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

PLANNING COMMISSION STAFF REPORT

REQUEST: The applicant is requesting a Planned Development Overlay Zone on an approximately 87,962 square foot (1.96-acre) property. Access to the subject property from 9th Avenue will be through a proposed access easement across Tax Lot 303, which is also owned by the applicant. The applicant is proposing to develop 7 single-family lots on the subject property (see the attached site plans). Through the planned development process, the applicant is proposing to modify the minimum lot size, minimum lot width, front setback, and street yard setback standards shown on the attached site plans. A Planned Development zone is an overlay zone that can be applied in conjunction with any other zone designation. Although this overlay designation permits modifications to the site development standards of the underlying zone standards, it does not permit changes in uses specified by the underlying zone [SHMC 17.48.020]. As proposed, Tract 'A' will protect environmentally sensitive areas of the site and provide common open space amenities for the planned development.

Application PD20-02 is pending the approval of Application ZMA20-04 amending the zoning designation from Highway Commercial (C-1) zone to the Comprehensive Plan Map designation of Residential High Density (R-2) zone. Application ZMA20-04 will be filed simultaneously.

APPLICANT AND PROPERTY OWNER: Good Faith Management, LLC

FILE NUMBER: PD20-02

PROPERTY LOCATION: Approximately 300 feet north of the Main Street and 9th Avenue intersection, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BD Tax Lot 401.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.16, 16.12, and 17.28.040 through 17.28.060, 17.48

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** December 7, 2020 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

STAFF CONTACT: Angela Clegg. Phone: (541) 367-8113
Email: aclegg@sweethomeor.gov

REPORT DATE: November 30, 2020

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The applicant is requesting a Planned Development Overlay Zone on an approximately 87,962 square foot (1.96-acre) property. Access to the subject property from 9th Avenue will be through a proposed access easement across Tax Lot 303, which is also owned by the applicant. As proposed, Tract 'A' will protect environmentally sensitive areas of the site and provide common open space amenities for the planned development. Application PD20-02 is pending the approval of Application ZMA20-04 amending the zoning designation from Highway Commercial (C-1) zone to the

Comprehensive Plan Map designation of Residential High Density (R-2) zone. Application ZMA20-04 will be filed simultaneously.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

Floodplain Based on a review of the FEMA FIRM Maps; Panel 41043C0913G dated September 29, 2010, the subject property is in the 100-year floodplain.

Wetlands: Ames Creek is located along the southern boundary of the subject property. The subject property contains a wetland according to the Local Wetlands Inventory. The applicant provided a wetland delineation report that is included in the packet.

Access: The subject property has frontage along 9th Avenue through a private access easement on Lot 303.

Services: The subject property has access to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Submitted:	October 14, 2020
Application Deemed Complete:	October 27, 2020
Mailed/Emailed Notice:	October 27, 2020
Notice Published in New Era Newspaper:	November 4, 2020
Planning Commission Public Hearing:	December 7, 2020
City Council Public Hearing	January 12, 2021

Notice was provided as required by SHMC 17.12.120.

II. COMMENTS RECEIVED

Public Works
Trish Rice: Public Works has no issues with this request.

Permit Technician
Molly Laycock: The Building Program has no issues with this request.

Staff Engineer
Joe Graybill: Project & Location: The proposed 7 Lot development will be accessed from a private street Planned Development intersecting with 9th Avenue opposite but not in line with Nandina Street. It consists of two properties, one small lot for the exclusive use of an access driveway, and the other large lot for the 7-lot development building, parking, access and common areas.
Streets & Stormwater: The proposed driveway apron will be reconstructing the sidewalk and curb area to a new walkway for pedestrians on 9th Ave. As a private street, the roadway may be named as desired by the owner and approved by the Community Development Director. However, the name cannot be Nandina St or 9th Ave, and the street name suffix would be "Place, "Trail, "Way, or "Path. The address range of the proposed lots will be the 800 Block of that named roadway. The Manual Uniform Traffic Control Device (MUTCD) Standard for signing Private Driveway names is white letters on blue background. There is a Sweet Home Municipal Code separation requirement between offset public streets (75 ft), but code does not have criteria to apply to private Planned Development driveways. Regardless, the separation would not comply with any potential standard because the separation is barely over 5.5 ft. The access driveway is outside (~220 ft) the Access Approval Jurisdiction of the Albany and Eastern Railroad (AERR) of 155 ft for 25MPH roadways. With only 7 development parcels in an already existing neighborhood, there is not an anticipated "Significantly high level of traffic" to require a Traffic Impact Analysis. Stormwater is handled by infiltration swales and pollutant control filters between Lot 3 and Lot 4. The submitted plan does not indicate this, but draft detail plans have this documented. The Sweet Home Wetland Inventory indicates wetlands on the AC-3G portion of Ames Creek, the assessment database and multiple delineations over the years have well documented the exact locations of the non-significant wetlands on the property. Any wetland impacts are planned to be mitigated onsite or a mitigation bank. Erosion control shall prevent sediment from entering Ames Creek.
Water & Sanitary: Public water and sanitary sewer service will be provided to each parcel. City maintenance access will be in a utility easement over the driveway area. Connections are available in 9th Ave.
Comments & Recommendations: CEDD-IS has no concerns regarding the development plan, and requires a review for a street name, all utilities will be in easements, wetland and erosion control measures, and utility connections.

Fire Department: No comments as of the issue of this Staff Report.

ODOT
Bob Stolle: As the proposed property access to the development is near the crossing and no dimensions have been provided please note that any access to a

road that crosses railroad tracks that is within 100' would require review for the new access and probably an application

DSL
Jerva Brown: No comment on the proposed zone change. There is an approved delineation for 13S 01E 31BD 300 & 401, WD2019-0069. This notice has been shared with DSL propriety program. (see Attachment E, WLUN Response)

Public Comment: See Attachment C

III. REVIEW CRITERIA AND FINDINGS OF FACT

The purpose of Planned Development Zone is to make possible a greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while insuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this chapter. [SHMC 17.48.010]

A PD zone is an overlay zone that can be applied in conjunction with any other zone designation. Although this overlay designation permits modifications to the site development standards of the underlying zone standards, it does not permit changes in uses specified by the underlying zone. The following subsections allow for Planning Commission review of a detailed development plan. When a planned development project is proposed without a Planned Development Zone designation, the Official Zoning Map shall be amended with a planned development overlay designation for the subject development site. [SHMC 17.48.020]

A. Approval of a request for a planned development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

1. **A use permitted in an underlying zone may be permitted in a planned development.** [SHMC 17.48.030(A)]
2. **A planned development must meet the applicable requirements of Oregon Revised Statutes for planned developments.** [SHMC 17.48.030(B)]
3. **Public and private streets shall be developed to city standards.** [SHMC 17.48.030(C)]
4. **Pedestrian walkways and bikeways shall be provided for adequate internal pedestrian and bicycle traffic and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors or public trails.** [SHMC 17.48.030(D)]
5. **All utility facilities shall be installed underground and in accordance with city standards.** [SHMC 17.48.030(E)]
6. **Open space areas and facilities include such things as landscaped areas, natural areas, golf courses and other recreational facilities, but does not include streets, sidewalks, bikeways, access corridors or trails.** [SHMC 17.48.030(F)]
7. **A facility providing services in support of uses within a planned development may be permitted in any zone within the planned development. Services in support may include such services as housekeeping, landscape maintenance, security, meeting rooms, clubhouses, swimming pools, tennis courts, catered food service facilities, parking, offices and related facilities for staff, administrators, owners associations and owners and their guests.** [SHMC 17.48.030(G)(1)]
8. **Provisions shall be made to buffer these uses from incompatible uses on adjoining properties.** [SHMC 17.48.030(G)(2)]
9. **Phases, if proposed, shall be:**

i. **Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features; capable of substantial occupancy, operation and maintenance upon completion of construction and development;** [SHMC 17.48.030(H)(1)]
ii. **Arranged to avoid conflicts between higher and lower density development;** [SHMC 17.48.030(H)(2)]
iii. **Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and** [SHMC 17.48.030(H)(3)]
iv. **Provided with such temporary or permanent transitional features, buffers or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the planned development.** [SHMC 17.48.030(H)(4)]

Staff Findings: Application PD20-02 is pending the approval of Application ZMA20-04 amending the zoning designation from Highway Commercial (C-1) zone to the Comprehensive Plan Map designation of Residential High Density (R-2) zone. Application ZMA20-04 will be filed simultaneously. The proposed use is allowed in the R-2 zone.

The applicant submitted a Planned Development application to subdivide the property into seven (7) single-family detached lots. The applicant is proposing to modify the minimum lot size, minimum lot width, front yard setbacks and the street yard setback. Single-family homes are a permitted use in the R-2 zone.

The applicant states that the planned development will meet the applicable requirements through the final plat process. Staff finds that the final plat will be reviewed through the final plat process as discussed later in this staff report.

The proposed Planned Development would be accessed from a private street that is proposed to include 24 feet of pavement, 6-in curbs, a 5 foot sidewalk, and a turnaround meeting Fire Code standards. The applicant is proposing all utility facilities underground. The City engineer reviewed the proposed street design and found that the proposed street meets city standards.

The applicant is proposing an open space area defined as “Tract A” in the provided site plan. The applicant states that the proposed amenities are buffered at minimum of 42 feet from any property line. Staff finds the amenities are buffered from abutting uses.

The applicant states that all State and City standards will be followed during development (see Attachment C).

The applicant has not proposed to phase the planned development.

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

B. Review Criteria [SHMC 17.48.050]
   1. Requests for approval of a planned development shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the city.
   2. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable: a. Basic site design, including the organization of uses on a site, b. Visual elements (scale, structural design and form, materials and so forth), c. noise reduction, d. noxious odors, e. lighting, f. signage, g. landscaping for buffering and screening, h. traffic, i. effects on off-street parking, and j. effects on air and water quality.

Staff findings: The planned development project shall be compatible with adjacent developments, with consideration of the factors listed in the criteria. The applicant states that the development will be compatible with adjacent uses.

The applicant states the proposed 7 single-family homes on the subject site, will generate 5.26 AM peak hour trips and 7 PM peak hour trips. Staff finds that the proposed trips are low and will be compatible with the adjacent developments.

The applicant states that all State and City standards will be followed during the development (see Attachment C, Pages 48-52).

The application complies with these criteria.

3. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and their ability to carry out the project as proposed.
4. Construction can begin within six months of the conclusion of any necessary action by the city, or within such longer period of time as may be established by the Planning Commission.
5. The proposal conforms with location and general development standards of the city.
6. The project will benefit the city and the general public in terms of need, convenience, service and appearance so as to justify any necessary variances to the regulations of Titles 16 and 17 of this code of ordinances.
7. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required on or off site.
8. The project will satisfactorily take care of sewer and water needs consistent with city policy and plans.
9. A planned development in a residential zone will not result in a higher density than permitted by the Comprehensive Plan for the underlying zone.

Staff findings: The applicant submitted a preliminary storm water report and wetland delineation report that is included in the packet. The applicant indicates a need for moderately priced housing in the City of Sweet Home.

The applicant states that adequate off-street parking will be provided. The submitted plans show the access to the development from 9th street. The applicant provided a preliminary sanitary sewer and water plan to demonstrate that the facilities are available. The City Engineer reviewed the plans and identified that sewer and water was available.

The proposed property will be re-zoned if approved. The new R-2 zoning allows for a density that would allow for 35 multi-family dwelling units. The applicant is proposing 7 single-family dwellings.

The applicant states that all State and City standards will be followed during the development (see Attachment C, Pages 48-52).

The application complies with these criteria.

C. **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. The applicant submitted the plot plans on October 14, 2020 with the requirements to comply with SHMC Chapter 16.

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 16.16.40(B)]

   YARD SETBACKS
   Except as provided in Chapter 17.80 and 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

   a) **The front yard setback shall be a minimum of 20 feet;** [SHMC 17.28.050 (A)]
   b) **Each side yard setback shall be a minimum of five feet;** [SHMC 17.28.050 (B)]
   c) **The street yard setback shall be a minimum of 15 feet;** [SHMC 17.28.050 (C)]
   d) **The rear yard setback shall be a minimum of ten feet;** [SHMC 17.28.050 (D)]
   e) **Single-family attached dwellings:** [SHMC 17.28.050 (E)]
      i. **Front shall be a minimum of 20 feet;** [SHMC 17.28.050 (E)(1)]
      ii. **The sides between units shall be zero feet;** [SHMC 17.28.050 (E)(2)]
      iii. **The sides on exterior boundaries shall be five feet;** [SHMC 17.28.050 (E)(3)]
      iv. **Street side shall be a minimum of 15 feet; and** [SHMC 17.28.050 (E)(4)]
      v. **Rear shall be a minimum of ten feet.** [SHMC 17.28.050 (E)(5)]
   f) **On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet.** [SHMC 17.28.050 (F)]

Staff Findings: As proposed, each parcel would be of a generally rectangular shape. Based on the applicant's proposed tentative partition map (Attachment B). Through the planned development process, the applicant is requesting to modify the R-2 minimum lot size standard. Attachment B indicates that proposed lot sizes range from 3,019 square feet to 5,340 square feet. The applicant is proposing to modify the minimum front yard setback from 20 feet to 10 feet, and the street yard setback from 15 feet to 10 feet through the planned development process. All other standard setbacks for the R-2 zone will be maintained on each of the proposed lots.

Application PD20-02 is pending the approval of Application ZMA20-04 amending the zoning designation from Highway Commercial (C-1) zone to the Comprehensive Plan Map designation of Residential High Density (R-2) zone. Application ZMA20-04 will be filed simultaneously.

The minimum dwelling size in the R-2 zone is 720 square feet [SHMC 17.28.080]. All buildings, except single-family attached dwellings, shall occupy not more than 60% of the lot area. [SHMC 17.28.060]. Staff finds that the applicant would meet the setback and lot coverage requirements with the minimum building size of 720 square feet. With the minimum building size lot coverage for Lot 1 would be approximately 18%, Lot 2 would be approximately 24%, Lot 3 would be approximately 22%, Lot 4 would be approximately 13%, Lot 5 would be approximately 19%, Lot 6 would be approximately 21%, and Lot 7 would be approximately 21%.

With the above conditions, the application complies with the Planned Development Overlay in the Residential High Density (R-2) criteria.

   g) **No lot or parcel shall be dimensioned to contain a part of an existing or proposed street.** [SHMC 16.12.030(B)]

Staff Findings: The applicant does not propose to contain a part of an existing or proposed street.

The application complies with these criteria.

h) **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)]

1. **Except as provided in § 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:**
   a) **The minimum lot area for a multi-family dwelling shall be 2,500 square feet per dwelling unit;** [SHMC 17.28.040(A)]
   b) **The minimum lot area for a two-family dwelling shall be 6,000 square feet** [SHMC 17.28.040(B)]
   c) **The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be 5,000 square feet;** [SHMC 17.28.040(C)]
   d) **Single family attached dwellings shall have a minimum lot area of 2,500 square feet per dwelling unit** [SHMC 17.28.040(D)]
   e) **The minimum lot width at the front building line shall be as follows:**
      i. **Seventy feet for a corner lot;** [SHMC 17.28.040(E)(1)]
      ii. **Sixty feet for an interior lot; and** [SHMC 17.28.040(E)(2)]
      iii. **Twenty-five feet for a single-family attached dwelling lot** [SHMC 17.28.040(E)(3)]
2. **In an R-2 zone, buildings shall not occupy more than 60% of the lot area.** [SHMC 17.28.060]

Staff Findings: Through the planned development process, the applicant is requesting to modify the R-2 zone minimum lot width standard. The proposed lots front a private street and range in frontage from 41 to 89.86 feet (see Attachment B). Proposed Parcel 1 would be approximately 4,057 square feet and have an average width of approximately 41 feet. Proposed Parcel 2 would be approximately 3,019 square feet and have an average width of approximately 46 feet. Proposed Parcel 3 would be approximately 3,316 square feet and have an average width of approximately 48 feet. Proposed Parcel 4 would be approximately 5,340 square feet and have an average width of approximately 61 feet. Proposed Parcel 5 would be approximately 3,802 square feet and have an average width of approximately 55 feet. Proposed Parcel 6 would be approximately 3,352 square feet and have an average width of approximately 50 feet. Proposed Parcel 7 would be approximately 3,482 square feet and have an average width of approximately 53 feet.

To ensure compliance, staff recommends a condition of approval that the final configuration of proposed Parcels 1 through 7 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration of Proposed Parcel 1 shall be approximately 4,057 square feet. Proposed Parcel 2 shall be approximately 3,019 square feet. Proposed Parcel 3 shall be approximately 3,316 square feet. Proposed Parcel 4 shall be approximately 5,340 square feet. Proposed Parcel 5 shall be approximately 3,802 square feet. Proposed Parcel 6 shall be approximately 3,352 square feet. Proposed Parcel 7 shall be approximately 3,482 square feet.

With the above conditions, the application complies with the Planned Development Overlay in the Residential High Density (R-2) criteria.

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

Staff Findings: The average width of Proposed Parcel 1 is approximately 41 feet, and the average depth of Proposed Parcel 1 is 99 feet. The average width of Proposed Parcel 2 is approximately 46 feet, and the average depth of Proposed Parcel 2 is 54 feet. The average width of Proposed Parcel 3 is approximately 48 feet, and the depth of Proposed Parcel 3 is 66 feet. The average width of Proposed Parcel 4 is approximately 61 feet, and the average depth of Proposed Parcel 4 is 84 feet. The average width of Proposed Parcel 5 is approximately 55 feet, and the average depth of Proposed

Parcel 5 is 70 feet. The average width of Proposed Parcel 6 is approximately 50 feet, and the depth of Proposed Parcel 3 is 67 feet. The average width of Proposed Parcel 7 is approximately 53 feet, and the depth of Proposed Parcel 3 is 63 feet. Based on these dimensions, the lot depth of Proposed Parcels 1 through 7 would not exceed two and one-half times the average width.

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

j) **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.** [16.12.030(E)]

Staff Findings: As depicted on the tentative partition map, Attachment B, Parcels 1 would have frontage of approximately 35 feet along a private street. Proposed Parcel 2 would have frontage of approximately 47 feet along a private street. Proposed Parcel 3 would have frontage of approximately 45 feet along a private street. Proposed Parcel 4 would have frontage of approximately 77 feet along a private street. Proposed Parcel 5 would have frontage of approximately 70 feet along a private street. Proposed Parcel 6 would have frontage of approximately 50 feet along a private street. Proposed Parcel 7 would have frontage of approximately 51 feet along a private street.

The application complies with these criteria.

k) **Access easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow 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: The applicant is proposing private street accessed through a private access easement on Tax Lot 303. Per the Staff Engineers comments above, the proposed driveway apron will be reconstructing the sidewalk and curb area to a new walkway for pedestrians on 9th Ave. As a private street, the roadway may be named as desired by the owner and approved by the Community Development Director. However, the name cannot be Nandina St or 9th Ave, and the street name suffix would be “Place, “Trail, “Way, or “Path. The address range of the proposed lots will be the 800 Block of that named roadway. The Manual Uniform Traffic Control Device (MUTCD) Standard for signing Private Driveway names is white letters on blue background. There is a Sweet Home Municipal Code separation requirement between offset public streets (75 ft), but code does not have criteria to apply to private Planned Development driveways. Regardless, the separation would not comply with any potential standard because the separation is barely over 5.5 ft. The access driveway is outside (~220 ft) the Access Approval Jurisdiction of the Albany and Eastern Railroad (AERR) of 155 ft for 25MPH roadways.

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

l) **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 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.** [SHMC 16.12.030(G)(1)]
2) **Lots shall be served from only one side via a local street.** [SHMC 16.12.030(G)(2)]
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.** [SHMC 16.12.030(G)(3)]

Staff Findings: The applicant is not proposing a through lot.

The application complies with these criteria.

m) **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**. [SHMC 16.12.030(H)(1)]
2) **Generally, any angle should not exceed 30° from right angle to the street.** [SHMC 16.12.030(H)(2)]

Staff Findings: As depicted on Attachment B, Proposed Parcels 1 through 7 would have side lines that are at, or very close, to right angles to a private street.

The application complies with these criteria.

n) **Flag lots. Flag lots should be avoided if local street connection can reasonable be included in lieu of the flag lot configuration. The thin strip of land, known as the flagpole, 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 a flag lot.

The application complies with these criteria.

o) **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.

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: Based on the applicant's proposal, each parcel would be generally rectangular in size and would have frontage along a private street. Staff finds that based on the evidence in the record, if these parcels remain under the same ownership, they would be able to be developed in accordance with the SHMC.

The application complies with these criteria.

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 planned development that would inhibit development on adjoining property.

The application complies with these criteria.

