



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 (PD) overlay to an approximately 790,718 square foot (18.14-acre) property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The Planned Development is requested for the subject property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. The proposal includes a preliminary plan to subdivide approximately 582,397 square feet (13 acres) into 42 residential lots and four tracts. The remaining approximate 208,321 square feet (5 acres) are proposed to be developed later. As proposed, the subdivision lots would range in size from 8,032 square feet to 12,290 square feet. Tract A shall be approximately 2,271 square feet, Tract B shall be approximately 3,857 square feet, Tract C shall be approximately 2,223 square feet, and Tract D shall be approximately 70,378 square feet including a pond. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed in accordance with the development standards of SHMC 17.60.040(B). All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone and the Planned Development Overlay.

Application PD22-01 is pending the approval of Conditional Use application CU22-02. Application PD22-01 is being filed simultaneously with application CU22-02 and SD22-01.

APPLICANT: Laura LaRoque, Udell Engineering and Land Surveying, LLC

PROPERTY OWNER: Troy Cummins DBA Santiam River Development, LLC

FILE NUMBER: PD22-01

PROPERTY LOCATION: 1400 Clark Mill Road, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29 Tax Lot 03502.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.12, 16.16, 17.48, and 17.60.030 through 17.60.050

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** March 3, 2022, 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: February 24, 2020

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The applicant is requesting a Planned Development (PD) overlay to an approximately 18-acre property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The

Planned Development is requested for the subject property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. As proposed, Tract A will provide area for entry landscaping and an entry monument sign. Tracts B and C are planned to be deeded to the neighboring property to mitigate the existing gravel access driveway encroachment. Tract D is being created to convey to the City of Sweet Home and intended to be an open space available for use by the public. Per the Public Works comments in Section II below: The detention pond is proposed to be public. City standard is that detention ponds to serve developments are private. However, in this case the City may wish to discuss with the developer an option incorporating the detention pond into a City park. Public Works Maintenance has indicated a willingness to maintain the pond if it is part of a City park.

Application PD22-01 is pending the approval of Conditional Use application CU22-02. Application PD22-01 is being filed simultaneously with application CU22-02 and SD22-01.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Recreation Commercial (RC)	Planned Recreation Commercial
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Recreation Commercial (RC)	Planned Recreation Commercial
Property South	Residential Industrial Transition (RMT)	Planned Recreation Commercial Medium Density Residential
Property West	Recreation Commercial (RC)	Planned Recreation Commercial

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0912G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does contain inventoried wetlands. Identified wetland SSR-31 is in Tract D and abuts the proposed subdivision (SD22-01). Wetland SR-32 is in the area of future development. Wetlands are discussed in more detail below.

Access: The subject property has frontage and access along Clark Mill Road. The applicant is proposing to create a local street network within the subdivision [see Attachment B].

Services: The City water and sewer services are available at the corner of Zelkova Street and Clark Mill Road. The water and sewer lines will need to be extended to service the proposed subdivision.

TIMELINES AND HEARING NOTICE:

Application Submitted: February 1, 2022

Application Deemed Complete: February 3, 2022
Mailed/Emailed Notice: February 3, 2022
Notice Published in New Era Newspaper: February 9, 2022
Planning Commission Public Hearing: March 3, 2022
Notice was provided as required by SHMC 17.12.120.

II. COMMENTS RECEIVED

Trish Rice

Public Works:

Streets: The Clark Mill Rd right-of-way extends north beyond the street connection and provides frontage to the Tack property, 13S01E29 03501. The street connection with Clark Mill Rd shall be a tee intersection, not a curve as drawn, to provide for future roadway extension to any future developments of the Tack property. See attached figure. Street improvements on Clark Mill Rd are required from the development to Zelkova St. The planned development will need to incorporate a street naming system beyond Z. Reference SHMC 12.20.030 System of Naming Streets.

Water: Clark Mill Rd has an 8" water main up to Green River Rd and then a 2" water main up to Zelkova St. The water main will need to be upsized to serve the development. Our Capital Improvement Plan identifies a 10" Northern Transmission Main from Clark Mill Rd down Zelkova St and through the quarry park property. The City's Engineer of Record consultant is currently working on a water model which will confirm the necessary transmission main size. On the block between Green River Rd and Zelkova St, the developer shall install an upsized water main consistent with the sizing requirement for the transmission main. The cost difference to build upsized pipe for City purposes would be eligible for SDC credits in accordance with SHMC 13.12.110 Credits. Developer shall provide a tee with a northwards stubout at the Clark Mill Rd intersection to provide for future water extension northwards.

Sewer: The nearest sanitary manhole is approx. 6ft deep. A sewer pump station may be required to serve the development. The design engineer shall make reasonable efforts to provide sewer by gravity to the extent possible. Developer shall provide a northwards stub at the Clark Mill Rd intersection to provide for future sewer extension northwards. The developer shall submit the engineered sewer plans to DEQ for plan review. DEQ approval shall be obtained prior to the issuance of the City infrastructure permit. Reference <https://www.oregon.gov/deq/wq/wqpermits/Pages/plan-review.aspx> "Engineering plans and specifications for proposed construction, installation, or modification of wastewater disposal systems, treatment works, sewerage systems or common sewers must be submitted to DEQ for review and approval prior to construction, except where exempted. This is required by Oregon Revised Statute 468B.055. OAR 340-052-0015 details plan submittal requirements. OAR 340-052 Appendix

A and Appendix B contain requirements for gravity sewerage systems and sewerage pumping stations, respectively.”

