHMC 16.16.050(B)]
 - a. **Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.**
 - b. **Storm water drainage plans**
 - c. **Fencing.**
 - d. **Landscaping.**
 - e. **Public land dedication.** [SHMC 16.16.050(B)(1 through 5)]

Staff Findings: The applicant is requesting to subdivide an approximately 6.50-acre property into 26 lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. The proposed subdivision is in the Residential Low Density (R-1) Zone.

To ensure compliance staff recommends a condition of approval that upon development of the proposed parcels, the property owner shall construct all applicable street, sidewalk and storm drain improvements that are required by, and according to the provisions of the Sweet Home Municipal Code at the time of development. All public improvements must comply with the standards listed in the SHMC at the time of development.

Staff has recommended conditions of approval, listed in Section IV below, that act to ensure that the final subdivision plat comply with the application that has been proposed. Additional conditions of approval may be required if any of the subject parcels are further divided under a future application or if they are physically developed with a residence.

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

C. Duration of Tentative Plan Approval. [SHMC 16.16.070]

1. **Approval of a tentative plan shall be valid for 12 months from the date of approval of the tentative plan, provided that if the approved tentative plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of § 16.16.060 of this chapter.** [SHMC 16.16.070(A)]
2. **If any time limitation is exceeded, approval of the tentative subdivision plan, or of any un-platted phase of the tentative subdivision plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new application.** [SHMC 16.16.070(B)]

Staff Findings: This approval shall be valid for 12 months. The applicant has proposed a phased development. Staff recommends that a time for each phase be specified. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92. [SHMC 16.20.010(B)(1)]

Staff Findings: Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings discussed in Section III above, staff recommends that this application be approved. 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.).

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Sections III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria listed above.

Recommended Conditions If the Application is Approved:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration is to subdivide an approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. Approximately 4,373 square feet shall be dedicated as public right-of-way for an extension of Foothills Drive to serve the proposed subdivision.

2. The applicant shall provide a waterline easement through Lots 10, 11, 24 and 25 in the common driveway that serves Lots 24 and 25. The easement would be the same size as the proposed shared utility and access easements as noted on the attached site plan (Attachment B). The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25.
3. The applicant shall link the proposed water system on Foothills Drive to Harding Street. The proposed subdivision shall connect to the new 6 inch waterline end point, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.
4. The applicant shall install a street name sign at the intersection of Foothills Drive and 23rd Avenue.
5. The stormwater basin shall remain under private ownership and not be transferred to the City of Sweet Home. The maintenance of private stormwater basins is up to the local residences with or without a HOA.
6. The applicant shall provide an easement on adjacent Lot 1 (751 23rd Avenue) to provide a connection to the storm water detention area.
7. The applicant shall provide stormwater collection easement along Lots 18-25 to accommodate the run-off from the south hillside. The storm water collection will be through the utility easements to Foothills Drive.
8. On 23rd Avenue, the applicant shall develop "half street" improvements," on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. The improvements on 23rd Avenue need to extend to Harding Street.
9. The applicant shall provide each lot with its own sewer lateral line.
10. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.
11. Improvements within the subdivision shall be installed at the expense of the subdivider as required by SHMC 16.24.050. Improvements shall be made under the procedures and specifications listed in SHMC Chapter 16.24.
12. The applicant shall obtain all applicable development permits which include, but are not limited to: Public Works permits, development permits including building permits, and erosion control permits. The applicant shall obtain a 1200-C Stormwater Permit from the Oregon Department of Environmental Quality and any Department of State Lands permits as applicable.

V. PLANNING COMMISSION ACTION

In taking action on a subdivision, the Planning Commission will hold a public hearing at which it may either approve or deny the application. The decision on the application must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Staff's recommends that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the notice of 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 would 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 the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application SD21-01; including the conditions of approval listed in Section IV of the Staff Report; 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 SD21-01; including adopting findings (specify), the setting of a 12-day appeal period from the date of 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.

V. ATTACHMENTS

- A. Aerial Photograph of the Subject Property
- B. Tentative Subdivision Maps
- C. Public Comments
- D. Application and Supporting Documentation Provided by the Applicant

The full record is available for review in the Community and Economic Development Department office during normal business hours. The office is located at 3225 Main Street, Sweet Home, OR 97386.