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: The applicant has proposed to create a private street. All parcels would retain frontage along the private street. Per the Staff Engineers comments above, the proposed driveway apron will be reconstructing the sidewalk and curb area to a new walkway for pedestrians on 9th Ave. As a private street, the roadway may be named as desired by the owner and approved by the Community Development Director. However, the name cannot be Nandina St or 9th Ave, and the street name suffix would be "Place, "Trail, "Way, or "Path. The address range of the proposed lots will be the 800 Block of that named roadway. The Manual Uniform Traffic Control Device (MUTCD) Standard for signing Private Driveway names is white letters on blue background. There is a Sweet Home Municipal Code separation requirement between offset public streets (75 ft), but code does not have criteria to apply to private Planned Development driveways. Regardless, the separation would not comply with any potential standard because the separation is barely over 5.5 ft. The access driveway is outside (~220 ft) the Access Approval Jurisdiction of the Albany and Eastern Railroad (AERR) of 155 ft for 25MPH roadways.

The application complies with these criteria.

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

Staff Findings: The proposed partition would allow Proposed Parcels 1 through 7 to maintain frontage along a private road accessed by private easement on Tax Lot 303 off 9th Avenue. Public water and sanitary sewer service will be provided to each parcel. City maintenance access will be in a utility easement over the driveway area. Connections are available in 9th Ave.

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

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 finds that the Proposed Planned Development is in a Natural Resource Zone, a 100-year floodplain, a 500-year floodplain, and contains wetlands that are inventoried on the Sweet Home Local Wetlands Inventory or the National Wetlands Inventory (NWI) Map. The applicant has proposed Tract A to protect environmentally sensitive areas of the site and provide common open space amenities for the planned development. Per the Department of State Lands (DSL) comments above, there is an approved delineation for 13S 01E 31BD 300 & 401, WD2019-0069. The proposed

parcels would need to comply with all applicable local, state, and federal laws in effect at the time of development.

Flood Hazard Area Regulations 15.12: The subject property is located within the 100 year floodplain. The applicant states that the plans for each single-family home are to be determined and the applicant would obtain development permits and construct any structures in compliance with the special flood area standards. Utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.

Natural Resources Chapter 17.72: The proposed planned development is located adjacent to a portion of Ames Creek and a wetland is located on the property. The standards in 17.72 are applicable. Ames Creek requires a 50 foot buffer from the top of bank. The applicant provided a surveyed site plan reviewed by a qualified biologist that shows the 50 foot buffer. The site map indicates that the single family home-sites will be located outside the 50 foot buffer. The applicant indicates that the road will encroach into the 50 foot buffer. SHMC 17.72.050 allows certain activities to be excepted from the riparian zone including streets, roads, driveways or paths. The proposed lot has limited access because of Ames Creek to the south and the railroad to the north.

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

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 has not proposed to phase this development.

The application complies with these criteria.

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 there 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 these criteria.

D. **Conditions of Approval**.

1. **The approving authority may attach conditions of approval of a tentative subdivision of 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)

3. The Planning Commission shall conduct a public hearing in accordance with Chapter 17.12 of this code of ordinances. Following the close of the hearing, the Planning Commission shall either approve, conditionally approve or deny the development plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria. A planned development as authorized shall be subject to all conditions imposed and shall be varied from other provisions of this chapter only to the extent specified in the approval [SHMC 17.48.060].

Staff Findings: The applicant is seeking to divide a property within the R-2 zone that fronts 9th Avenue through a private access easement. 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 partition 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.

E. **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 limitations of §16.16.060 of this chapter.** [SHMC 16.16.070(A)]

2. **If any time limitations 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 is not proposing any development with this application. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

F. **Final 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: To complete the planned development once land use authorization is obtained, the applicant will need to submit a final partition plat as outlined in SHMC 16.20.010(B). The plat shall comply with the Final Play Review Criteria listed in SHMC 16.20.020 and shall contain all the elements described in the SHMC 16.20.303; Final Plat Submittal.

G. Effective date of development plan approval [SHMC 17.48.080]

1. The following effective dates apply to planned development approval. The Planning Commission may establish different time frames.
    a. Construction must begin within six months of the conclusion of any necessary action by the city.
    b. Approval of a development plan shall be valid for three-year period from the date of approval without documented progress to complete implementation of an approved development plan.
    c. The Planning Commission may permit implementation of the development plan in phases.
2. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years.

Staff Findings: Approval of the development plan shall be valid for a three-year period from the date of approval without documented progress to complete implementation of the approved development plan. The applicant is not proposing development phases.

IV. 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 Parcels 1 through 7 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration of Proposed Parcel 1 shall be approximately 4,057 square feet. Proposed Parcel 2 shall be approximately 3,019 square feet. Proposed Parcel 3 shall be approximately 3,316 square feet. Proposed Parcel 4 shall be approximately 5,340 square feet. Proposed Parcel 5 shall be approximately 3,802 square feet. Proposed Parcel 6 shall be approximately 3,352 square feet. Proposed Parcel 7 shall be approximately 3,482 square feet.
2. The single-family home setbacks shall be a minimum of 10 feet from the front yard and the street yard setback shall be 10 feet.

3. The applicant shall provide each property with its own water and sewer services. The access and utility easements shall be clearly identified.

4. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements proposed int the Planned Development application and/or the setback requirements of the R-2 Zone. Application PD20-02 is pending the approval of Application ZMA20-04 amending the zoning designation from Highway Commercial (C-1) zone to the Comprehensive Plan Map designation of Residential High Density (R-2) zone. Application ZMA20-04 will be filed simultaneously

5. 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 the Sweet Home

Municipal Code (SHMC) 16.20 and the provisions of O.R.S. Chapter 92. The applicant shall submit the final plat for City review as required by SHMC 16.20. The final plat shall include the information listed in SHMC 16.20.030.

6. Approval of a development plan shall be valid for three-year period from the date of approval without documented progress to complete implementation of an approved development plan. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years.

7. 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.

8. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

V. ATTACHMENTS

A. Subject Property Map
B. Proposed Site Map
C. Public Comments
D. 9th Avenue Planned Development Summary
E. WLUN Responses
F. Zoning Map
G. Comprehensive Plan Map
H. 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.

ATTACHMENT A

N

1 inch = 178 feet

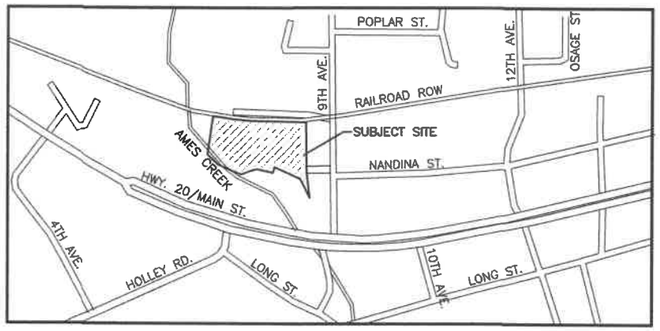
PD20-02 and ZMA20-04
Map 13S01E31BD Tax Lot 401

Date: 10/27/20

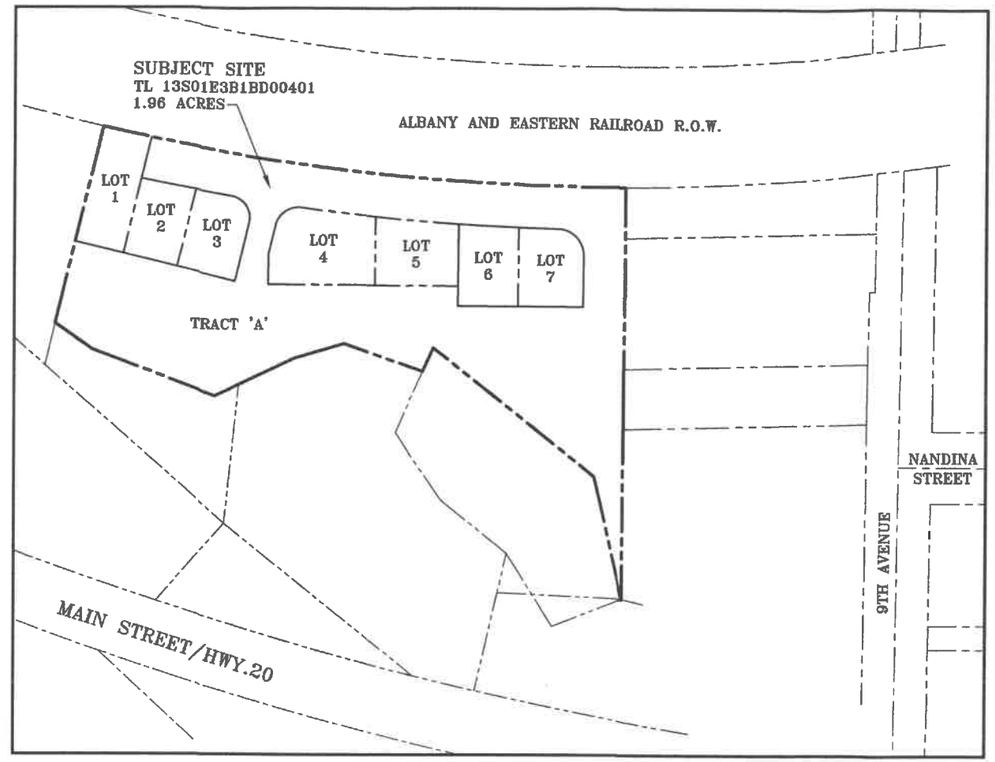
ATTACHMENT B

9TH AVENUE PLANNED DEVELOPMENT

SWEET HOME, ORE.



VICINITY MAP



SITE MAP

INDEX OF DRAWINGS

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P-3 AERIAL PHOTOGRAPH / LAND USE PLAN
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P-9 PRELIMINARY 9TH STREET FRONTAGE PLAN
P-10 PRELIMINARY PRIVATE STREET A PLAN (1+00-5+00)
P-10A PRELIMINARY PRIVATE STREET A PLAN (5+00-8+00)

APPLICANT / PROPERTY OWNER

GOOD FAITH MANAGEMENT, LLC
PO BOX 412212
EUGENE, OR 97404
541-520-1265
CONTACT: JANIS VANAGS

APPLICANT'S REPRESENTATIVE

CASCADIA PLANNING + DEVELOPMENT SERVICES
PO BOX 1920
SILVERTON, OR 97038
503-804-9294
CONTACT: STEVE KAY, AICP

LAND SURVEYOR

UDELL ENGINEERING & LAND SURVEYING, LLC
63 EAST ASH STREET
LEBANON, OR 97355
541-451-5125
CONTACT: KYLE LATIMER, PE, PLS

CIVIL ENGINEER

DL DESIGN GROUP
500 W 8TH STREET, STE 205
VANCOUVER, WA 98660
503-644-4628
CONTACT: GARY DARLING, PE

Cascadia
Planning + Development Services
PO Box 1920
Silverton, Oregon 97381
503-804-1089
steve@cascadiapd.com
www.cascadiapd.com

NORTH
NOT TO SCALE

CITY OF SWEET HOME LAND USE APPLICATION
9TH AVENUE PLANNED DEVELOPMENT
9TH AVENUE
SWEET HOME, OR 97386
T.L. 401, T.M. 1301E31BD
LINN COUNTY, OREGON

COVER SHEET
OCTOBER 14, 2020

REVISIONS

P-1

SURVEY LEGEND - EXISTING FEATURES

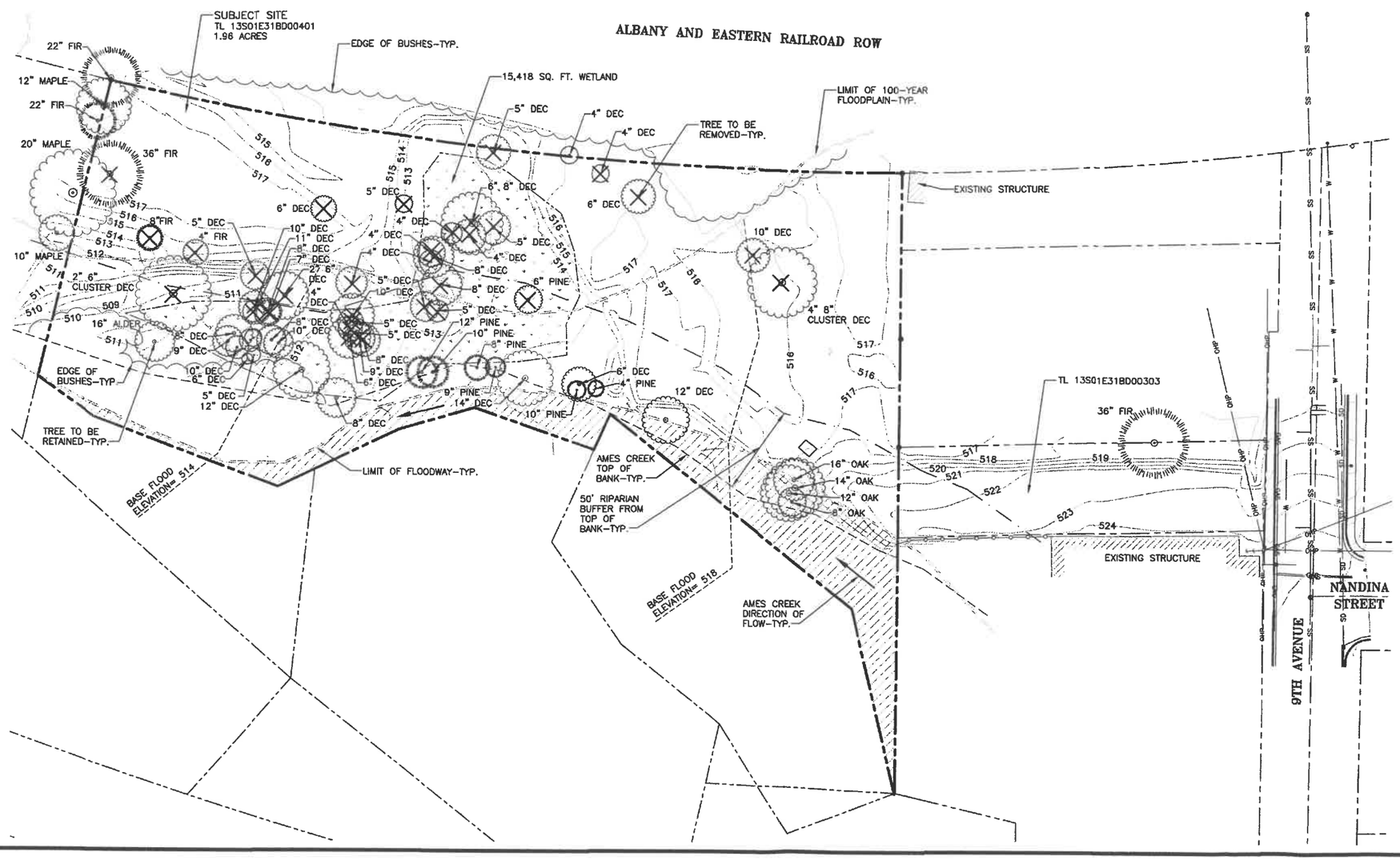
	CONCRETE BLOCK WALL		
	TOP OF SLOPE		SANITARY SEWER MANHOLE
	WIRE FENCE		UTILITY VAULT
	WOOD FENCE		LIGHT POLE
99	MINOR CONTOUR		ELECTRIC PEDESTAL
100	MAJOR CONTOUR		DECIDUOUS TREE
	SANITARY SEWER LINE		STUMP
	WATER LINE		SURVEY FOUND MONUMENT
	ELECTRIC LINE	DE	DECIDUOUS
	FIRE HYDRANT	BI	BIRCH
	WATER VALVE	IQV	IRRIGATION CONTROL VALVE
	CATCH BASIN / AREA DRAIN		HANDICAP PARKING

GENERAL NOTES:

1. BENCHMARK INFORMATION. TRAVERSE PK NAIL LOCATED IN THE SOUTHEASTERLY CORNER OF THE HOTEL PARKING LOT. ELEVATION DETERMINED BY STATIC GPS OBSERVATION NGS OPUS RAPID-STATIC SOLUTION DATED 10 /18 /16.
ELEVATION=37.32' (NAVD88)

2. UNDERGROUND UTILITIES SHOWN HEREON ARE FROM READILY IDENTIFIABLE SURFACE INDICATORS AND UTILITY SERVICE PROVIDER PAINT MARKS. SEWER, ELECTRIC AND WATER PAINT MARKS WERE PRESENT AT THE TIME OF THIS SURVEY. NO CERTIFICATION CAN BE MADE REGARDING THE ACCURACY OR COMPLETENESS OF THE UNDERGROUND UTILITIES ON OR NEAR THE SUBJECT PROPERTY.

3. BOUNDARY DETERMINATION HOLDS RECORD BEARINGS AND DISTANCES PER MULTNOMAH COUNTY PARTITION PLAT NO. 1993-102.



Cascadia
Planning + Development Services
PO Box 1920
Silverton, Oregon 97381
503-804-1089
steve@cascadiapd.com
www.cascadiapd.com

NORTH
1"=40'-0"

CITY OF SWEET HOME LAND USE APPLICATION

9TH AVENUE PLANNED DEVELOPMENT

T.L. 401, T.M. 13S01E31BD
LINN COUNTY, OREGON

9TH AVENUE
SWEET HOME, OR 97386

EXISTING CONDITIONS

OCTOBER 14, 2020

REVISIONS

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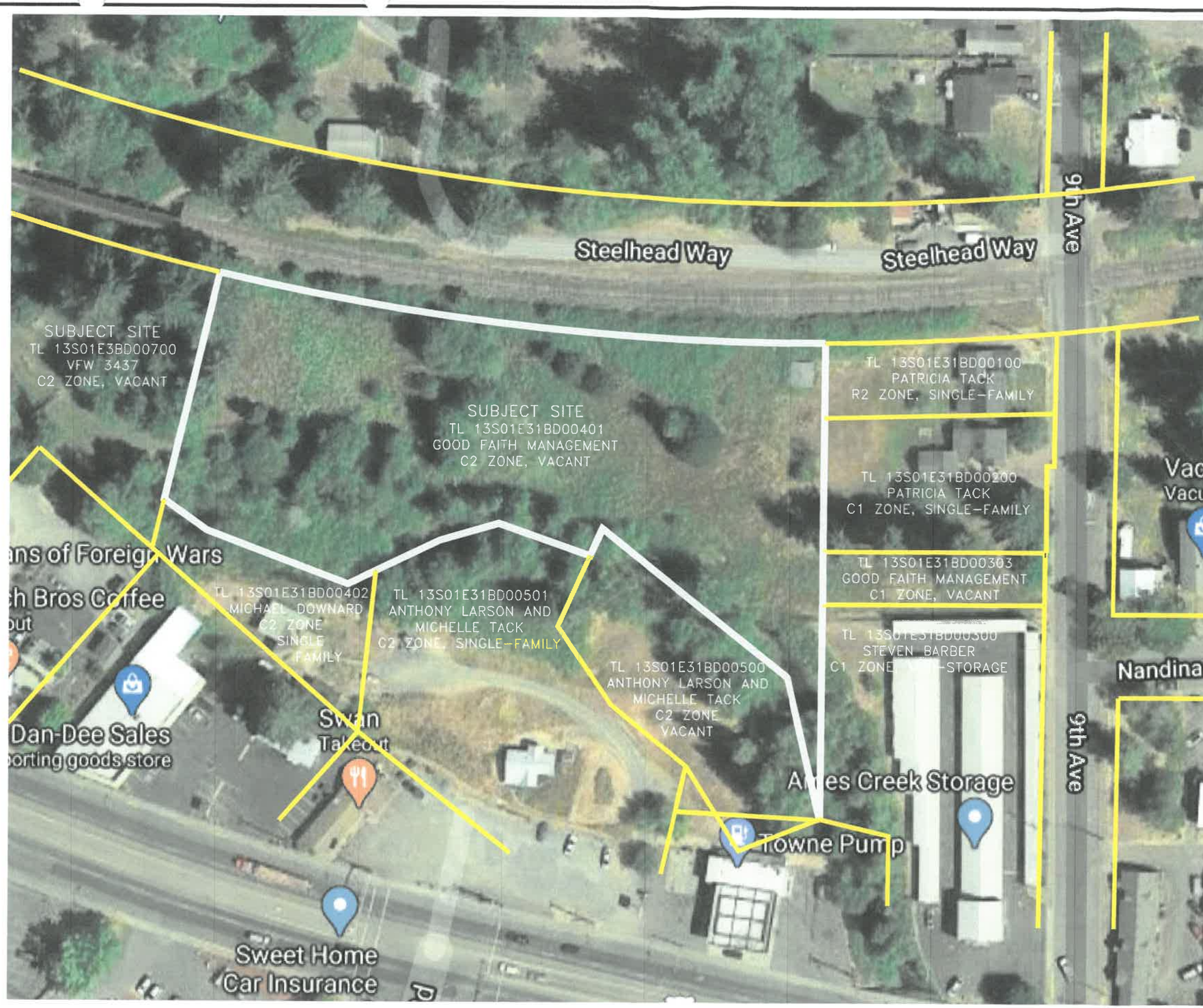
SHEET 2 OF 13



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Planning + Development Services
PO Box 1920
Silverton, Oregon 97381
503-804-1089
steve@cascadiapd.com
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CITY OF SWEET HOME LAND USE APPLICATION

9TH AVENUE PLANNED DEVELOPMENT

9TH AVENUE
SWEET HOME, OR 97386

T.L. 401, T.M. 130IE31BD
LINN COUNTY, OREGON

AERIAL PHOTO/ LAND USE PLAN

OCTOBER 14, 2020

REVISIONS

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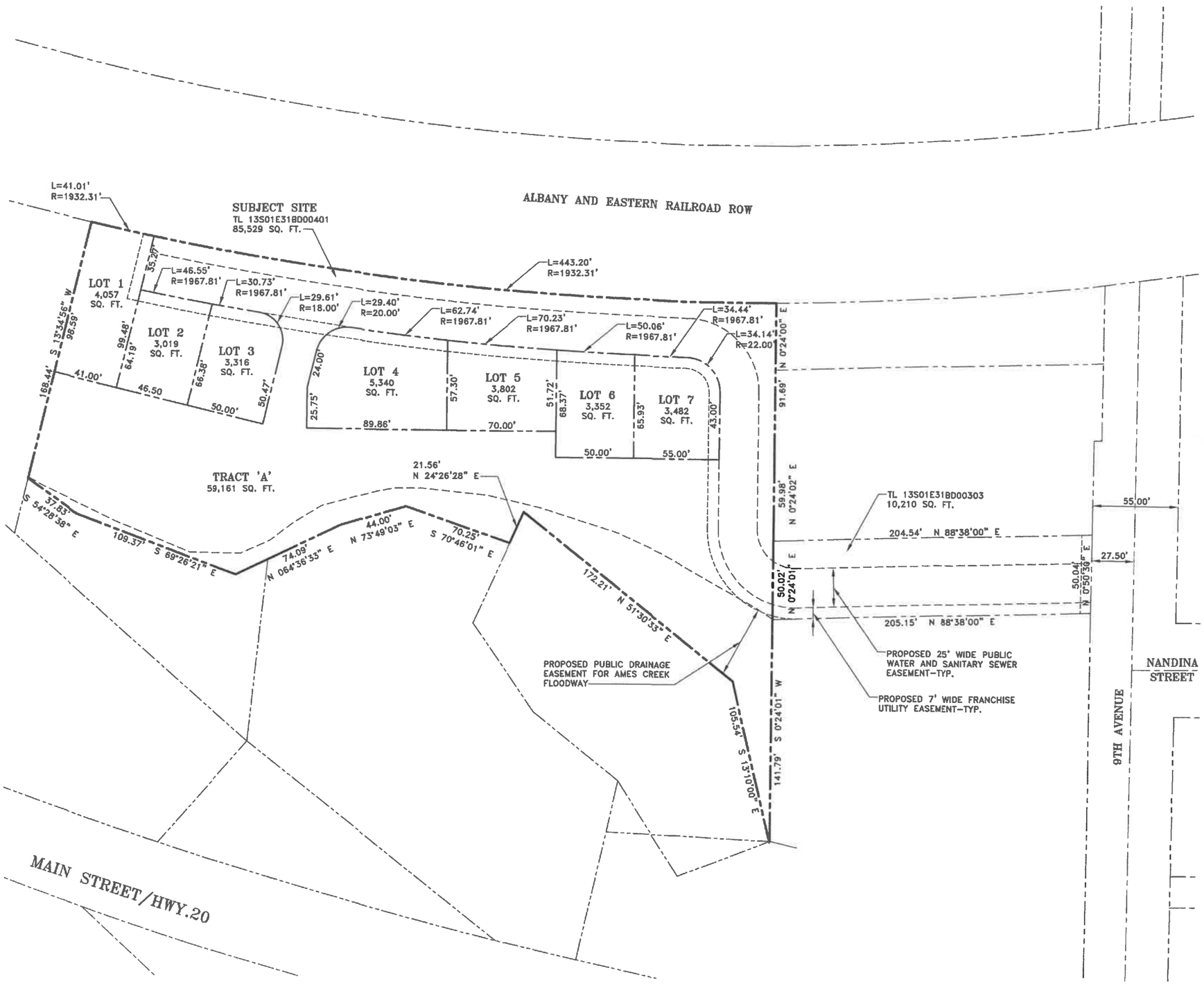
SHEET 3 OF 13



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CITY OF SWEET HOME LAND USE APPLICATION

9TH AVENUE PLANNED DEVELOPMENT

T.L. 401, T.M. 1301E31BD
LINN COUNTY, OREGON

9TH AVENUE
SWEET HOME, OR 97386

PRELIMINARY PLAT

OCTOBER 14, 2020

REVISIONS

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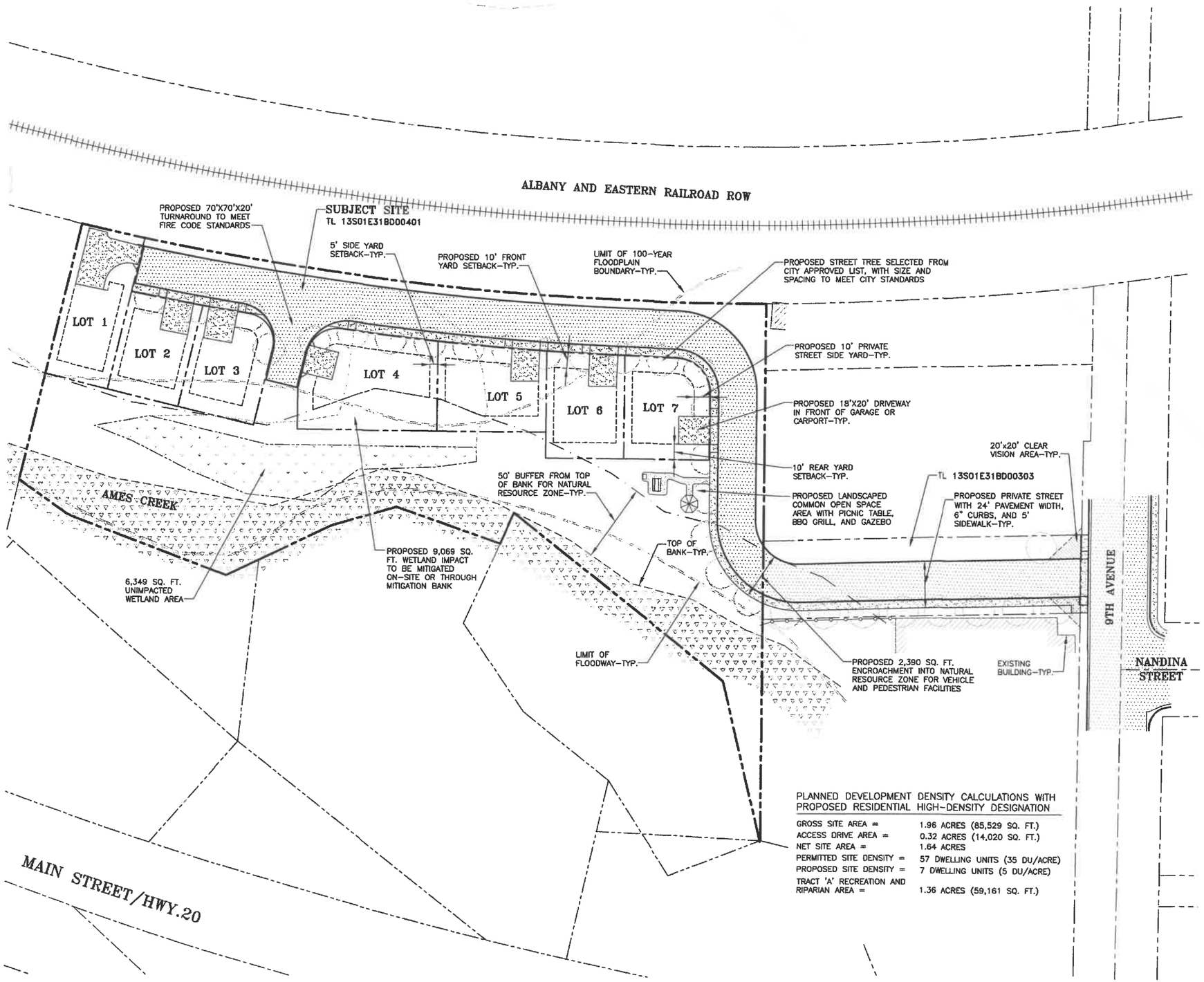

PLANNED DEVELOPMENT DENSITY CALCULATIONS WITH PROPOSED RESIDENTIAL HIGH–DENSITY DESIGNATION

GROSS SITE AREA =	1.96 ACRES (85,529 SQ. FT.)
ACCESS DRIVE AREA =	0.32 ACRES (14,020 SQ. FT.)
NET SITE AREA =	1.64 ACRES
PERMITTED SITE DENSITY =	57 DWELLING UNITS (35 DU/ACRE)
PROPOSED SITE DENSITY =	7 DWELLING UNITS (5 DU/ACRE)
TRACT 'A' RECREATION AND RIPARIAN AREA =	1.36 ACRES (59,161 SQ. FT.)

Cascadia
Planning + Development Services
PO Box 1920
Silverton, Oregon 97381
503-804-1089
steve@cascadiapd.com
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NORTH
1"=40'-0"

CITY OF SWEET HOME LAND USE APPLICATION

9TH AVENUE PLANNED DEVELOPMENT

T.L. 401, T.M. 1301E31BD
LINN COUNTY, OREGON

9TH AVENUE
SWEET HOME, OR 97386

PRELIMINARY SITE PLAN

OCTOBER 14, 2020

REVISIONS

P-5

SHEET 5 OF 13

ATTACHMENT C

Angela Clegg

From: TISH TACK <tishtack@yahoo.com>
Sent: Friday, November 20, 2020 11:32 AM
To: Angela Clegg
Cc: Tish Tack; tonylarson@aol.com; tackmp@gmail.com; Shelly Tack; Angie Tack
Subject: Zoning Concerns
Attachments: Zoning Concerns.pdf

Sent from my iPad

Comments Submitted Opposing
ZMA20-04
Request to Amend Zoning From
C-1 Commercial Central Zone
to R-2 Residential High Density

Concern #1:

A: The Notice Of Hearing references (C-1) as Highway Commercial, that Zoning is (C-2) in our zoning Code of Ordinances. Chapter 17.32. Single Family Dwellings are not a permitted conditional use. Only preexisting residential structures can be occupied if meeting safety code perimeters.

Purpose of C-1 (Commercial Central Zone) to provide area suitable and desirable for retail and service enterprises. This zone is appropriate only in the downtown area of our city. Thus making it a finite quantity.

Highway Commercial Zone is (C-2). Conditional Permitted uses include single Family residences.

This parcel is in our core area.
Sweet Home has always aspired to create a forward looking plan, thus creating these zoning designations. Preserving the remaining area for commercial use is important for Sweet Home growth, increasing potential of family wage level jobs.

Open Storage : (C-1) and (C-2) both prohibit "open" storage. This designation provides "beautification" in a commercial setting. Residential permits Car Ports that are open sided . Carports are noted on the plans.

Concern #2:

Ames Creek has been designated a significant NR (Natural Resource COD 17.72) and with that impose special protective requirements : (50' setback and measured within a riparian corridor are measured from the top of bank which is the line of ordinary high water in a 2 year event).

The 1.96 acre plat encroaches on these resources as well as riparian zone and wet lands polygon.

Has an ESEE (Environmental, Social, Economic, and Energy Consequences Analysis) been prepared in accordance with Oregon Administrative Rules ?

Concern #3:

Effect on adjoining property. Diminished Value : with all the hard surfacing and minimal contouring allowed in this sensitive area, additional run off on the adjacent properties will be a concern.

There are many "allowable" projects in this area,
While maintaining single family dwellings, in
the other 95% +/- of our beautiful town.

With all the positive motivating programs for the
commercial and economic development :

a. Commercial Exterior Improvement
B. Economic development
C. Enterprise zone
d. SH Active Revitalization Effort (SHARE)

Single Family Dwellings in this area fly against
the spirit of our efforts to encourage, enhance,
And provide growth opportunity
for our downtown core.

Respectfully Submitted
Patricia Tack-Morse
tishtack@yahoo.com
541-409-3030
November 20, 2020

Angela Clegg

From: tonylarson@aol.com
Sent: Friday, November 20, 2020 4:10 PM
To: Angela Clegg
Subject: Rejection Urged of ZMA20-04 / PD20-02 Good Faith Management, LLC
Attachments: GoodFaithMngmtLLC-LARSONResponse.docx

Below, and attached..

November 18, 2020

Tony & Shelly Larson
6014 Paddock Lane
Sweet Home, OR 97386

City of Sweet Home
Community and Economic Development Department
Attn: Angela Clegg, Associate Planner
3225 Main Street
Sweet Home, OR 97386

RE: File #PD20-02/ZMA20-04, Good Faith Management, LLC

Staff –

Thank you, for the opportunity to review and urge a strong REJECTION of the above applicant's proposal for the neighboring property. We own the adjacent 0.55+/- acre commercial site at 838 Main Street.

First: Applicant has made no attempt to reach out to neighboring, affected, property owners. We have heard not one word.

Second: Applicant purchased the property, knowing the underlying zoning. They do not bring forward a compliant project, nor even an arguably consistent one.

Third: Community members have been loud and clear, regarding "no loss of commercial" in the downtown core. We should be growing C-1/C-2, development ready, sites.

Fourth: Along with the "Third" point, above, a word on the negative impact of such a project, at such a location, has on the realty valuation of neighboring interest holders. Long time interest holders have played by the rules and continue to act in "good faith" with acceptable practices, within current zoning. Any diminution of value is unconscionable.

Fifth: Unless applicant wants to invest in the comprehensive burying of Ames Creek through the subject property, we don't see how environmental can be appropriately taken into account if the setbacks aren't respected. Setbacks, not only for the environmental protections in the code, but the setbacks due for neighboring properties.

Sixth: Easement through C-1 to the proposed development requires passing surviving residential holdovers and the diminution of their quality of life to service the property. Unconscionable.

Seventh: Proposal is just not in keeping with the commercial aesthetic of the surrounding properties.

Eighth: Late breaking news – Applicant just offered to sell me this property, I accepted his offer in full.. without counter. He's slow-rolling signing the documents, but I pray this silliness is getting resolved now. Good Faith Management? We'll see.

In conclusion, they knew it.. when they bought it. As major Sweet Home commercial owners, we urge the Department, and City, to hold the line on any proposed loss of commercially zoned real estate. Every underlying regulatory framework,

data point, community need and expectation requires a rejection of this application. We look forward to bringing forward a compliant plan. Thank you. Bless you.

Tony & Shelly Larson
tonylarson@aol.com

Veterans of Foreign Wars

Post 3437
PO Box 295 Sweet Home, OR 97386

20 November, 2020

To the Planning Commission,

We are writing in reference to the mail received from your office about the proposed change to the Zoning Map for application ZMA20-04. We are slightly concerned with it being completely adjacent to our property line of our park.

We have no concerns about the city making additional housing efforts, however, we are worried that people moving into this area, would think that the park is for public access which it is not.

We propose the following to help us all get along and make this change happen for more housing, as Sweet Home is getting bigger.

We would like to see either lot 1 not have a building on it and that Good Faith Management, LLC should have to build a wooden eight foot tall fence between our properties. This would alleviate trespassers and give us a barrier for when we have our funerals in the park for privacy. As we hold them, sadly, quite regularly there.

We believe that this would also help protect those moving in from having a slightly less panic attack, if they are diagnosed with a behavioral health issue, when we give the 21 gun salute. We don't want to aggravate anyone or make they're health any worse and we wouldn't want them to possibly hear the gun fire and panic and possibly shoot back.

We feel that the barrier and no one in lot 1, would be more reasonable for privacy of our grieving families and safety of our members during a funeral service.

If you have any questions, please feel free to email or call the undersigned at rwilson31978@gmail.com or 503-841-2183.

Thank you.

Ron Wilson
Commander
VFW Post #3437

GOODELL.KIMBERLY.MARIE.1162777811

Digitally signed by GOODELL.KIMBERLY.MARIE.1162777811

Kimberly Goodell
Adjutant
VFW Post # 3437

ATTACHMENT D

Cascadia
Planning + Development Services
PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

CITY OF SWEET HOME
APPLICATION FOR LAND USE REVIEW

9TH AVENUE PLANNED DEVELOPMENT

Location: 9th Avenue
Tax Lot 401 of
Tax Map 13S01E31BD
Linn County, Oregon

Prepared by: Steve Kay, AICP

Prepared for: Good Faith Management, LLC
PO Box 412212
Eugene, OR 97404

October 14, 2020

APPLICANT'S STATEMENT

PROJECT NAME:	9th Street Planned Development
REQUEST:	Concurrent Approval of a Zoning Map Amendment and Planned Development Application to Permit the Development of a 7 Single-Family Lots and an Open Space Tract
ASSESSOR'S DESCRIPTION:	Tax Lot 401 of Tax Map 13S01E31BD Linn County, Oregon
APPLICANT'S REPRESENTATIVE:	Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com
APPLICANT AND PROPERTY OWNER:	Good Faith Management PO Box 412212 Eugene, OR 97404
PROPERTY SIZE:	1.96 acres +/-
LOCATION:	9th Avenue (Unassigned Address)

I. APPLICABLE REGULATIONS

A. City of Sweet Home Code of Ordinances

- **Title 12: Street, Sidewalks and Public Places**
  - **Chapter 12.16: Public Trees, Shrubs and Bushes**
- **Title 13: Public Services**
  - **Chapter 13.04: Water Service System**
  - **Chapter 13.08: Sewer Service System**
  - **Chapter 13.09: Stormwater Drainage**
- **Title 15: Buildings and Construction**
  - **Chapter 15.12: Flood Hazard Regulations**
- **Title 16: Land Divisions and Line Adjustments**
  - **Chapter 16.12: Design Standards**
  - **Chapter 16.16: Tentative Plan**
- **Title 17: Zoning**
  - **Chapter 17.08: General Provisions**
  - **Chapter 17.12: Administration and Enforcement**
  - **Chapter 17.28: R-2 Residential High-Density Zone**
  - **Chapter 17.48: PD Planned Development Zone**
  - **Chapter 17.72: NR Natural Resources**

B. Sweet Home Comprehensive Plan

- **Chapter 2: Land Use Element**
- **Chapter 3: Natural Features and Parks**
- **Chapter 4: Residential Lands and Housing**
- **Chapter 5: Economic Development and Lands for Economic Growth**
- **Chapter 6: Transportation Systems**
- **Chapter 7: Public Facilities**
- **Chapter 8: Plan Management**

C. Statewide Planning Goals

- **Goal 1: Citizen Involvement**
- **Goal 2: Land Use Planning**
- **Goal 3: Agricultural Lands**
- **Goal 4: Forest Lands**
- **Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources**
- **Goal 6: Air, Water and Land Resource Quality**
- **Goal 7: Natural Hazards**
- **Goal 8: Recreational Needs**
- **Goal 9: Economic Development**
- **Goal 10: Housing**
- **Goal 11: Public Facilities and Services**
- **Goal 12: Transportation**
- **Goal 13: Energy Conservation**
- **Goal 14: Urbanization**

II. BACKGROUND:

The applicant and property owner, Good Faith Management LLC, is requesting approval of a proposed map amendment and development of Tax Lots 401 of Tax Map 13S01E31BD. Currently, Tax Lot 401 is designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map. Due to the limited potential for use of the site under the commercial designation, as well as the high demand for additional workforce housing in Sweet Home, the applicant is proposing to amend the Zoning Map to designate Tax Lot 401 as R-2 (High Density Residential).

The attached plans indicate that the applicant is requesting approval of a Planned Development application under the R-2 zone designation. The attached Preliminary Site Plan indicates that access to the subject site from 9th Avenue will be through a proposed easement across Tax Lot 303, which is also owned by the applicant. After subtracting the access drive area on Tax Lot 401, the net site area is approximately 1.64 acres. At the permitted density of 35 dwelling units/acre, up to 57 multi-family dwelling units may be developed on the site. However, the attached plans indicate that the applicant is proposing to protect natural resource areas and develop 7 single-family lots on the subject parcels. Through the planned development process, the applicant is proposing to modify the minimum lot size, minimum lot width, front setback, and street yard setback standards as shown on the attached plans. As proposed, Tract 'A' will protect environmentally sensitive areas of the site and provide common open space amenities for the planned development.

The attached Existing Conditions Plan indicates that the proposed development's access point on 9th Avenue is located approximately 25-ft. north of the Nandina Street intersection (see Exhibit 3). Currently, the 9th Avenue frontage of Tax Lot 303 is improved with approximately 21-ft. of asphalt paving from centerline and an existing concrete gutter and curb is located on the west side of the street. To meet Local Street standards, the applicant is proposing to install a 5-ft. curbtight sidewalk and street trees along this street frontage. To provide access for Lots 1-7, the applicant is proposing to install a 24-ft. wide private street through Tax Lot 303 and within Tract 'A', with 6-in. curbs on both sides of the street, and a 5-ft. sidewalk along the south side of the roadway. To meet Fire Code Standards, the attached Preliminary Site Plan indicates that a 20-ft. x 70-ft. turnaround with a 28-ft. turning radius will be installed between Lots 3 and 4 (see Exhibit 3).

The submitted site plan identifies several natural resources including Ames Creek and a 50-ft. wide buffer measured from the top of bank. The plan also locates an on-site wetland and delineates a 100-year floodplain boundary along the north side of Ames Creek. To limit impacts to these resource areas, the applicant is proposing to site the development in the northern portion of Tax Lot 401. Due to the limited unconstrained area of the site, the applicant is proposing to encroach the proposed development into the wetland area and will mitigate for impacts either on-site or through a mitigation bank. As permitted under Chapter 17.72, the applicant is proposing to encroach into a small portion of the 50-ft. buffer with the private street. To ensure that the proposed development is not impacted by the floodplain, the applicant will be constructing horizontal structural members of buildings at least 18" above the base flood elevation.

City maps indicate that public utilities are in the vicinity of the subject property and can accommodate the proposed development. Public sanitary sewer and water service will be provided by extending public mains lines from 9th Avenue within a proposed public easement. Stormwater from impervious surfaces will be collected and detained on-site in accordance with City standards prior to being discharged into Ames Creek at the pre-development rate.

A copy of the signed Application Form, Property Deed and Legal Description, and Preliminary Development Plans are included with this application packet. The applicant's exhibits and narrative demonstrate that the submitted land use requests meet the criteria for approval as outlined by the City of Sweet Home Code of Ordinances.

III. FINDINGS

A. CITY OF SWEET HOME CODE OF ORDINANCES

TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.16: Public Trees, Shrubs and Bushes

Section 12.16.070: Street Tree Planting Specifications.

A. Tree selection. The official city street tree list of acceptable species for trees, shrubs, bushes and other woody plant material is included in Appendix E of the 1993 Sweet Home Park and Street Tree Planting Plan. No person, without the written permission of the city, shall plant a street tree of a species other than those included on the list.

B. Size of tree to be planted. Unless otherwise specified by the City of Sweet Home, all trees and their cultivars shall conform to the American Standard for Nursery Stock. The minimum size for planting stock for use along arterial street is a caliper of two inches or greater and one and one-half inches or greater along a collector street.

C. Tree grade. Unless otherwise specified by the city, all trees shall have straight trunks, well developed leaders and tops. The root system shall be characteristic of the species and it shall exhibit evidence of proper nursery practices.

D. Type of planting stock. Unless otherwise specified by the city, all nursery stock shall conform to the American Standard for Nursery Stock.

COMMENT:

The attached Preliminary Site Plan indicates that street trees will be planted along the site's frontage on 9th Avenue and along proposed Private Street A (see Exhibit 3).

E. Spacing of plantings. The spacing of street trees shall be in accordance with the species, size and listed in Appendix E of the Sweet Home Park and Street Tree Planting Plan and no trees shall be planted closer together than the following:

F. Utility lines. No street trees other than those species listed in Appendix E of the 1993 Park and Street Tree Planting Plan may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

COMMENT:

As required, proposed street tree size and spacing will conform to City standards. The attached Existing Conditions Plan indicates that overhead lines are located along the 9th Avenue frontage of Tax Lot 303, therefore these proposed street trees are located at least 10-ft. from the wires (see Exhibit 3).

TITLE 13: PUBLIC SERVICES

Chapter 13.04: Water Service System

Section 13.04.080: New Water Service

No new water service shall be installed by the city until the potential customer has installed a cutoff, or "yard valve", between the meter and the outlet. The City of Sweet Home reserves the right to refuse or discontinue water service to any premises where the City Engineer of the City of Sweet Home has determined that the plumbing facilities, appliances and/or equipment using water are not installed and/or operating in accordance with the Oregon State Health rules and Plumbing Code of the City of Sweet Home and endanger the public health. Water service may be refused to any premises as long as the conditions exist. However, water service that is being furnished to an occupied premises may be discontinued only after notice of the condition of the plumbing that endangers the public health has been mailed by certified or registered mail to the owner of record, and the notice also has been given to the occupant of the premises, either personally, by posting the notice on the premises or by mailing the notice to said occupant by certified or registered mail at least seven days

prior to the time that the water service is terminated unless immediate emergency action is required. If shortage of water exists, the city may restrict the use of water as determined by the city.

COMMENT:

The attached Composite Utility Plan demonstrates that the applicant is proposing to extend a public water main from 9th Avenue to the west terminus of Private Street A. The submitted plan illustrates that individual water laterals and meters will be installed to serve each of the proposed lots.

Chapter 13.08: Sanitary Service System

Section 13.08.060: Use of Public Sewers Required.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes that use water or produce wastewater situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided that, the public sewer is within 100 feet (30.5 meters) of the property line.

COMMENT:

The attached Existing Conditions Plan indicates that an existing sanitary sewer main line is located in 9th Avenue, adjacent to the subject site. The applicant's Composite Utility Plan demonstrates a new sanitary sewer main will be extended within Private Street A to a location where gravity sewer service can extend to 9th Avenue. Each lot is served with a STEP system that includes a temporary holding tank and pressurized sanitary sewer laterals that connect to the public gravity system within Private Street A (see Exhibit 3).

Section 13.08.070: Construction—Generally

A. The city requires that any public infrastructure required by this chapter be constructed to the opposite extent of the property from the boundary side providing the existing utility. On a case by case basis, the Public Works Director may allow the extension of public utilities to front a portion of the property to be served with the following conditions.

COMMENT:

The attached Existing Conditions Plan demonstrates that an existing sanitary sewer main line is located along the site's entire 9th Avenue frontage (see Exhibit 3). Therefore, an extension of this public utility is not required.

Chapter 13.09: Stormwater Drainage

Section 13.09.030: Stormwater Drainage Policy

E. The city shall maintain public stormwater drainage facilities located on city property, city right-of-way or city easements. Public stormwater drainage facilities to be managed by the city include, but are not limited to:

COMMENT:

To manage stormwater from the proposed private street, the applicant is proposing to install private stormwater facilities within Tract 'A' (see Exhibit 3). As required, a homeowner's association will provide on-going maintenance of the facility.

F. Stormwater drainage facilities not maintained by the city include, but are not limited to:

1. Stormwater drainage facilities not located on city property, city right-of-way or city easement;

2. Private parking lot stormwater drainages;

3. Roof, footing and area drainages;

4. Drainages not designed and constructed for use by the general public;

5. Drainage swales which collect stormwater from a basin less than 100 acres that is not located on city property, right-of-way or easement;

6. Access driveway culverts;

7. Those portions of streams or drainage ways located on privately-owned land; and

8. Ditches swales, culverts and similar facilities owned and operated by the U.S. Bureau of Reclamation or other local, county or state

governments.

COMMENT:

The attached Preliminary Composite Utility Plan indicates that the applicant is proposing to install stormwater drainage facilities within Tract 'A'. As required, the property owners of the proposed lots will be responsible for maintenance of the facilities.

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.12: Flood Hazard Area Regulations

Section 15.12.040: Lands to Which Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

COMMENT:

A review of FEMA maps indicates that a portion of the site contains a floodway and 100-year floodplain associated with Ames Creek. The floodway is located within the stream's top of bank, which is identified on the attached Existing Conditions Plan (see Exhibit 3). Based on FEMA Maps, the applicant has illustrated the boundary of 100-year floodplain on the Existing Conditions Plan.

Section 15.12.090: Development Permit Requirement.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 15.12.050. The permit shall be for all structures, including manufactured homes, as set forth in § 15.12.030, and for all other development.

COMMENT:

The applicant is requesting approval of a Planned Development application under the proposed R-2 zone designation. Specific development plans for each of the proposed single-family lots are not determined at this time. As required, the applicant will obtain development permits prior to the construction of any structures within the special flood hazard area.

Section 15.12.110: Application for Development Permit.

A. Application for a development permit shall be made on forms furnished by the building inspection program and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered design professional that the floodproofing methods for any nonresidential structure meet the floodproofing criteria; and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

COMMENT:

The applicant is not requesting development permits for structures in the special flood hazard area at this time. As required, the above information will be provided to the City when permits are requested.

Section 15.12.130: General Standards.

In all areas of special flood hazards, the following standards are required.

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

COMMENT:

As required, future development of dwellings on the site will include anchoring meeting the above standards.

B. Construction materials and methods.

1. **All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.**

2. **All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**

3. **Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

COMMENT:

As required, all future structures within the 100-year floodplain will be constructed using the above methods to minimize flood damage.

C. Utilities.

1. **All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.**

2. **New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water.**

3. **On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Department of Environmental Quality.**

COMMENT:

As required, proposed water and sanitary sewer systems will be designed to minimize or eliminate the infiltration of flood waters in accordance with the above standards.

D. Subdivision proposals.

1. **All subdivision proposals shall be consistent with the need to minimize flood damage.**

2. **All subdivision proposals shall have public**

utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

COMMENT:

The applicant is proposing a 7-lot subdivision of the site through the planned development process. The attached preliminary development plans demonstrate that the subdivision has been designed to minimize exposure to flood damage by located the proposed development in the north portion of the property. As required, future dwellings that are constructed on the proposed lots will be elevated above the base flood elevation.

E. Review of building permits. Where elevation data is not available either through the Flood Insurance Study, FIRM or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

COMMENT:

As indicated on the attached Existing Conditions Plan, FEMA maps indicate that the base flood elevation for the subject property is 518-feet. Therefore, this elevation data may be used for the application of future building permits.

Section 15.12.140: Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §§ 15.12.050 or 15.12.120B., the following provisions are required:

A. Residential construction.

1. **New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.**

2. **Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.**

    a. **A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.**

    b. **The bottom of all openings shall be no higher than one foot above grade.**

    c. **Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

COMMENT:

At this time, the applicant is not requesting development permits for the construction of single-family dwellings on the proposed lots. When building permits are requested, the homes will be elevated and include openings in accordance with the above standards.

B. **Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above base flood elevation; or, together with attendant utility and sanitary facilities, shall:**

COMMENT:

The applicant is proposing to develop a gazebo within Tract 'A', therefore it will be elevated in accordance with the above standards.

C. **Manufactured homes. All manufactured homes to be**

placed or substantially improved on sites shall be:

1. **Elevated on a permanent foundation such that the finished floor of the manufactured home is at least 18 inches above base flood elevation and be securely anchored to an adequately anchored foundation system.**

2. **The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.**

COMMENT:

If manufactured homes are placed on the proposed lots, the homes will be elevated and anchored in accordance with the above standards.

D. Recreational vehicles. Recreational vehicles placed on sites in compliance with city codes are required to either:

COMMENT:

The applicant is not proposing to place recreational vehicles on the subject site. If future homeowners park recreation vehicles on the site, they will be required to follow City standards.

TITLE 16: LAND DIVISIONS AND LINE ADJUSTMENTS

Chapter 16.12: Design Standards

Section 16.12.020: Streets.

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of vacant inaccessible land. Street design standards are intended to provide city staff with standards and guidelines for protecting the function and integrity of the city's transportation system. The following table implements the standards of the Transportation System Plan.

1. A transportation impact analysis (TIA) may be

required, if the proposed development appear to have traffic generators with a significantly high level of traffic.

a. Applicants may be required to have a pre-application meeting with city staff to determine if the proposed development will have a significantly high level of traffic. If determined by city staff that a TIA is required, the TIA must be submitted as a part of the application or the application will not be considered complete and will be on hold as per Oregon Revised Statutes.

COMMENT:

The applicant attended a pre-application conference with City staff on January 6, 2020 to discuss the proposed Zoning Map Amendment and Planned Development application. Since the proposal will generate traffic from only 7 single-family dwellings, City staff did not indicate that a TIA is required for this application.

C. Future extensions of streets. Where necessary to give access or to permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

COMMENT:

To provide access to the proposed single-family lots, the applicant is proposing to extend Private Street A from 9th Avenue. The attached Aerial Photograph/Land Use Plan demonstrates that a railroad right-of-way is located to the north of the site, and a parcel owned by the Sweet Home Veterans of Foreign Wars Club is located west of the subject property (see Exhibit 3). Adjoining parcels to the south are separated from the site by Ames Creek. Therefore, it is not necessary and/or feasible to provide access to adjacent properties for the future division of adjoining land.

D. Intersection angles. Streets shall be designed to intersect at angles as near to right angles as practical except where constrained topography or abutting properties requires a lesser angle.

COMMENT:

The attached Preliminary Site Plan indicates that proposed Private Street A intersects with 9th Avenue at a right angle (see Exhibit 3).

E. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

COMMENT:

The submitted Existing Conditions Plan indicates that the existing 9th Avenue right-of-way is 55-ft. wide, meeting local street standards (see Exhibit 3).

F. Half-streets. Half streets shall be required for existing right-of-way on the perimeter of the subdivision with the following conditions:

1. Located adjacent to unimproved streets.

2. Located adjacent to one-half street condition on the same side of the street.

3. Located opposite of a constructed one-half street.

COMMENT:

The Existing Conditions Plan demonstrates that approximately 21-ft. of existing pavement is provided from centerline, and a curb and gutter are currently located along the 9th Street frontage of Tax Lot 303. To fully improve this roadway to City standards, the applicant is proposing to install a 5-ft. curbtight sidewalk and a street tree along the site's frontage (see Exhibit 3).

G. Dead end streets: A dead end street shall terminate with a turnaround designed to the minimum size standards of the International Fire Code.

1. Dead end streets can be allowed only when the extension of street is not possible due to one or more of the following reasons:

a. A natural feature, such as a wetland, stream or steep slope makes it impractical for the street to be extended.

b. An existing structure or use is located on an adjacent parcel within the alignment of the proposed street.

c. An existing deed restriction or covenant or political boundary does not allow the extension of the street.

d. The alignment is approved as part of a Planned Development.

COMMENT:

The applicant's Preliminary Site Plan indicates that proposed Private Street A is a dead end roadway that is approximately 740-ft. long. The applicant is proposing to install a turnaround meeting Fire Code standards at the west terminus of the street (see Exhibit 3). Due to the presence of the Sweet Home Veterans of Foreign Wars Club (VFW 3437) property to the west, railroad right-of-way to the north, and Ames Creek to the south of the site, the applicant is not proposing to extend the private street to adjacent properties.

Section 16.12.030: Lots and Parcels.

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.

B. No lot or parcel shall be dimensioned to contain a part of an existing or proposed street.

COMMENT:

The applicant is proposing to amend the Zoning Map to designate Tax Lot 401 as R-2 (High Density Residential). Through the planned development process, the applicant is proposing to modify the R-2 minimum lot size, front setback, and street yard setback as shown on the attached Preliminary Site Plan. As required, the attached Preliminary Plat indicates that Private Street A is located within Tract 'A' and proposed lot dimensions do not contain a portion of the proposed street (see Exhibit 3). The attached plans indicate that Private Street A extends through Tax Lot 303, from the subject site to 9th Avenue. Tax Lot 303 is not included within the proposed planned development, however the applicant also owns this parcel. Therefore, when a homeowner association is established for the proposed development, Tract 'A' and Tax Lot 303 will be commonly owned and maintained by the owners of Lots 1-7.

C. Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17.

D. Lot depth shall not exceed two and one-half times the average width.

COMMENT:

The minimum single-family detached lot size in the R-2 zone is 5,000 sq. ft. and the minimum lot width is 60-feet. The attached Preliminary Plat indicates that the proposed parcels range in size from 3,482 sq. ft. to 5,340 sq. ft., and range in width from 41.00-ft. to 89.86-ft. (see Exhibit 3). As required, the minimum proposed lot depth of 51.72-ft. is not more than 2.5 times the average proposed lot width of 57.49-feet.

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.

COMMENT:

The attached Preliminary Plat indicates that Lots 1-7 have at least 25-ft. of lot frontage on Private Street A.

F. Access easements. Where no other practical access to lots or parcels exists, the City may allow an access easement for actual access to lots or parcels. Approval of an easement that is a joint use driveway may be approved pursuant to the standard listed in Section 17.08.100(C)(6).

COMMENT:

Due to the configuration of the site, the applicant is proposing to provide access for Lots 1-7 through the extension of Private Street A through Tax Lot 303 and Tract 'A'. The proposed private street will be owned and maintained by the development's homeowner's association. The submitted Preliminary Plat demonstrates that no access easements are located on Lots 1-7.

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.

COMMENT:

The attached Site Plan demonstrates that no through lots are proposed with the planned development (see Exhibit 3).

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.

1. Topographical conditions or street configurations may warrant an angle.

2. Generally, any angle should not exceed 30º from a right angle to the street.

COMMENT:

The attached Preliminary Plat indicates that the side lines of the proposed parcels run at a right angle to Private Street A, which is the street upon the lots face (see Exhibit 3).

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.

COMMENT:

The attached Preliminary Plat indicates that no flag lots are proposed (see Exhibit 3).

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.

COMMENT:

The applicant is not proposing special setbacks with this Planned Development application, therefore these standards do not apply.

Section 16.12.035: Easements.

A. City utility lines.

1. Easements for city sanitary sewer, storm water collection systems, and water mains, or other utilities, not located within the public right-of-way, shall be dedicated wherever necessary.

2. City easements shall be at least 20 feet wide and offset on rear or side lot lines with five feet on one side and 15 feet on the other.

COMMENT:

As illustrated by the attached Preliminary Plat, the applicant is proposing to establish a 20-ft. easement within Tax Lot 303 and Tract 'A' for the extension of City sanitary sewer and water main lines (see Exhibit 3.

B. Franchise utility easements will be seven feet in width and generally abutting the right-of-way.

COMMENT:

The attached Preliminary Plat indicates that the applicant will be dedicating a 7-ft. wide franchise utility easement along the 9th Avenue frontage of Tax Lot 303, and along one side of Private Street A (see Exhibit 3).

C. Drainage channels. If a subdivision or partition is traversed by a drainage channel, there shall be provided a public drainage easement. The drainage easement shall conform substantially with the lines

of the drainage channel, with additional width as needed for channel maintenance.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site contains a drainage channel. The submitted Preliminary Plat indicates that a proposed public drainage easement will be dedicated to the City to permit access within the Ames Creek floodway (see Exhibit 3).

Section 16.12.040: Water System.

The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account provisions for extension beyond the subject property. The design shall adequately loop the city system.

COMMENT:

Through the planned development process, the applicant is proposing a 7-lot land division of the subject site. Due to the low number of proposed dwelling units, looping of the public water system is not required. The attached Aerial Photograph/Land Use Plan demonstrates that extension of the public water system is not required to serve adjoining properties. The attached Sanitary Sewer and Water Plan indicates that a public water main will be extended along the Private Street A alignment. The plan also demonstrates that individual water meters and water laterals for each of the proposed lots will be installed in accordance with City standards (see Exhibit 3).

Section 16.12.045: Sanitary Sewer System.

The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account capacity and grade to allow for desirable extension beyond the subject property.

COMMENT:

The attached Composite Utility Plan indicates that a gravity public sanitary sewer main will be extended from 9th Avenue to Station 3+67.00 within Private Street A. Due to the length of the private street and the depth of the public sewer main within 9th Avenue, individual private pumps and pressurized sanitary sewer laterals are proposed from each of the lots to a 60-in. manhole at the terminus of the sanitary sewer main line (see Exhibit 3). The submitted Preliminary Development Plans demonstrate that an extension of the public sanitary sewer system is not required to serve adjoining properties.

Section 16.12.050: Storm Water and Surface Drainage.

Design of drainage within a subdivision or partition shall be to city standards, and shall be approved by the City Engineer.

A. The design shall take into account the capacity and grade necessary to maintain unrestricted flow from

areas draining through the subdivision or partition and to allow extension of the system to serve such areas.

B. Provision shall be made for water quality and retention storage areas designed and constructed to meet the standards set by the city.

COMMENT:

The attached Composite Utility Plan indicates that stormwater from impervious areas will be directed to proposed Stormtech chambers within Tract 'A', where water quality and detention can be provided before drainage is released into Ames Creek (see Exhibit 3). As demonstrated by the attached Preliminary Stormwater Report, the proposed design meets City standards (see Exhibit 4).

Section 16.12.055: Lot Grading.

Lot grading shall conform to all applicable Oregon Building Codes and Sweet Home Municipal Code Titles 12, 13, and 15 requirements.

COMMENT:

The attached Preliminary Grading and Erosion Control Plan demonstrates that lot grading will conform to Building Code and City standards (see Exhibit 3).

Section 16.12.060: Erosion Control.

Erosion control must be approved as per the City's Erosion Control requirements of Sweet Home Municipal Code Chapter 13.06.

COMMENT:

The attached Preliminary Grading and Erosion Control Plan includes details which demonstrate compliance with the City's erosion control standards (see Exhibit 3).

Section 16.12.070: Underground Utilities.

All permanent franchise utility service to subdivision lots shall be provided from underground facilities. No overhead utility facilities in connection with permanent utility service to a subdivision or partition shall be permitted. In the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

COMMENT:

As required, all franchise utilities serving the planned development will be installed underground. The attached Preliminary Plat indicates that a 7-ft wide easement will be provided for the installation of franchise utilities along the frontage of 9th Avenue and Private Street A (see Exhibit 3).

Section 16.12.075: **Large Tract Land Division.**

In subdividing or partitioning tracts into large lots or parcels which may be divided in the future, the city may impose requirements which will allow for subsequent division of any lot, parcel, or tract.

COMMENT:

The submitted Preliminary Plat demonstrates that the proposed land division will not result in the creation of over-sized parcels that could be partitioned in the future. Therefore, these standards do not apply.

Chapter 16.16: **Tentative Plan**

Section 16.16.020: **Pre-Application Review**

A pre-application conference may be required by the city. The subdivider shall submit a sketch to the City Planner and the Public Works Engineering Division of the proposed tentative plan for the property to be divided. Following preliminary review, the subdivider may proceed to prepare a tentative plan for submission to the city.

COMMENT:

As required, the applicant attended a pre-application conference with City staff on January 6, 2020 to discuss the proposed map amendment and planned development with City staff.

Section 16.16.025: **Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Submittal.**

All applications for a tentative partition or subdivision approval must include a complete application form. For a subdivision or subdivision replat, ten full size copies and one 8½" by 11" copy of a plan shall be submitted with the following details. For a partition or partition replat, three full size copies and one 8½" by 11" copy of a plan shall be submitted showing the following details. The tentative plan need not be a finished drawing but it shall show all pertinent information to scale.

A. Where the land to be subdivided contains only part

of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

COMMENT:

As required, the applicant has completed the attached application forms and has submitted required copies of the tentative plan and other supporting materials for City staff review. All land owned or controlled by the property owner/applicant has been included with the proposed land division.

B. The following information shall be submitted:

1. All existing subdivisions, streets and property lines of the land immediately adjoining the proposed subdivision.

2. All existing streets between the subject property and the nearest existing arterial or collector streets.

3. The name of the owners of all land immediately adjoining the proposed subdivision.

4. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighborhood.

COMMENT:

The attached Aerial Photograph/Land Use Plan identifies all existing streets in the area and the names of adjacent property owners. The attached Preliminary Site Plan identifies adjacent property lines and the planned development's proposed connection to 9th Avenue (see Exhibit 3).

C. The name, if any, of the land division. The subdivision name must not duplicate or resemble the name of another subdivision in Linn County and shall be subject to approval by the Linn County Surveyor. Pre-approval of the subdivision name by Linn County Surveyor's Office is recommended.

D. Date of the original submittal and of any subsequent revisions.

E. North arrow.

F. Scale of drawing.

G. Names and addresses of owner or owners,

subdivider, surveyor, and design engineer if applicable.

COMMENT:

All of the information listed above has been provided on the attached Preliminary Development Plans (see Exhibit 3).

H. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract of railroad right-of-way, city boundaries, and other important features.

COMMENT:

The attached Existing Conditions Plan includes all of the applicable information listed above (see Exhibit 3).

I. The location on the site and in the adjoining streets or property for the following existing and proposed items:

1. Sewers and water mains and private services.

2. Invert elevations of sewers at points of proposed connections or adjacent manholes must also be shown.

3. Culverts.

4. Ditches and drain pipes.

5. Electric, gas and telephone conduits.

COMMENT:

The attached Existing Conditions Plan, Preliminary Storm Drain Plan, and Preliminary Sanitary Sewer and Water Plan include all of the information listed above (see Exhibit 3).

J. Contour lines having the following minimum intervals:

1. One foot contour intervals for ground slopes less than 5%.

2. Two foot contour intervals for ground slopes between 5% and 10%.

3. Five foot contour levels for ground slopes exceeding 10%.

4. **The elevations of all control points which are used to determine the contours.**

COMMENT:

The submitted Existing Conditions Plan illustrates 1-ft. contour lines since the site contains less than 5% slopes (see Exhibit 3).

K. **Geo-tech reports as needed.**

COMMMENT:

At the pre-application conference, City staff did not identify a requirement to submit a geotech report with this application.

L. **Location and elevation of properties within the 100-year flood plain and other areas subject to flooding or ponding and areas subject to inundation from storm water overflow with approximate high water elevation.**

M. **Location, width, direction and rate of flow at peak discharge of all water ways.**

N. **Location of any wetlands identified on the City of Sweet Home Local Wetlands Inventory, locally known, or identified by some other means.**

O. **Location of any required riparian zone identified by Sweet Home Municipal Code Chapter 17.72.**

P. **Properties in the natural resource zone, must show natural features, such as rock outcroppings, wooded areas and preservable trees over 12 inches in diameter measured at 4½ feet from the ground.**

COMMENT:

The attached Existing Conditions Plan identifies the location of the 100-year floodplain, wetland area, and riparian zone along Ames Creek. As required, the top of bank, floodway, and direction of Ames Creek have been noted on the plan (see Exhibit 3).

Q. **Existing uses of the property and adjacent property within 100 feet including location of all existing structures to remain on the property.**

COMMENT:

The attached Aerial Photo/Land Use Plan identifies existing uses on the site and on adjacent properties. The applicant's Existing Conditions Plan indicates that the subject site is currently vacant and existing structures on adjacent properties have been noted (see Exhibit 3).

R. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.

1. The City of Sweet Home historic sites listing and the State Historic Preservation Office shall be consulted if a historic site is identified.

2. Sweet Home Municipal Code Title 15 rules for historic structures must be addressed.

COMMENT:

The subject site does not contain a listed historic site, therefore these standards do not apply.

S. Zoning on and adjacent to the subject property.

COMMENT:

Zoning in the vicinity of the subject site is identified on the attached Aerial Photograph/Land Use Plan (see Exhibit 3).

T. For all proposed streets, the following information must be shown:

1. Location;
2. Total right-of-way width;
3. Curb to curb width;
4. Sidewalk;
5. Beauty strip;
6. Proposed name;
7. Grade;
8. Approximate radii or curves;
9. Fire hydrants;
10. Street lights;
11. Stop signs;
12. Location of post office boxes.

COMMENT:

The attached Private Street A Plan provides all of the information listed above (see Exhibit 3).

U. The tentative plan shall be drawn to a standard engineer's scale where 1 inch equals 20 feet to 100 feet.

V. Proposed signage.

W. Proposed perimeter fencing.

COMMENT:

The attached Preliminary Development Plans indicate that the tentative plan has been drawn at 1-in. equals 40-feet (see Exhibit 3).

X. The relationship of all proposed streets to any existing or approved streets and proposed future streets in the transportation system plan.

Y. Existing and proposed easements on the site, including the width and the purpose of the easements.

Z. Existing easements on adjoining properties, including the width and purpose of the easements.

COMMENT:

The attached Preliminary Plat identifies all existing, approved, and future streets in the transportation system plan. The submitted plan also identifies all existing and proposed easements on the site and on adjoining properties (see Exhibit 3).

AA. Information on the proposed lots must include the following:

1. The location of each lot,

2. The dimensions and square footage of each lot, and

3. Lot, block, tract, or parcel numbers.

COMMENT:

The submitted Preliminary Plat contains all of the applicable items listed above.

BB. Proposed uses for each lot.

CC. Land to be deeded or dedicated for public purposes.

DD. Statement indicating whether the property has an existing water right or permit. If so, the Certificate or permit number must be listed.

COMMENT:

The attached Preliminary Plat and Preliminary Site Plan contain all of the information listed above. The subject site does not have an existing water right or permit.

EE. ODOT Rail approval for any proposed crossing or development within 300' of the railroad right-of-way.

COMMENT:

As required, the applicant has requested review from ODOT Rail since a portion of the site abuts the Albany and Eastern Railroad right-of-way. The attached agency's standard response for new residential uses near railroad right-of-ways has been attached (see Exhibit 6).

FF. The following additional information must be submitted with the tentative plan:

1. Total acreage of the parcel to be subdivided.

2. The percent of land dedicated to the public, not including easements.

3. All public improvements proposed to be installed, including:

a. The approximate timing of installation, and

b. The method of financing.

4. Special improvements to be made by the developer and the approximate timing of such improvements are to be complete. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances.

GG. Proposed services or other listed items may be on a separate map for clarity.

COMMENT:

All of the applicable information listed above is contained on the submitted Existing Conditions Plan, Preliminary Plat, and Preliminary Site Plan (see Exhibit 3). No portion of the site will be dedicated to the public. The applicant plans to construct the proposed 9th Avenue frontage improvements and extend public utilities during the spring of 2021 with a construction loan. As required, all public improvements will be installed prior to recording of the final plat.

TITLE 17: ZONING

Chapter 17.08: General Provisions

Section 17.08.033: Fences, Hedges, and Walls.

C. General Standards. Construction of fences and walls shall conform to all of the following requirements:

COMMENT:

The applicant is not proposing to install any new fences, hedges, or walls with the proposed partition. Therefore, these standards do not apply.

Section 17.08.040 : Clear-Vision Areas.

C. Standards. The clear vision areas extend across the corner of the private property from one street to another. The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20 feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City Manager or designee, upon finding that additional sight distance is required (i.e. due to roadway alignment, etc.).

There shall be no solid fence, wall, vehicular parking, landscaping, building, structure, or any other obstruction to vision other than a street sign pole (e.g. power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two feet and eight feet above the grade, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except as follows.

COMMENT:

The attached Preliminary Site Plan demonstrates that a clear vision area meeting the above standards will be provided at the intersection of the Private Drive A and 9th Avenue (see Exhibit 3).

Section 17.08.090: Off-Street Parking Requirements.

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

H. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building used for off-street parking or loading.

Use:

1. Single-, two- and multi-family dwelling

Space Requirement:

Two spaces per dwelling unit

COMMENT:

The applicant is proposing to create 7 single-family detached lots with the planned development. The attached Preliminary Site Plan identifies the location of proposed driveways. As required, a minimum of 2 off-street parking spaces will be provided for each single-family dwelling unit that is sited on the proposed lots (see Exhibit 3).

Section 17.08.100: Accesses and Driveways

Accessways onto a public right-of-way shall be subject to issuance of a public works permit and review by the city planner. In addition, the following specific requirements shall apply to all accessways, approaches, curbcuts and driveways.

A. Approaches. Additions to, or new construction of, a garage or accessory structure, or an addition to the main structure in excess of 120 square feet, shall provide the basis for requiring the following.

1. An access approach to a city street, state highway, alley or other public right-of-way shall be hard surfaced and constructed in accordance with city design standards.

2. An access approach shall extend 20 feet onto the property, measured from the right-of-way or property line, whichever is closest to a structure on the property.

3. In addition to the above, if the street is hard surfaced the approach will extend to the existing hard surface roadway edge or curb whichever applies.

4. An access approach to streets which are not yet improved or hard surfaced, requires that the property owner enter into an agreement with the city, prior to issuance of a public works permit, to hard surface the approach when the street is hard surfaced or improved.

COMMENT:

The attached Preliminary Site Plan and Private Street A Plan indicate that the applicant is proposing to develop a private road for access to Lots 1-7. To meet the above standards, the private street will be surfaced in asphalt (see Exhibit 3). The attached 9th Avenue Frontage Plan indicates that the adjacent public right-of-way is currently improved with an asphalt surface.

B. Construction specifications. A driveway and sidewalk used as a part of an accessway shall be designed and constructed in accordance with plans and specifications on file in the office of the City Engineer. The designs, plans and specifications are by reference incorporated into and made a part of this

code.

COMMENT:

The attached Private Street A Plan demonstrates that the proposed private drive includes a sidewalk that has been designed to meet City standards (see Exhibit 3).

C. Driveway Standards.

1. If only one driveway is desired, the maximum width of the driveway at the edge of the roadway or curbline is as follows:

a. Twenty feet for property with less than 50 feet of frontage;

b. Twenty-five feet for property with between 50 and 75 feet of frontage; and

c. Thirty feet for property with more than 75 feet of frontage.

COMMENT:

The submitted Preliminary Site Plan indicates that Lots 1-7 have proposed access from Private Street A (see Exhibit 3). The applicant's Preliminary Plat demonstrates that the site has 50.04-ft. of frontage on 9th Avenue. Therefore, the proposed 24-ft. width of Private Street A meets the standards of this section.

2. If more than one driveway is desired for property with 50 to 100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted.

3. There shall be a minimum separation of 22 feet between all driveways except for single-family and two-family dwellings.

COMMENT:

The attached Preliminary Site Plan indicates that only one driveway is proposed for each of the lots (see Exhibit 3). Since single-family dwellings are proposed for the subject site, a minimum separation of 22-ft. between driveways is not required.

4. **For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.**

5. **One-way driveway approaches, except for those used in conjunction with a single-family dwelling, shall be clearly marked or signed as approved by the City Engineer and shall not be less than ten feet in width. Two-way driveways shall not be less than 20 feet in width.**

COMMENT:

The attached Preliminary Plat demonstrates that no lots provide a frontage in excess of 100-feet. The proposed two-way private street serving Lots 1-7 is 24-ft. wide, meeting the standards of this section.

6. **Joint Driveways**

   A. **Joint use driveways are permitted.**

   B. **A joint use driveway shall comply with International Fire Code.**

   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, 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 the property owners.**

COMMENT:

Proposed Private Street A will provide access to Lot 1-7, however the attached Preliminary Site Plan indicates that no joint use driveways are proposed (see Exhibit 3). The plan demonstrates that a turnaround meeting Fire Code standards has been proposed at the west terminus of the roadway. The proposed private street will be located within Tract 'A' and Tax Lot 303, which will be owned and maintained by all of the property owners within the planned development. As required, a maintenance agreement will be executed and recorded to document property owner responsibilities.

D. Distance from intersection.

1. All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius, which is the nearest beginning point of the arc of a curb:

Local Street: 20 feet

COMMENT:

The attached Preliminary Plat indicate that the proposed Private Street A is located approximately 27-ft. north of the intersection of 9th Avenue and Nandina Street (see Exhibit 3). Therefore, the above standards have been met.

E. Number of accesses permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.

COMMENT:

The applicant's Preliminary Site Plan indicates that proposed Private Street A consolidates access for the site and provides only one connection to 9th Avenue for Lots 1-7 (see Exhibit 3). Therefore, the proposed private street provides the minimum necessary access points for safe and reasonable access from the site to 9th Avenue.

F. Double frontage properties. Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.

COMMENT:

The attached Preliminary Site Plan demonstrates that the subject site is not a double frontage property (see Exhibit 3). The applicant is proposing to consolidate all access on Private Street A, which is a lower classification street than 9th Avenue.

G. Joint access encouraged. Common accessways at a property line shall be encouraged and, in some instances, may be required, in order to reduce the number of access points to street. Construction of common accessways shall be preceded by recording of joint access and maintenance easements.

COMMENT:

To reduce turning conflicts and the number of driveway connections to 9th Avenue, the applicant is proposing to consolidate access to Lots 1-7 through Private Street A. Therefore, this standard is met.

H. Maximum slope. Access and approach grades shall not exceed 10% slope except as otherwise approved by the City Engineer.

COMMENT:

The attached Preliminary Grading Plan demonstrates that proposed grades for Private Street A do not exceed a 10% slope (see Exhibit 3).

Chapter 17.12: Administration and Enforcement

Section 17.12.010: Authorization to Initiate Amendments.

An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the City Manager, the City Planning Commission, the City Council or a property owner. A quasijudicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the City Manager, the Planning Commission or the City Council. A request for a quasijudicial zone map amendment by a property owner shall be accomplished by filing an application with the City Planner at least 45 days prior to the Planning Commission meeting and using forms

prescribed pursuant to § 17.12.100.

COMMENT:

As permitted by this Section, the property owner has initiated a quasi-judicial zone map amendment. City staff will ensure that the Planning Commission public hearing is held at least 45 days after the application is filed.

Section 17.12.020: Public Hearings on Amendments.

A. The Planning Commission may elect to conduct a public hearing on a proposed amendment.

B. The Planning Commission shall recommend to the City Council approval, disapproval or modification of the proposed amendment.

C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

D. All public hearing procedures shall be in accordance with §§ 17.12.120 and 17.12.130.

E. Within seven days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Notice of the decision shall be mailed to the applicant, property owner, those who provided written comments on the proposal, and those who requested a copy of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

COMMENT:

As required, the concurrently filed Amendment to the Comprehensive Plan or Zoning Map application and Planned Development application will be reviewed at a Planning Commission public hearing prior to forwarding their recommendation to City Council. A second public hearing will be conducted by City Council when they issue a decision for both applications.

Section 17.12.025: Review Criteria for Map Amendments.

An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;

COMMENT:

As required, this Applicant's Statement has addressed how the proposed map amendment is consistent with applicable Comprehensive Plan goals and policies.

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

COMMENT:

The subject site consists of Tax Lot 401 of Tax Map 1301E31BD. Currently, Tax Lot 401 is currently designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map. The subject parcel is located in the northwest quadrant of town and is accessed from 9th Avenue. This area generally contains Central Commercial designated properties from Highway 20 to Nandina Street, High Density Residential properties from Nandina Street to the railroad right-of-way, and Low Density Residential properties north of the railroad right-of-way. Since the property is located between Nandina Street and the railroad right-of-way, the proposed map amendment is consistent with the existing land use pattern.

In 2017, the City completed an Economic Opportunity Analysis (EOA) which determined that there is an 18-acre surplus of commercial land for the 2017—2037 planning period. The report indicates that 584 additional jobs will be created in Sweet Home during the planning period, and if housing supply cannot keep up with demand, housing affordability will become a significant issue for the City. The EOA indicates that in 2016, average housing sales ranged between $135,000 and $150,000. In 2020, the average home listing is $270,000. Therefore, the proposed High Density Residential designation and Planned Development proposal for the site will help meet the current demand for more moderately priced workforce housing in Sweet Home.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

COMMENT:

The attached Existing Conditions Plan indicates that Tax Lot 303 fronts 9th Avenue, which is currently improved with a paved surface and curbs. Public water and sanitary sewer main lines, as well as electrical and communication lines, are also installed within the right-of-way. The attached Site Plan, and Sanitary Sewer and Water Plan, demonstrate how utilities and transportation facilities can be extended through Tax Lot 303 to serve the subject property's proposed residential use (see Exhibit 3).

D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

COMMENT:

The applicant has addressed how the proposed map amendment is consistent with Oregon Statewide Planning Goals in the narrative provided below.

Chapter 17.28: R-2 Residential High-Density Zone

Section 17.28.040: Lot Size and Width.

Except as provided in, Sweet Home Municipal Code § 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:

C. The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be 5,000 square feet;

COMMENT:

The applicant has submitted an Amendment to the Comprehensive Plan or Zoning Map application to Tax Lot 401 within the R-2 zone. The applicant is also requesting concurrent approval of a Planned Development application to create 7 residential lots on the subject site. Through the planned development process, the applicant is requesting to modify the R-2 minimum lot size standard. The attached Preliminary Plat indicates that proposed lot sizes range from 3,019 sq. ft. to 5,340 sq. ft. (see Exhibit 3).

E. The minimum lot width at the front building line shall be as follows:

1. Seventy feet for a corner lot;

2. Sixty feet for an interior lot; and

3. Twenty five feet for a single-family attached dwelling lot.

COMMENT:

The submitted Preliminary Plat demonstrates that all of the proposed lots front Private Street A. Through the planned development process, the applicant is requesting to modify the R-2 zone minimum lot width standard. The attached Preliminary Plat indicates that the proposed lot widths range from 41.00-ft to 89.86-ft. (see Exhibit 3).

Section 17.28.050: **Yards.**

Except as provided in Chapter 17.80 and §§ 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

A. The front yard setback shall be a minimum of 20 feet;

B. Each side yard setback shall be a minimum of five feet;

C. The street yard setback shall be a minimum of 15 feet;

D. The rear yard setback shall be a minimum of ten feet;

E. Single-family attached dwellings:

1. Front shall be a minimum of 15 feet;

2. The sides between units shall be zero feet;

3. The sides on exterior boundaries shall be five feet;

4. Street side shall be a minimum of 10 feet; and

5. Rear shall be a minimum of ten feet.

COMMENT:

The attached Preliminary Site Plan indicates that the applicant is proposing to modify the minimum front yard setback from 20-ft. to 10-ft., and the street yard setback from 15-ft. to 10-ft., through the planned development process. All other standard setbacks for the R-2 zone will be maintained on each of the proposed lots (see Exhibit 3). The attached plan illustrates that the applicant is proposing to orient all of the rear yards of the lots towards Ames Creek.

F. On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet.

COMMENT:

The attached Preliminary Plat indicates that no flag lots are proposed (see Exhibit 3).

Section 17.28.060: Lot Coverage.

Building coverage shall meet the following standards: all buildings, except single-family attached dwellings, shall occupy not more than 60% of the lot area.

COMMENT:

The applicant's Preliminary Site Plan demonstrates that the potential building footprints will not occupy more than 60% of the lot area.

Section 17.28.070: Building Height.

Except as provided in Sweet Home Municipal Code § 17.08.060, in a R-2 zone building heights shall be as follows:

A. Single-family dwellings shall not exceed a height of 30 feet;

B. Two-family, single-family attached dwellings and multi-family dwellings shall not exceed a height of 40 feet; and

C. Accessory structures, including detached accessory dwellings, shall not exceed 20 feet in height at the apex of the roof.

COMMENT:

At this time, specific development plans have not been determined for the proposed single-family detached lots. City staff will verify that the above height standards are met when building permits are requested for the future homes.

Section 17.28.080: Minimum Building Size.

Dwellings, excluding accessory dwellings, in the R-2 zone shall have a minimum building size of 720 square feet.

COMMENT:

As required, future dwellings on the lots will meet the above minimum building size standard. Compliance with this standard will be verified at the time of building permit review.

Section 17.28.090: Homes on Individual Lots.

A. A home, including accessory dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 32 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 32 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 32 inch limitation will not apply.

B. The base of a home, including accessory dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone or combination thereof, or shall have continuous skirting which matches the exterior.

C. A home, excluding accessory dwellings, shall have a nominal width of at least 24 feet.

D. A home, including accessory dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

COMMENT:

At this time, the design of future dwellings on Lots 1-7 have not been determined. When building permits are requested for the homes, City staff will verify compliance with the above design standards.

Section 17.28.100: Garage and Off Street Parking Requirements.

A. All single-family, two-family and single-family attached dwellings, excluding accessory dwellings, will have, at minimum, the following:

1. A garage or carport; and

2. Two hard surfaced off-street

parking spaces shall be provided.

COMMENT:

The attached Preliminary Site identifies the approximate location of 20-ft. wide driveways which will provide access to a garage or carport on each of the lots (see Exhibit 3). City staff will verify that the above standards are met during building permit review.

Chapter 17.48: PD Planned Development Zone

Section 17.48.020: Establishment in Combination With the Underlying Zone.

A PD zone is an overlay zone that can be applied in conjunction with any other zone designation. Although this overlay designation permits modifications to the site development standards of the underlying zone standards, it does not permit changes in uses specified by the underlying zone. The following subsections allow for Planning Commission review of a detailed development plan. When a planned development project is proposed without a Planned Development Zone designation, the Official Zoning Map shall be amended with a planned development overlay designation for the subject development site.

COMMENT:

The applicant is proposing a Zoning Map amendment to designate the site R-2. The applicant has also submitted a concurrent Planned Development application to subdivide the site into 7 single-family detached lots and modify the minimum lot size, minimum lot width, front yard setback, and street yard setback standards of the R-2 zone. If the Planned Development application is approved, a PD overlay zone will be assigned to the subject property.

Section 17.48.030: Standards and Requirements.

Approval of a request for a planned development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply.

A. A use permitted in an underlying zone may be permitted in a planned development.

COMMENT:

The applicant is proposing to create 7 lots for single-family detached dwellings with the proposed planned development. Since a concurrent Amendment to the Comprehensive Plan or Zoning Map application has also been submitted to designate Tax Lot 401 as R-2, the intended residential use will be permitted use in the proposed underlying zone.

B. A planned development must meet the applicable requirements of Oregon Revised Statutes for planned developments.

COMMENT:

As required, through the final plat process with the City of Sweet Home and Linn County, the proposed development will meet applicable ORS requirements for planned development.

C. Public and private streets shall be developed to city standards.

D. Pedestrian walkways and bikeways shall be provided for adequate internal pedestrian and bicycle traffic and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors or public trails.

COMMENT:

The attached Private Street A Plan demonstrates that proposed private roadway has been designed to meet City standards (see Exhibit 3). The private street improvements include 24-ft. of pavement, 6-in. curbs, a 5-ft. sidewalk, and a turnaround meeting Fire Code standards. The submitted Preliminary Site Plan includes recreational amenities that are accessed by a pedestrian path. Therefore as proposed, the development provides adequate internal circulation for all mode of travel.

E. All utility facilities shall be installed underground and in accordance with city standards.

COMMENT:

As demonstrated by the attached Preliminary Development Plans, all utilities facilities will be installed underground in accordance with City standards.

F. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses and other recreational facilities, but does not include streets, sidewalks, bikeways, access corridors or trails.

COMMENT:

The planned development's proposed open space area and recreational amenities are located within Tract 'A'. The proposed gazebo, picnic table, and BBQ grill are accessible from the sidewalk along Private Street A.

G. 1. A facility providing services in support of uses within a planned development may be permitted in any zone within the planned development. Services in support may include such services as housekeeping, landscape maintenance, security, meeting rooms, clubhouses, swimming pools, tennis courts, catered food service facilities, parking, offices and related facilities for staff, administrators, owners associations and owners and their guests.

2. Provisions shall be made to buffer these uses from incompatible uses on adjoining properties.

COMMENT:

The applicant is proposing to develop the proposed recreational amenities within the common open space area of Tract 'A'. Since the facilities are located at least 42-ft. from all perimeter property lines, they are adequately buffered from abutting uses.

H. Phases, if proposed, shall be:

COMMENT:

The applicant is not proposing a phased development, therefore these standards do not apply.

Section 17.48.040: Application.

The person filing the application must be the owner or his or her agent. If the planned development is to include land in more than one ownership, the application must be submitted jointly by all of the owners of the separately owned properties to be included.

A. Application requirements.

1. **One copy of the narrative on eight and one-half inches by 11 inches sheets;**

2. **Four sets of scaled drawings of the conceptual development plan, with sheet size not to exceed 24 inches by 36 inches. Where necessary, an overall plan with additional detail sheets may be submitted;**

3. **One set of the development plan shall be reduced to fit on eight and one-half inches by 11 inches sheets of paper. Names and numbers must be legible on this sheet size; and**

4. **After the application is accepted as complete, any revisions may require a new application, additional filing fees and rescheduling of the public hearing.**

COMMENT:

The attached property deed indicates that Good Faith Management, LLC is the only owner of the subject site. This Applicant Statement serves as the required land use application narrative. As required, the submitted application packet includes the number of plan copies requested by the City.

B. Development plan required. All applications shall be accompanied by a development plan drawn to scale showing the following:

1. **Use or uses;**

2. **Dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, open spaces, including landscaping;**

3. **Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses; and**

4. **Such other pertinent information shall be included as may be considered necessary by the review authority to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and Title 16 of this code of ordinances.**

COMMENT:

The attached Preliminary Development Plans include all of the required information listed above (see Exhibit 3).

C. **Narrative requirements. A written statement shall include the following information:**

1. **A description of the character of the proposed development;**

COMMENT:

Section II of this Applicant's Statement includes a detailed description of the character of the proposed development.

2. **Analysis of how the application meets the review criteria;**

COMMENT:

This narrative addresses how the Planned Development application meets the criteria for approval.

3. **Intentions with regard to ownership in the planned development;**

COMMENT:

The applicant intends to develop each of the proposed lots with single-family detached dwellings. After the site is developed, the applicant intends to sell the developed parcels to homebuyers.

4. **Quantitative data for the following where appropriate:**

a. **Total number and type of**

dwelling units;

COMMENT:

The applicant is proposing to develop a total of 7 single-family detached dwelling units on the subject site.

b. Parcel sizes;

COMMENT:

The attached Preliminary Plat indicates that the proposed parcel sizes range from 3,019 sq. ft. to 5,340 sq. ft. (see Exhibit 3).

c. Proposed lot coverage of buildings and structures where known;

COMMENT:

At this time, the applicant has not determined specific building plans for the proposed single-family lots. Lot coverage standards will be verified by City staff when future building permits are requested for the proposed lots.

d. Gross densities per acre;

e. Total amount of open space; and

COMMENT:

The attached Preliminary Site Plan identifies the location of proposed common open space within the planned development. The portion of Tract 'A' which is south of Private Street A, and includes the proposed recreational amenities and open space along Ames Creek is 39,139 square feet. An additional 3,475 sq. ft. of common open space is provided on the north side of Private Street A.

f. Total amount of nonresidential construction.

COMMENT:

The proposed recreational amenities include a gazebo structure, which contains approximately 100 square feet.

5. General statement of intentions concerning timing, responsibilities and assurances for all public and non-public improvements; and

COMMENT:

If the proposed map amendment and planned development is approved by December 2020, then construction plans will be prepared and permits could be issued by April 2021. Based on this timeline, construction of the 9th Avenue frontage improvements, Private Street A, and installation of utilities could be completed by August 2021. It is anticipated that home construction on the proposed lots will continue into mid-2022.

6. Statement describing project phasing, if proposed.

COMMENT:

The applicant is not proposing to phase this planned development project.

Section 17.48.050: Review Criteria.

A. Requests for approval of a planned development shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the city.

COMMENT:

This Applicant's Statement addresses how the proposed planned development is consistent with this chapter, the Comprehensive Plan, and other applicable City policies and standards.

B. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable:

1. Basic site design, including the organization of uses on a site;

COMMENT:

The applicant's Existing Condition Plan indicates that the subject site consists of one parcel, Tax Lot 401. Due to the unique configuration of the site, the applicant is extending Private Street A from 9th Avenue through the narrow width of Tax Lot 303 and the proposed single-family lots are located within the northern portion of Tax Lot 401. The Preliminary Site Plan indicates that a 50-ft. riparian buffer is provided from the Ames Creek top of bank. Due to the proposed alignment of Private Street A, the proposed design also buffers the single-family lots from the railroad right-of-way. With this layout, only Lot 1 abuts an adjoining property, a vacant parcel owned by VFW 3437 to the west of the site (see Exhibit 3). Therefore, based on the site design, the planned development project is compatible with surrounding uses and will protect natural resource areas on the subject property.

2. **Visual elements (scale, structural design and form, materials and so forth);**

COMMENT:

At this time, the applicant has not developed detailed plans for the proposed single-family dwellings. However, since the dwellings will be designed to meet Chapter 17.28 standards, they will be compatible with adjacent developments.

3. **Noise reduction;**

4. **Noxious odors;**

5. **Lighting;**

6. **Signage;**

COMMENT:

Future residents within the planned development will be required to comply with Title 8 and 9 standards so that noise and odor requirements are met for the residential use. As required, exterior lighting will be shielded so that it is not cast beyond the property lines of the proposed lots. In addition, future residents will need to adhere to Chapter 17.96 standards, which regulate the placement of signs.

7. **Landscaping for buffering and screening;**

COMMENT:

As required, plans demonstrating compliance with the City's landscape standards will be provided when construction permits are requested for the development.

8. **Traffic;**

COMMENT:

The applicant is proposing to develop 7 single-family dwellings on the subject site, which will generate 5.26 AM peak hour trips and 7 PM peak hour trips. Since the number of trips generated by the planned development is low, the existing transportation system can accommodate the anticipated traffic impacts.

9. **Effects on off-site parking; and**

COMMENT:

The existing pavement width of 9th Avenue is approximately 40-ft., therefore on-street parking can be accommodated along both sides of the roadway. The attached Preliminary Site Plan illustrates that Private Street A will require a curb cut on 9th Avenue, reducing the amount of on-street parking by 2 spaces.

10. Effects on air and water quality.

COMMENT:

With the potential use of wood burning stove and gas powered yard maintenance equipment, the proposed residential use will have only marginal impacts on air quality. The submitted Storm Drain Plan and Preliminary Stormwater Report demonstrates that water quality will be protected with the development of the proposed stormwater facilities within Tract 'A' (see Exhibits 3 and 4).

C. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and their ability to carry out the project as proposed.

COMMENT:

The submitted Preliminary Development Plan, Preliminary Stormwater Report, and Wetland Delineation Report demonstrate that the planned development is a feasible and carefully crafted proposal.

D. Construction can begin within six months of the conclusion of any necessary action by the city, or within such longer period of time as may be established by the Planning Commission.

COMMENT:

If land use approvals are granted by December 2020, then construction permits could be issued by April 2021. Based on this timeline, construction of the 9th Avenue frontage improvements, Private Street A, and installation of utilities would occur during the summer of 2021.

E. The proposal conforms with location and general development standards of the city.

COMMENT:

This Applicant's Statement and Preliminary Development Plans demonstrate that the proposed development is appropriately located and complies with the City's general development standards.

F. The project will benefit the city and the general public in terms of need, convenience, service and appearance so as to justify any necessary variances to the regulations of Titles 16 and 17 of this code of ordinances.

COMMENT:

In 2017, the City completed an Economic Opportunity Analysis (EOA) which indicates that 584 additional jobs will be created in Sweet Home during the 20-year planning period, and if housing supply cannot keep up with demand, housing affordability will become an issue for the community. The EOA states that in 2016, average housing sales ranged between $135,000 and $150,000. In 2020, the average home listing in Sweet Home is $270,000. Therefore, the modifications requested through the planned development process are justified by provision of addition moderately priced housing for the local workforce.

The submitted Preliminary Site Plan identifies the location of proposed common open space within the planned development. The portion of Tract 'A' that is south of Private Street A, and includes the riparian corridor along Ames Creek and recreational amenities for the development, is 39,139 square feet. An additional 3,475 sq. ft. of open space is provided on the north side of Private Street A. Therefore, the requested modifications to the minimum lot area, minimum lot width, front yard setback, and street yard setback standards are justified by the provision of open space and protection of sensitive environmental resources within the development.

G. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required on or off site.

COMMENT:

Per Section 16.12.020, a Residential Neighborhood Street may be developed within planned development, providing 20-ft. of paved width, no on-street parking, and no curbs or sidewalks. The attached Preliminary Site Plan indicates that Private Street A exceeds these standards with the provision of a 24-ft. paved width, curbs, and a sidewalk on one side of the roadway. Adequate off-street parking will be provided with the development of 2 parking spaces within a carport or garage, and the provision of an additional 2 spaces in the driveway. The submitted plans demonstrate that access to all of the lots will be provided through the private street, therefore only one connection through Tax Lot 303 to 9th Avenue is proposed. With the proposed Private Street A and 9th Avenue frontage improvements, the proposed project satisfactorily addresses traffic impacts it generates.

H. The project will satisfactorily take care of sewer and water needs consistent with city policy and plans.

COMMENT:

The attached Preliminary Sanitary Sewer and Water Plan demonstrate that these facilities have been designed to meet the needs of the development and will be constructed to meet City standards (see Exhibit 3).

I. A planned development in a residential zone will not result in a higher density

than permitted by the Comprehensive Plan for the underlying zone.

COMMENT:

Currently, Tax Lot 401 is designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map. The applicant is proposing to amend the Zoning Map to designate the parcel as R-2 (High Density Residential). Under the R-2 zone standards, up to 35 multi-family dwelling units may be developed on the site. However, the applicant is only proposing to develop 7 single-family dwelling units. Therefore, the above standard is met.

Chapter 17.72: NR Natural Resources

Section 17.72.030: Applicability.

The procedures and requirements of the NR Zone apply to any parcel designated as having one of the following identified natural resources:

A. Significant wetlands, as mapped in the city's Local Wetlands Inventory (LWI); and

B. Riparian corridors, as mapped in the city's Riparian Inventory.

COMMENT:

As indicated on the Existing Conditions Plan, a delineated wetland and a portion of Ames Creek are located on the site. Therefore, the procedures and requirements of the NR Zone apply to the subject parcels.

Section 17.72.040: Activities Subject to Review.

In an NR zone, the following actions are subject to the review:

A. New structural development;

B. Exterior expansion of any building or structure;

C. Increases in impervious surfaces or storage areas;

D. Grading, excavation or fill; and

E. Removal of native vegetation.

COMMENT:

The applicant is proposing a planned development to create 7 single-family lots, a private street, and an open space area with recreational amenities within Tract 'A'. Since new structure development, an increase in impervious surfaces, grading activities, and removal of native vegetation will occur, the proposed activities are subject to review.

Section 17.72.050: Exceptions in the Riparian Zone.

The following activities may be excepted from the requirements of this chapter upon administrative review approval that they are designed to meet the standards listed in this chapter.

A. Drainage facilities, utilities and irrigation pumps;

B. Streets, roads, driveways or paths;

C. Water-related and water-dependent uses;

D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

E. Removal of non-native vegetation and replacement with native plant species; and

F. Alteration of the area by placement of structures or impervious surfaces within the Riparian Zone upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures; providing that, the alterations not exceed 50% of the width of the riparian area, measured from the upland edge of the Zone.

COMMENT:

The submitted Preliminary Site Plan identifies the location of the top of bank along Ames Creek, a 50-ft. wide riparian buffer along the waterway, and the delineated wetland. The plan indicates that Private Street A will encroach 2,390 sq. ft. into the 50-ft. buffer. However as listed above, this activity is exempt from the requirements of this chapter.

Section 17.72.060: Agency Review.

Decisions made by the City of Sweet Home under this chapter do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question.

A. It is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained.

B. The city will notify the Division of State Lands for development permits and other land use decisions affecting inventoried wetlands.

COMMENT:

Attached is a Wetland Delineation Report which was prepared by a qualified biologist. The report was reviewed by the Department of State Lands and concurrence has been provided to the applicant (see Exhibit 5). As required, necessary state or federal permits will be obtained for the proposed wetland impact prior to commencing construction activities on the site.

Section 17.72.070: General Development Standards.

A. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property.

Natural Area

Width of Vegetated Corridor, per side
Ames Creek and Wiley Creek 50'

B. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event.

COMMENT:

The City's Local Wetlands Inventory does not identify wetlands on the subject site. However, the attached Existing Conditions Plan and Wetland Delineation Report indicate that a wetland is present in the central portion of Tax Lot 401 (see Exhibits 3 and 5). The location of the required 50-ft. vegetated corridor along Ames Creek is also illustrated on the plan.

C. For an exception to be allowed, the applicant shall comply with the following requirements:

1. Demonstrate that no other practicable access to the buildable area exists;

2. Design roads, driveways and paths to be the minimum width necessary while allowing for safe passage of vehicles and/or pedestrians;

3. Consider the need for future extensions of shared access, access easements or private streets in order to avoid subsequent encroachments into a significant natural resource;

COMMENT:

As mentioned above, the applicant is requesting an exception to the standards of this chapter for the proposed encroachment of Private Street A improvements into the 50-ft. vegetated corridor. The attached Preliminary Site Plan demonstrates that Private Street A is aligned so that it connects to 9th Avenue through Tax Lot 303. The private roadway then turns sharply north to avoid sensitive areas on the site and provide access to the proposed single-family lots. This street design provides safe passage of vehicles, meets the required turning radius for fire apparatus and waste collection vehicles, and minimizes encroachment into the riparian area. All of the proposed lots share access from the private drive so that subsequent encroachments will not be required. Due to the location of the riparian corridor and the site's limited access to 9th Avenue, no other practicable access to the buildable area exists.

4. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural

resource;

5. **Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering a significant natural resource;**

COMMENT:

The applicant has submitted a Preliminary Grading and Erosion Control Plan with this application packet (see Exhibit 3). As required, no stockpiling of fill materials, parking, or storage of equipment will occur within the riparian corridor while construction activities take place.

6. **Utilities and drainage facilities: Public and private utilities or drainage facilities may be placed when it is shown that no other practicable alternative location exists. If a utility or drainage facility is allowed, the following standards shall apply:**

    a. **Demonstrate that no other practicable access exists;**

    b. **The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into a significant natural resource;**

    c. **Removal of trees and native vegetation shall be avoided unless absolutely necessary. Native vegetation shall be used to restore the vegetative character of the construction corridor;**

    d. **The existing grade of the land shall be restored after construction; and**

    e. **No stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant**

natural resource.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the buildable area is located in the rear of the site and grades on the parcels slope down towards Ames Creek. Based on the layout, stormwater from the development must be managed in the rear of the site before it is discharged into the waterway. The attached Preliminary Storm Plan illustrates that the location of Stormtech chambers and an outfall structure to minimize impacts to the vegetated corridor to the maximum extent practicable. Only trees that are impacted by required grading activities will be removed, and no stockpiling of materials or equipment is proposed within the significant natural resource area. As required, a planting plan demonstrating compliance with the City's native vegetation mitigation requirements will be submitted with the applicant's future request for construction permits.

7. Structures or other non-conforming alterations existing fully or partially within a significant Natural Resource may be expanded provided the expansion occurs outside of a significant natural resource. Substantial improvement of a non-conforming structure in a significant natural resource shall require compliance with the standards of this chapter.

8. Existing lawn within a significant natural resource may be maintained, but not expanded within the limits of a significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

COMMENT:

The applicant is not proposing to expand an existing structure or maintain lawn areas within the significant natural resource area, therefore these standards do not apply.

D. 1. Removal of non-native vegetation and replacement with native plant species is allowed and shall comply with the following requirements.

2. The replacement vegetation shall at a minimum:

a. Cover the area from which

vegetation was removed;

b. Maintain or exceed the density of the removed vegetation; and

c. Maintain or improve the shade provided by the vegetation.

COMMENT:

A planting plan demonstrating compliance with the City's requirements will be submitted with the applicant's future request for construction permits. As required, replacement vegetation will meet the above standards.

E. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Community Development Director.

COMMENT:

There are no trees which have been identified as being in danger of falling or posing a hazard to life or property on the subject site. Therefore, this section does not apply.

F. The control or removal of nuisance plants should primarily be by non-chemical means (e.g. hand-pulling).

1. If non-chemical means fail to adequately control nuisance plant populations, a glyphosate based herbicide, or other environmentally safe herbicide, may be used.

2. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used.

3. Herbicide applications must be applied according to manufactured specifications.

COMMENT:

As required, any removal of nuisance plants within natural resource areas will be completed in accordance with the above standards.

Section 17.72.090: Mitigation Standards.

When impacts to any identified significant natural resource occur, mitigation will be required.

A. For impacts to wetlands, the following standards and criteria shall apply.

1. The applicant must obtain a fill and removal permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers.

2. The applicant must provide an approved mitigation plan that complies with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations.

COMMENT:

If the proposed map amendment and planned development requests are approved, the applicant will obtain a fill and removal permit from DSL and the Corps of Engineers for the proposed wetland impacts. As required, a mitigation plan that meets agency standards will be submitted with the permit application.

B. For impacts to riparian corridors, the following standards and criteria shall apply:

1. A mitigation plan prepared by a qualified professional shall be submitted to the city. The mitigation plan shall meet the following criteria:

a. Mitigation for impacts to a non-wetlands riparian area shall require a minimum mitigation area ratio of one to one;

b. The mitigation plan shall document:

(1) The location of the impact;

(2) **The existing conditions of the resource prior to impact;**

(3) **The location of the proposed mitigation area;**

(4) **A detailed planting plan of the proposed mitigation area with species and density; and**

(5) **A narrative describing how the resource will be replaced.**

COMMENT:

As required, a mitigation plan meeting City planting requirements will be submitted with the applicant's future request for construction permits. The mitigation plan will demonstrate compliance with the standards listed above.

2. **Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact.**

3. **All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity.**

4. **Trees shall be planted at a density of not less than five per 1,000 square feet. Shrubs shall be planted at a density of not less than ten per 1,000 square feet.**

COMMENT:

Mitigation for the proposed impacts will occur within Tract 'A', as close to the impact area as possible. As required, the mitigation plantings will be native to the region, will replace trees and vegetation impacted by the development activity, and will meet the density requirements of this section.

B. CITY OF SWEET HOME COMPREHENSIVE PLAN

CHAPTER 2: LAND USE ELEMENT

General Development Policies

Policy 1: Land allocation for the various uses (residential, commercial and industrial) will be based on anticipated needs for development.

COMMENT:

The City of Sweet Home last updated the Residential Lands Housing chapter of the Comprehensive Plan when ECONorthwest completed a Housing Needs Analysis in 2001. Since the analysis evaluated housing needs for the 2000-2020 planning period, these findings are no longer relevant when determining current residential land needs. However in 2017, as part of the City's Economic Opportunity Analysis (EOA), ECONorthwest evaluated commercial land needs, as well as housing needs for supporting new employment, for the 2017-2037 planning period. Based on this analysis, there is an 18 acre surplus of commercial land during the planning period. The EOA also determined that 584 additional jobs will be created in Sweet Home from 2017-2037, and if housing supply cannot keep up with demand, housing affordability will become a significant issue for the community. The EOA indicates that in 2016, average housing sales ranged between $135,000 and $150,000. In 2020, the average home listing is $270,000.

Since home prices have increased more than 40% over the last 4-5 years, it is reasonable to conclude that additional land should be allocated for residential use to keep up with the market demand. The proposed High Density Residential designation and planned development request for the site will help meet the need for additional moderately priced workforce housing in Sweet Home. Therefore, the requested map amendment is consistent with the above policy.

Policy 5: Developers must provide documentation that development applications meet all applicable State and Federal environmental policies, including but not limited to:

- **Air - Federal Clean Air Requirements, Environmental Protection Agency regulations, and Department of Environmental Quality air regulations.**
- **Water - Federal Water Quality Protection requirements, Environmental Protection Agency regulations, and Department of Environmental Quality water quality regulations.**
- **Noise - Department of Environmental Quality Noise**

Control regulations, the Oregon Noise Control Act and all other applicable Federal, State and local noise control regulations.

- **Solid Waste - State and Federal regulations governing the handling and storage of solid waste, particularly the requirements of the Department of Environmental Quality.**

COMMENT:

Included with this application is a Wetland Delineation Report and an Existing Conditions Plan which document natural resource areas on the subject site (see Exhibits 3 and 5). As discussed in this narrative, the applicant is providing a 50-ft. riparian buffer along Ames Creek and will obtain necessary permits from the DSL and the Corps of Engineers for the proposed wetland impacts. The attached Erosion Control Plan and Preliminary Stormwater Report demonstrate that water quality will be protected with the proposed development (see Exhibits 3 and 4). Typical noise for residential uses is anticipated for the proposed development. Convenient solid waste collection for residents is ensured by the proposed development of a turnaround at the west end of Private Street A.

Policy 6: Open space, particularly parks and recreational lands, will be provided by the developer as an integral part of any development.

COMMENT:

The attached Preliminary Site Plan demonstrates that the planned development will provide 39,139 sq. ft. of open space with recreational amenities on the south side of Private Street A. An additional 3,475 sq. ft. of open space is provided on the north side of Private Street A.

Policy 10: All new subdivisions will be provided with water, City sewer and storm drains, paved streets, curbs, sidewalks and gutters, in advance of, or in conjunction with, new development. Installation of all the above facilities will be a condition of subdivision approval and at the expense of the developer.

COMMENT:

As demonstrated by the attached Preliminary Development Plans, public utilities and transportation facilities will be installed in conjunction with the proposed development (see Exhibit 3). If the submitted land use applications are approved, these facilities will be installed at the expense of the developer.

Policy 11: Electric power, telephone, and cable distribution and service lines will be located underground in new developments. Effort will be made to place existing utility lines underground in established areas.

COMMENT:

As required, all electric and communication lines will be placed underground within the proposed public utility easement along the south side of Private Street A.

Policy 12: Emergency vehicle and equipment access will be provided during any new development.

COMMENT:

The attached Preliminary Site Plan illustrates that a turnaround meeting Fire Code standards is proposed at the west terminus of Private Street A (see Exhibit 3).

Policy 15: Conversion of lands in the Urban Growth Boundary to urban uses shall be concurrent with the provision of public utilities, facilities, and services.

COMMENT:

This narrative and the attached Preliminary Development Plans address how the proposed planned development provides public utilities, facilities, and services in accordance with City standards.

Comprehensive Plan Map Policies

Policy 4: The Planning Commission will recommend and the City Council shall determine the location of boundaries by examining the goals and policies contained within the Plan.

COMMENT:

This narrative addresses how the submitted Application for an Amendment to the Comprehensive Plan or Zoning Map is consistent with applicable goals and policies of the Comprehensive Plan. As required, the proposed map amendment will be reviewed at a Planning Commission public hearing before a recommendation is forwarded to City Council. A second public hearing will be conducted by City Council prior to issuing a decision for the application.

CHAPTER 3: NATURAL FEATURES, PARKS AND OPEN SPACE

Natural Resources Policies

Policy 2: Significant natural resources, as defined by Statewide Goal 5, are protected with a Natural Resources Overlay designation that aims to ensure reasonable economic use of property.

COMMENT:

The applicant's Existing Conditions Plan indicates that a wetland and a riparian corridor associated with Ames Creek are located on the subject site. As required, the applicant has addressed how the proposed development meets the standards of Chapter 17.72 in the narrative provided above.

Parks and Open Space Policies

Policy 1: Open space, particularly parks and recreation lands, shall be provided as an integral part of development.

COMMENT:

The attached Preliminary Site Plan indicates that the applicant is proposing to provide open space and recreational amenities along Ames Creek. As required, these features are an integral element of the proposed development.

Policy 2: Open space can apply to many types of undeveloped and improved lands. Open space can be provided by protecting natural areas, parks, school grounds, golf courses, trails, street planters and medians, and house yards.

COMMENT:

Consistent with this policy, the Preliminary Site Plan demonstrates that the natural area along Ames Creek and a portion of the on-site wetland are included in the proposed open space area (see Exhibit 3).

CHAPTER 4: RESIDENTIAL LANDS AND HOUSING

Residential Land Use Policies

Policy 1: Residential areas will offer a wide variety of housing types in locations best suited to each housing type.

COMMENT:

Due to access challenges, natural resource areas, and the limited buildable area on the subject properties, smaller single-family detached lots are well-suited for this particular site. The proposed housing type also meets the need for additional workforce housing, as supported by the City's 2017 Economic Opportunity Analysis.

Policy 3: The City encourages flexibility in design to promote safety, livability, and preservation of natural features.

COMMENT:

Through the submitted Planned Development application, the applicant is requesting modifications to minimum lot size, minimum lot width, front yard setback, and street side yard setback standards for the R-2 zone. The requested modifications will allow the applicant to protect natural resources and provide recreation amenities within the proposed common open space area.

Policy 8: Efforts will be made to complete or connect existing

sidewalks along routes to schools, parks, or commercial areas.

COMMENT:

To help provide pedestrian routes to schools, parks, and commercial areas, the applicant is proposing to install sidewalks along Private Street A and the 9th Avenue frontage.

Policy 9: Development of residential local streets, whenever possible, will increase connectivity within and between neighborhoods.

COMMENT:

Due to the site's access challenges and limited buildable area, Private Street A will provide ingress and egress to the proposed 7 single-family lots. The attached Aerial Photograph/Land Use Plan demonstrates that a railroad right-of-way is located to the north of the site and a parcel owned by the Sweet Home Veterans Club is located west of the subject property (see Exhibit 3). Adjoining parcels to the south are separated from the site by Ames Creek. Since it is not feasible to provide access to adjacent properties, the applicant is not proposing to extend Private Street A to the boundary lines of this development.

Policy 10: The maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for unit type

COMMENT:

The Preliminary Development Plans indicate that the applicant is requesting approval of a Planned Development application under the R-2 (High Density Residential) zone designation. After subtracting the access drive area, the net site area is approximately 1.64 acres. At the permitted density of 35 dwelling units/acre, up to 57 multi-family dwelling units may be developed on the site. However, the attached plans indicate that the applicant is proposing to protect natural resource areas and develop 7 single-family lots on the subject parcels.

Policy 14: Efforts will be made to extend trails, pedestrian ways, and bikeways through existing residential areas

COMMENT:

Since Ames Creek separates the proposed development from adjacent residential properties to the south of the site, the applicant is not proposing to extend trails, pedestrian ways, or bikeways through the subject properties.

Policy 15: To encourage connectivity and pedestrian access, residential blocks shall meet the development standards, except when topographical constraints make the standards impractical. When existing conditions or topography prevent a cross street, a pedestrian access way to connect streets should be

considered as part of the development.

COMMENT:

As demonstrated by the attached Aerial Photograph/Land Use Plan, connectivity between the site and adjacent properties is constrained by the railroad right-of-way to the north, Ames Creek to the south, and the non-residential use to the west of the subject properties (see Exhibit 3). Based on these factors, the applicant is not proposing to develop a new residential block connection through the site.

CHAPTER 5: ECONOMIC DEVELOPMENT AND LANDS FORECONOMIC GROWTH

Economic Development Policies

Policy 3: The City will strive to retain and enhance desirable existing commercial properties and encourage property owners' efforts to rehabilitate or redevelop older commercial areas

COMMENT:

The subject site consists of Tax Lot 401 of Tax Map 13S01E31BD. Currently, Tax Lot 401 is designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map. The subject property is currently vacant. Due to access challenges and limited visibility of the site from adjacent right-of-ways, the applicant is proposing a Zoning Map amendment to designate Tax Lot 401 as R-2. Since the site is not a desirable existing commercial property, the proposed map amendment is consistent with the above policy.

Policy 4: The Central Commercial designation is the traditional downtown shopping/business center. This designation provides for frequent shopping and service needs for residents

COMMENT:

As demonstrated by the attached Aerial Photo/Land Use Plan, the subject site is not located within an area that serves as the traditional downtown shopping/business center. Therefore, the proposed residential designation is consistent with the above policy.

Policy 6: The Highway Commercial designation provides for uses that have large size requirements, or that are oriented to highway access.

COMMENT:

The attached Aerial Photo/Land Use Plan demonstrates that the subject site has poor visibility and is not oriented towards Highway 20. Therefore, the proposed R-2 zone designation is consistent with this policy.

CHAPTER 6: TRANSPORTATION SYSTEMS

Transportation Policies

Policy 3: **The roadway design standards in the Transportation System Plan shall be implemented in the land development and land division ordinances for the development of future roadway facilities.**

COMMENT:

As required, the City implements Transportation System Plan design standards in its land development and land division ordinances. The attached Preliminary Development Plans indicate that the 9th Avenue frontage improvements have been designed according to these standards (see Exhibit 3).

Policy 4: **Private streets must be built to City standards as approved as part of the development plan.**

COMMENT:

The applicant's attached Preliminary Development Plans indicate that the Private Street A improvements are consistent with City standards. As required, the private street will be constructed as approved by the City.

Policy 8: **Many existing streets in Sweet Home do not meet the standards and it may not be possible to improve the streets to the maximum extent feasible to meet access conditions and "traffic feature" standards. It may be necessary in some circumstances to prohibit parking on one or both sides of the street, particularly on designated arterials and collectors.**

COMMENT:

The subject site is located adjacent to 9th Avenue, a local street. The attached Preliminary Site Plan indicates that a sidewalk will constructed along the frontage to meet City standards. Since the roadway is current paved with a 40-ft. width, it can accommodate on-street parking along both sides of the street.

CHAPTER 8: PLAN MANAGEMENT

Citizen Involvement Policies

Policy 2: **The Planning Commission shall conduct meetings open to the community throughout the planning process. The City advertises meetings through the media, neighborhood and community organizations, and in other ways to provide opportunities for all interested groups and individuals to participate in all stages of the planning process**

COMMENT:

As required, the concurrently filed Amendment to the Comprehensive Plan or Zoning Map application and Planned Development application will be reviewed at a Planning Commission public hearing before a recommendation is forwarded to City Council. A second public hearing will be conducted by City Council prior to issuing a decision for both applications.

Plan Amendment Policies

Policy 1: The City Council may amend the Comprehensive Plan after referral to the Planning Commission for review, revisions, and recommendations.

COMMENT:

As required, following Planning Commission review, a second public hearing for the applicant will be conducted by City Council prior to issuing a decision for the submitted application.

Policy 4: An amendment to the Comprehensive Plan shall be considered when one or more of the following conditions exist:

a. Updated data demonstrates significantly different trends than previous data;

b. New data reflects new or previously undisclosed public needs;

c. New community attitude represents a significant departure from previous attitude as reflected by the Planning Commission or City Council;

d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies

COMMENT:

The applicant is requesting approval of an Amendment to the Comprehensive Plan or Zoning Map application based on updated data and the identification of public needs. The subject site consists of Tax Lot 401 of Tax Map 1301E31BD. Currently, Tax Lot 401 is designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map.

In 2017, the City completed an Economic Opportunity Analysis (EOA) which determined that there is an 18-acre surplus of commercial land for the 2017—2037 planning period. The report indicates that 584 additional jobs will be created in Sweet Home during the planning period, and if housing supply cannot keep up with demand, housing affordability will become a greater issue in the community. The EOA indicates that in 2016, average housing sales ranged between $135,000 and $150,000. In 2020, the average home listing is now $270,000. The proposed High Density Residential designation and Planned Development proposal for the site will help meet the need for additional moderately priced workforce housing in Sweet Home.

Policy 5: **Property owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proof that all of the following conditions exist:**

a. There is a need for the proposed change;

COMMENT:

As discussed above, there is a need for additional workforce housing in Sweet Home. The 2017 EOA indicates that an adequate supply of housing is needed to maintain moderate home prices and support job creation in the City. Due to the surplus of commercial land, the proposed map amendment will not impact the City's ability to address commercial land needs. Therefore, the proposed residential designation allows the site to be developed for the highest and best use.

b. The identified need can best be served by granting the change requested;

COMMENT:

Since home prices have increased more than 40% over the last 4-5 years, it is reasonable to conclude that additional land should be allocated for residential use to keep up with market demand. The proposed High Density Residential designation and planned development request for the site will help meet the need for additional moderately priced workforce housing in Sweet Home.

c. The proposed change complies with the Statewide Planning Goals; and

COMMENT:

The applicant has addressed how the proposed map amendment is consistent with Statewide Planning Goals in the narrative provided below.

d. The proposed change complies with all other elements of the City's Comprehensive Plan.

COMMENT:

This Applicant's Statement has addressed how the proposed map amendment complies with all other elements of the Comprehensive Plan.

C. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

<u>Summary</u>: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen

involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

COMMENT:

The requested land use action is to amend the Zoning Map to designate Tax Lot 401 as R-2. In addition, the applicant has submitted a concurrent request to divide the site into 7 single-family lots through the planned development process. As required, citizens will have the opportunity to comment on the proposed map amendment and planned development requests at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

COMMENT:

As required, this Applicant's Statement addresses how the proposed land use change meets applicable goals and policies of the City of Sweet Home Comprehensive Plan. The applicant's proposal does not require that an exception be granted to any of the Statewide Planning Goals.

Goal 3: Agricultural Lands

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

COMMENT:

The subject site is currently located within the city limits of Sweet Home. Since the site is not classified as "agricultural lands", the proposed map amendment is consistent with Goal 3.

Goal 4: Forest Lands

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The attached Existing Conditions Plan identifies the location of on-site trees and indicates that a number of them will be protected within the 50-ft. riparian buffer along Ames Creek. Since the subject property does not include designated forest lands, Goal 4 is not applicable to the submitted application.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

The Existing Conditions Plan indicates that Ames Creek roughly follows the southern boundary of the site and a 50-ft. riparian corridor measured from the top of bank has been identified. Also included on the plan is the delineated boundary of an on-site wetland. The attached Preliminary Site Plan demonstrates where natural resource areas will be protected within Tract 'A'. As discussed above, the proposed development is consistent with Chapter 17.72 standards, which allows some natural resource impacts when the impacts are mitigated.

Goal 6: Air, Water and Land Resources Quality

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

COMMENT:

If the proposed map amendment and planned development requests are approved, specific development plans will be submitted for each of the lots. The development will be required to comply with local, state, and federal air and land resource quality standards. The attached Storm Drain Plan and Preliminary Stormwater Report address how water quality will be protected with the proposed development (see Exhibits 3 and 4).

Goal 7: Areas Subject To Natural Disasters and Hazards

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

COMMENT:

The attached Existing Conditions Plan indicates that the subject site does not contain any steeply sloping areas. A floodway and 100-year floodplain have been delineated on the plan. The applicant has addressed the City's floodplain standards in the narrative provided above.

Goal 8: Recreation Needs

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The City's Comprehensive Plan does not identify the subject property as a potential park site. However, the submitted Preliminary Site Plan demonstrates that a significant portion of the site will be dedicated as common open space, and recreation amenities will be developed within Tract 'A'.

Goal 9: Economic Development

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

COMMENT:

Tax Lot 401 is currently designated High Density Residential on the Comprehensive Plan Map and C-2 (Highway Commercial) on the Zoning Map. The applicant is proposing to amend the Zoning Map to designate Tax Lot 401 as R-2 (High Density Residential).

In 2017, the City completed an Economic Opportunity Analysis (EOA) which determined that there is an 18-acre surplus of commercial land for the 2017—2037 planning period. Due to the surplus of commercial land, the proposed map amendment will not impact the City's ability to address commercial land needs.

Goal 10: Housing

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

As mentioned above, there is an 18-acre surplus of commercial land for the 2017—2037 planning period. The 2017 EOA indicates that 584 additional jobs will be created in Sweet Home during the planning period, and if housing supply cannot keep up with demand, housing affordability will become a greater issue in the community. The EOA indicates that in 2016, average housing sales ranged between $135,000 and $150,000. In 2020, the average home listing is now $270,000. Therefore, the proposed High Density Residential designation and Planned Development proposal for the site will help meet the need for moderately priced workforce housing in Sweet Home. As such, the proposed Comprehensive Plan and Zoning Map amendment complies with Goal 10.

Goal 11: Public Facilities and Services

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, public utilities are located in the vicinity of the subject site. The attached Storm Drain Plan, and Sanitary Sewer and Water Plan, identify how utility services will be extended to serve the proposed use. Since the site is currently located in the city limits of Sweet Home, it has access to City fire and police services. Therefore, the proposed map amendment complies with Goal 11.

Goal 12: Transportation

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

COMMENT:

To meet Local Street standards, the applicant is proposing to install a 5-ft. curbtight sidewalk and street trees along the site's 9th Avenue frontage. To provide access for Lots 1-7, the applicant is proposing to develop Private Street A with 24-ft. of pavement, 6-in. curbs, and a 5-ft. sidewalk along the south side of the roadway. To meet Fire Code Standards, the attached Preliminary Site Plan indicates that a 20-ft. x 70-ft. turnaround with 28-ft. turning radius will be installed between Lots 3 and 4 (see Exhibit 3). With the proposed street improvements, safe and convenient facilities will support all modes of transportation.

IV. SUMMARY AND CONCLUSIONS

Based upon the findings of this Applicant's Statement and the submitted exhibits, the applicant has demonstrated compliance with relevant sections of the Sweet Home Comprehensive Plan, City of Sweet Home Code of Ordinances, and the Oregon Statewide Planning Goals. Therefore, the applicant requests that the submitted applications be approved.

VI. EXHIBITS

1. **Application Forms**

2. **Property Deed**

3. **Preliminary Development Plans**

Sheet P-1:	**Cover Sheet**
Sheet P-2:	**Existing Conditions Plan**
Sheet P-3:	**Aerial Photograph/Land Use Plan**
Sheet P-4:	**Preliminary Plat**
Sheet P-5:	**Preliminary Site Plan**
Sheet P-6:	**Preliminary Grading and Erosion Control Plan**
Sheet P-7:	**Preliminary Storm Drain Plan**
Sheet P-7A:	**Preliminary Storm Drain Basin Plan**
Sheet P-7B:	**Preliminary Storm Drain Details**
Sheet P-8:	**Sanitary Sewer and Water Plan**
Sheet P-9:	**9th Avenue Frontage Plan**
Sheet P-10:	**Private Street A Plan (1+00 – 5+00)**
Sheet P-10A:	**Private Street A Plan (5+00 – 8+80)**

4. **Preliminary Stormwater Report**

5. **Wetland Delineation Report and DSL Concurrence Letter**

6. **ODOT Rail Review of Proposed Project**

Wetland Land Use Notice Response

ATTACHMENT E

Response Page

Department of State Lands (DSL) WN# *

WN2020-0635

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Angela Clegg	City	Sweet Home

Local case file #	County
PD20-01 & ZMA20-03	Linn

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
13S	01E	31	BD	303,401

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Linn

Latitude	Longitude
44.398632	-122.735314

Wetland/Waterway/Other Water Features

- [x] There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- [x] The National Wetlands Inventory shows wetland, waterway or other water features on the property
- [x] Local Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

- [x] It appears that the proposed project **will** impact wetlands and **requires** a State Permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- [x] A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on review of mapping submitted, and after review of available information for the subject tax lots, the proposed activity ("Zone map amendment to change Lot 303 from C-1 to Residential High Density and change Lot 401 from C-2 to Residential High Density") does not directly impact jurisdictional wetlands, waterways or other waters of the state. However, a previous delineation (DSL ref number: WD2019-0069) was completed for Lot 401 and found 0.43 acre of wetlands as well as Ames Creek on the property. Based on submitted site plans for the lots, it appears that future development on lot 401 WILL impact a jurisdictional wetland of the state (above the 50 cubic yard threshold) and will require a permit from DSL. Please coordinate with DSL Aquatic Resource Coordinator for Linn County (Carrie Landrum) regarding your project. She will advise you regarding the required DSL permitting needs.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- [x] A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf

Response Date

10/9/2020

Response by:

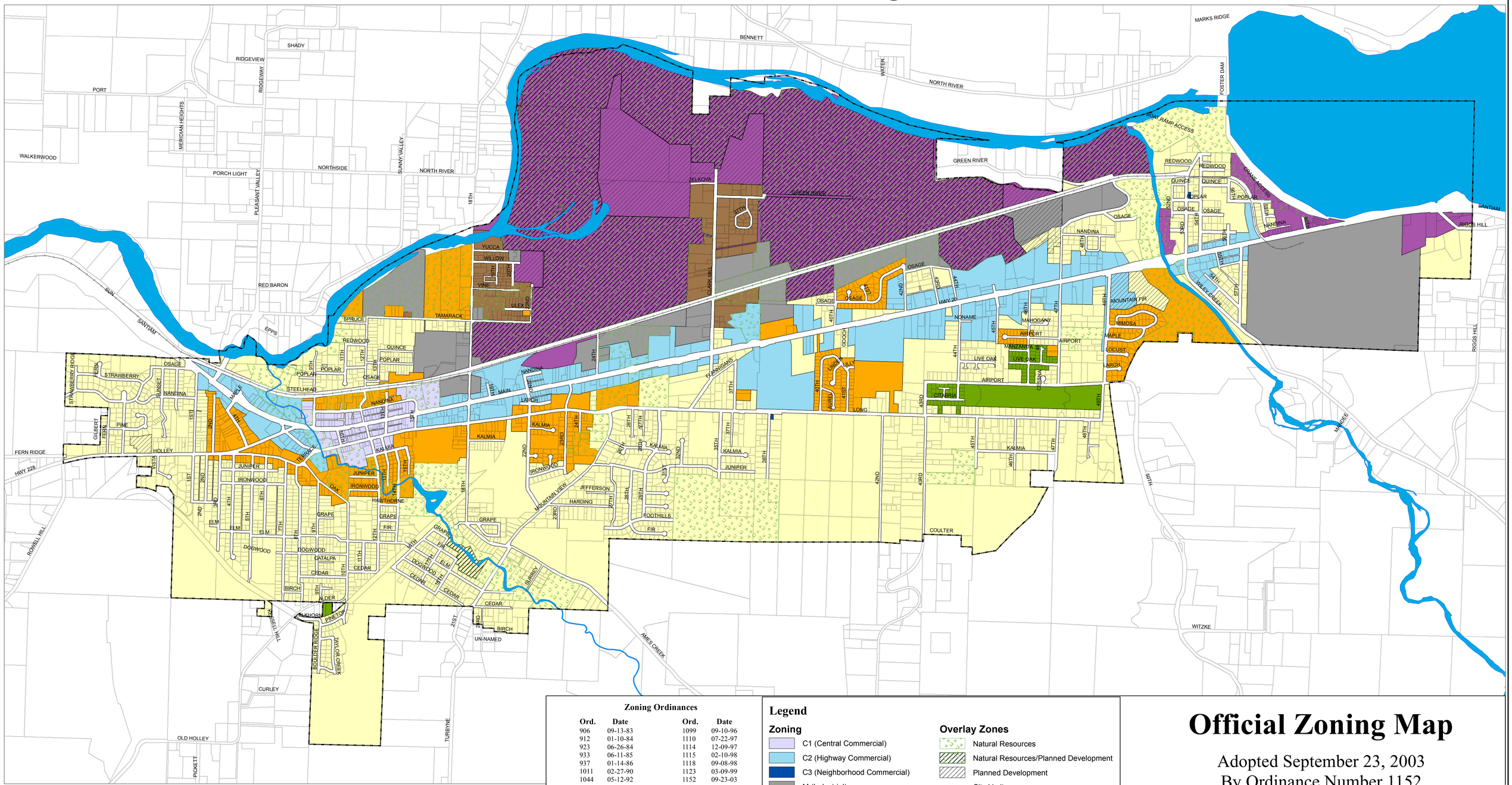
Grey Wolf

Response Phone:

503-986-5321

ATTACHMENT F

Sweet Home Zoning



This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Reproduced by PR 3/26/15 from original by SV 01/09/09

Created By:

City of Sweet Home
Community Development

541-367-8113

Zoning Ordinances

Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1070	04-26-94	1181	03-14-06
1080	11-08-94	1192	07-24-07
1081	12-13-94	1193	09-11-07
1083	06-19-96	1197	12-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
1105	05-27-97		

Legend

Zoning

- C1 (Central Commercial)
- C2 (Highway Commercial)
- C3 (Neighborhood Commercial)
- M (Industrial)
- R1 (Low Density Residential)
- R2 (High Density Residential)
- R3 (Medium Density Residential)
- RC (Recreation Commercial)
- RMT (Residential Industrial Transition)

Overlay Zones

- Natural Resources
- Natural Resources/Planned Development
- Planned Development
- City Limits
- Taxlots
- Lakes, Rivers, Streams
- Railway

Official Zoning Map

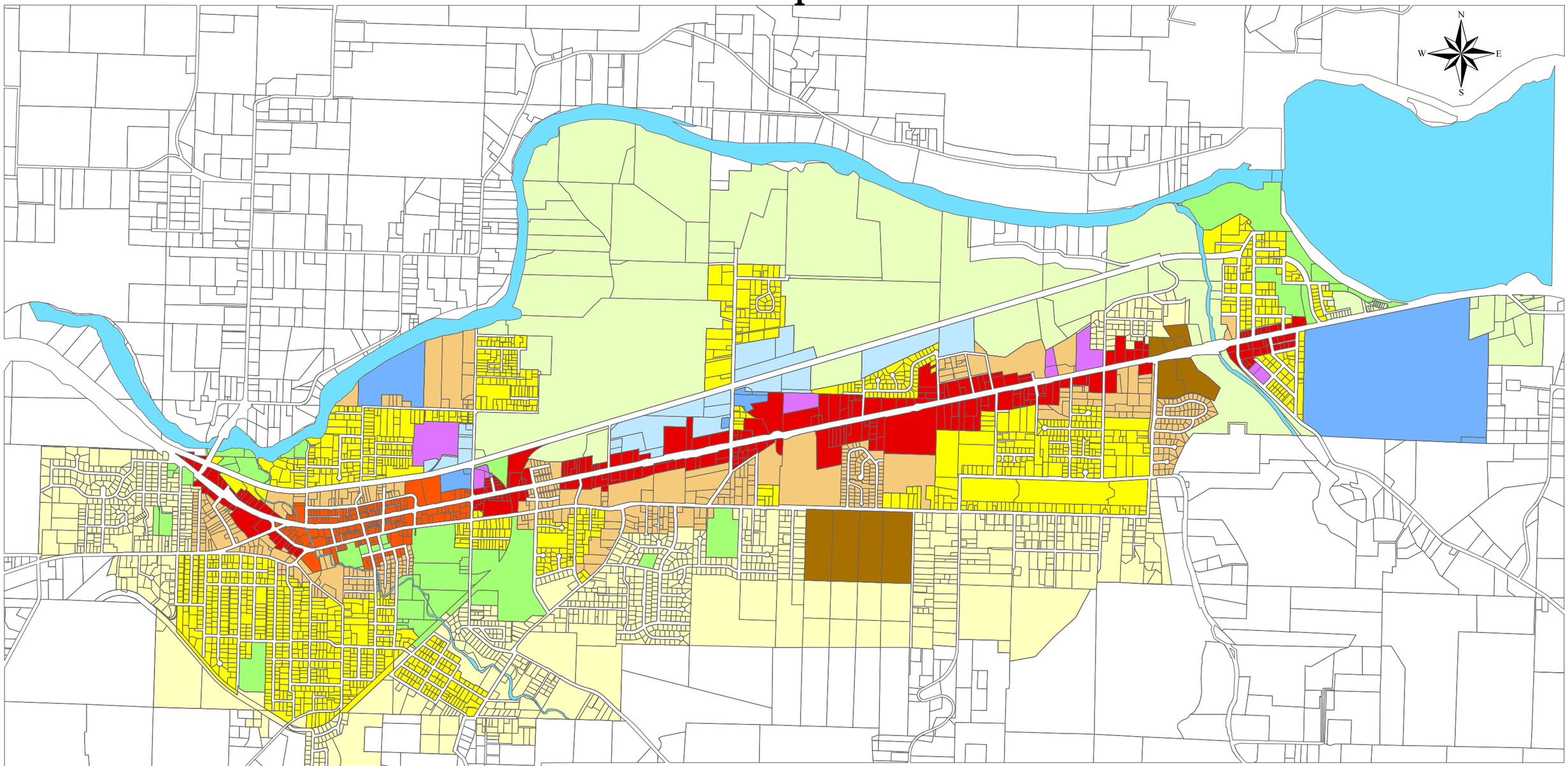
Adopted September 23, 2003
By Ordinance Number 1152
Updated by Later Zoning Ordinances

0 0.5 1 Miles

1 inch equals 0.16 miles

Sweet Home Comprehensive Plan

ATTACHMENT G



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Revised by SV 1/09/09

Created By:

City of Sweet Home
Community Development

541-367-8113

AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07

Legend

CompPlan

- Central Commercial
- General Industry
- Heavy Industrial
- High Density Residential
- Highway Commercial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Residential
- Planned Recreation Commercial
- Public
- Taxlots
- Lakes,Rivers,Streams

Official Comprehensive Plan Map

Adopted September 23, 2003

By Ordinance Number 1151

Updated by Later Annexation Ordinances

0 0.5 1 Miles

1 inch equals 0.32 miles

ATTACHMENT H

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

Application for an Amendment to the Comprehensive Plan or Zoning Maps or Text

Date Received: 10.14.20
Date Complete: 10.27.20
File Number: ZMA 20-04
Map/Text Amendment Application Fee $: $1,030.00
Zoning Application Fee $: $1,030.00
Receipt #: 4047
Planning Commission Hearing Date: 12.07.20
City Council Hearing Date: _____

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.

Applicant's Name:
Good Faith Management, LLC

Property Owner:
Same as Applicant

Applicant's Address:
PO Box 41212, Eugene, OR 97404

Owner's Address:

Applicant's Phone and e-mail:
541-520-1265, zoom97405@yahoo.com

Owner's Phone and email:

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:
9th Avenue (No Assigned Address)

Subject Property Assessor's Map and Tax Lot:
Tax Lot 401 of Tax Map 1301E31BD

Subject Property Size:
1.96 Acres

Current Zoning Classification
C-2 (Highway Commercial)

Current Comprehensive Plan Classification:
High Density Residential

Purpose of Request

To designate the site R-2 (High Density Residential) on the Zoning Map

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:
N/A

Proposed language for change.
N/A Attach proposed text to this form.

Purpose of Request

N/A

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:
Janis Vanags

Date:
10/12/20

Property Owner's Signature:
Janis Vanags

Date:
10/12/20

SHMC 17.12.025 REVIEW CRITERIA FOR MAP AMENDMENTS.

An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

_☑_ A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.
_☑_ B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
_☑_ C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.
_☑_ D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

17.80.040 CONDITIONAL USE CRITERIA.
The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

_☐_ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
_☐_ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

_☐_ 1. Building size
_☐_ 2. Parking
_☐_ 3. Traffic
_☐_ 4. Noise
_☐_ 5. Vibration
_☐_ 6. Exhaust and emissions
_☐_ 7. Light and glare
_☐_ 8. Erosion
_☐_ 9. Odor
_☐_ 10. Dust
_☐_ 11. Visibility
_☐_ 12. Safety
_☐_ 13. Building, landscaping or street features

_☐_ C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
_☐_ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
_☐_ E. Home occupations must meet the following standards:

_☐_ 1. The home occupation shall be secondary to the residential use.
_☐_ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
_☐_ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
_☐_ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic

_☐_ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
_☐_ G. Marijuana facilities may not have any drive up services.
_☐_ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
_☐_ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

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

Application for a Planned Development

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.

Date Received: 10.14.20
Date Complete: 10.27.20
File Number: PD20-02
Application Fee: $1,000.00
Receipt #: 4067
Hearing Date: 12.07.20

Applicant's Name:
Good Faith Management, LLC

Property Owner's:
Same as Applicant

Applicant's Address:
PO Box 41212, Eugene, OR 97404

Owner's Address:

Applicant's Phone and e-mail:
541-520-1265, zoom97405@yahoo.com

Owner's Phone and email:

Subject Property Address:
9th Avenue (No Assigned Address)

Subject Property Assessor's Map and Tax Lot:
Tax Lot 401 of Tax Map 1301E31BD

Subject Property Size:
1.96 Acres

Subject Property: Zoning Classification
With Concurrent Proposed Map Amendment, Site will Change from C-2 to R-2

Comprehensive Plan Classification:
High Density Residential

Standards and Requirements

1. The person filing the application must be the owner or their agent. If the planned development is to include land in more than one ownership, the application must be submitted jointly by all of the owners of the separately owned properties to be included.
2. A use permitted in an underlying zone may be permitted in a planned development.
3. A planned development must meet the applicable requirements of Oregon Revised Statutes for planned developments.
4. Public and private streets shall be developed to city standards.
5. Pedestrian walkways and bikeways shall be adequate internal pedestrian and bicycle traffic and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors or public trails.
6. All utility facilities shall be installed underground and in accordance with city standards.
7. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses and other recreational facilities, but does not include streets, sidewalks, bikeways, access corridors or trails.
8. A facility providing services in support of uses within a planned development may be permitted in any zone within the planned development.
9. Phases, if proposed, shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features; capable of substantial occupancy, operation and maintenance upon completion of construction and development and meet the standards set.

Submittal Requirements

The attached checklist with 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:
Janis Vanags

Date:
10/12/20

Property Owner's Signature:
Janis Vanags

Date:
10/12/20

SHMC 17.48.040 APPLICATION REQUIREMENTS

The person filing the application must be the owner or his or her agent. If the planned development is to include land in more than one ownership, the application must be submitted jointly by all of the owners.

_☑_ 1. One copy of the narrative on eight and one-half inches by 11 inches sheets.
_☑_ 2. Four sets of scaled drawings of the conceptual development plan, with sheet size not to exceed 24 inches by 36 inches. Where necessary, an overall plan with additional detail sheets may be submitted.
_☑_ 3. One set of the development plan shall be reduced to fit on eight and one-half inches by 11 inches sheets of paper. Names and numbers must be legible on this sheet size.
_☑_ 4. Development plan required. All applications shall be accompanied by a development plan drawn to scale showing the following.

- _☑_ a. Use or uses.
- _☑_ b. Dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, open spaces, including landscaping.
- _☑_ c. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses.
- _☑_ d. Such other pertinent information shall be included as may be considered necessary by the review authority to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance and Title 16 of this code of ordinances.

_☑_ 5. Narrative requirements. A written statement shall include the following information:

- _☑_ a. A description of the character of the proposed development.
- _☑_ b Analysis of how the application meets the review criteria.
- _☑_ c. Analysis of how the application meets the review criteria.
- _☑_ d. Quantitative data for the following where appropriate.
  - _☑_ (1). Total number and type of dwelling units.
  - _☑_ (2). Parcel sizes.
  - _☑_ (3). Proposed lot coverage of buildings and structures where known.
  - _☑_ (4) Gross densities per acre.
  - _☑_ (5) Total amount of open space.
  - _☑_ (6) Total amount of nonresidential construction.

_☑_ 6. General statement of intentions concerning timing, responsibilities and assurances for all public and non-public improvements.
_☑_ 7. Statement describing project phasing, if proposed.

- _☑_ a. Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features; capable of substantial occupancy, operation and maintenance.
- _☑_ b. Arranged to avoid conflicts between higher and lower density development.
- _☑_ c. Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
- _☑_ d. Provided with such temporary or permanent transitional features, buffers or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the planned development.

SHMC 17.48.050 REVIEW CRITERIA.

_✓_ A. Requests for approval of a planned development shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the city.

_✓_ B. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable:

_✓_	1. Basic site design	_✓_	6. Signage
_✓_	2. Visual elements	_✓_	7. Landscaping for buffering and screening
_✓_	3. Noise reduction	_✓_	8. Traffic
_✓_	4. Noxious odors	_✓_	9. Effects on off-site parking
_✓_	5. Lighting	_✓_	10. Effects on air and water quality

_✓_ C. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and their ability to carry out the project as proposed.

_✓_ D. Construction can begin within six months of the conclusion of any necessary action by the city, or within such longer period of time as may be established by the Planning Commission.

_✓_ E. The proposal conforms to location and general development standards of the city.

_✓_ F. The project will benefit the city and the general public in terms of need, convenience, service and appearance so as to justify any necessary variances to the regulations of Titles 16 and 17 of this code of ordinances.

_✓_ G. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required on or off site.

_✓_ H. The project will satisfactorily take care of sewer and water needs consistent with city policy and plans.

_✓_ I. A planned development in a residential zone will not result in a higher density than permitted by the Comprehensive Plan for the underlying zone.