Drainage: The detention pond is located in the future development phase area. Developer shall indicate what will happen to the detention pond during the future development phase (i.e. protect it, expand it to serve phase 2, etc). The detention pond is proposed to be public. City standard is that detention ponds to serve developments are private. However, in this case the City may wish to discuss with the developer an option incorporating the detention pond into a City park. PW Maintenance has indicated a willingness to maintain the pond if it is part of a City park. CEDD should evaluate whether the creation of a neighborhood park in this vicinity is consistent with the Parks Master Plan. The outfall from the pond crosses onto adjacent property 13S01E28 00700 which is also owned by the applicant. A utility easement is recommended (or may be required, I am not sure) to prevent any disputes with future property owners in perpetuity. The utility easement to the pond has a dropoff with approx. 20% slope. The developer shall grade the easement to reduce the slope and base rock it to provide vehicle & equipment access to all pipes & appurtenances. I recommend constructing the access in accordance with road base requirements so that it won't have to be rebuilt in the future when the road is extended to the future development phase. Reference AASHTO A Policy on Geometric Design of Highways and Streets, 2011 6th Ed section 5.3.1, “Grades for local residential streets should be as level as practical, consistent with the surrounding terrain. Grades for local residential streets should be less than 15 percent.” (The 2011 6th Edition is the newest edition the City has access to; the 2018 7th Edition is the current edition which should be used for design.)

Adam Leisinger
Permit Technician:

The Building Program has no issues with this request.

Joe Graybill
Staff Engineer:

Regarding the Planned Development for the proposed Subdivision at the North end of Clark Mill Road, the proposed development will create 42 lots of varying sizes and four separate tracts for stormwater and wetland management. One will be used at the entrance for sign of some sort. The design option for the East-West Collector Street (currently unnamed) using a multiuse path will work for both access and the right-of-way widths. Open Space is considered to be the pond Tract D area. The roadway entrance at Clark Mill Road and Zelkova Street works and is sufficient for preliminary access considerations. Final configuration of the intersection will take further review. The CEDD-ES has no concerns.

Chief Barringer
Fire District:

The Fire District has no issues with this request.

Chris Stevenson
DSL:

See Attachment D

Public Comment: No comments as of the issue of this Staff Report.

III. REVIEW CRITERIA AND FINDINGS OF FACT

The purpose of Planned Development (PD) Zone is to make possible a greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring 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 PD22-01 is pending the approval of Application CU22-02. With the approval of CU22-02, all lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit CU22-02, allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)].

The applicant submitted a Planned Development application in conjunction with Subdivision application SD22-01. The applicant has proposed to subdivide the property into 42 lots, 4 tracts, and a 5-acre future development area. The applicant is proposing to modify the minimum lot width. In SHMC 17.60.040 the minimum lot width for a single-family dwelling is 80 feet (17.60.040.A.2), and the minimum lot width for two family dwellings is 60 feet (17.60.040.B.2). Staff feels the lot widths are in error and should have been reversed when the code was created. The applicant intends the Planned Development overlay to be applied to the entire lot, not just the proposed subdivision.

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 Clark Mill Road and a public road network as proposed in Attachment B. The applicant is proposing all utility facilities underground. The staff 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 D" in the provided site plan. The tract is being created to convey to the City of Sweet Home and intended to be an open space available for use by the public. Staff finds the amenities are buffered from abutting uses. Per the Public Works comments in Section II above: City standard is that detention ponds to serve developments are private. However, in this case the City may wish to discuss with the developer an option incorporating the detention pond into a City park. Public Works Maintenance has indicated a willingness to maintain the pond if it is part of a City park.

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.

Staff finds that the approval of a Planned Development overlay gives the applicant a greater variety and diversification between buildings and open spaces in the Subdivision proposal. The Planned Development will allow for modifications to site development standards of the proposed subdivision, such as lot widths, without changes in use by the underlying zone.

Based on the above findings, 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.**

Applicants Comments: A Planned Development is requested for the subject property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S-01E-29 Tax Lot 3502. The

purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed accordance with the development standards of SHMC 17.60.040(B).
Table 1: Comparison of Middle Housing Residential Special Standards:

		R-C Residential Standards		
		Single Family Dwelling	Two-Family Dwelling	Single-Family Attached
Minimum	Lot Size	8,000 sf	5,000 sf	1,245 sf
	Lot Width	80'	60'	unspecified
	Front, Setback	20'	20'	20'
	Garage, setback	20'	20'	20'
	Side, Setback	5' / 13'	5'	0 / 5'
	Street, Setback	15'	15'	15'
	Rear, Setback	15'	10'	10'
		garage or carport, 2 spaces	garage or carport, 2 spaces/unit	garage or carport, 2 spaces
Maximum	Parking			
	Lot Coverage	35%	50%	60%
	Height	30'	40'	40'

According SHMC 17.48.010, “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 ensuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this chapter.” The requested deviations from SHMC 17.60.040(A) to SHMC 17.60.040(B) for single-family development is consistent with the purpose of the RC zoning district as it will allow for greater variations in lot dimensional and development standards which will allow for better accommodation of open space(s).

According to Table 1 Summary of Comprehensive Plan Land Use Designations, the purpose of the recreation commercial land use designation is as follows: “To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community.” The subject property is an infill residential development that will allow access to large tracts of land that will have open space and recreational opportunities. Consist with the purpose of the zone the proposed subdivision includes a dedication of an open space tract and multipath for recreational activities. This criterion is met. [see Attachment C].

There are no minimum or maximum density requirements in Comprehensive plan or Development Code for the RC zoning district. According to the Comprehensive Plan, the maximum density for medium density residential and low-density residential areas is 9 and 5.4 dwelling units per acre, respectively. The proposed subdivision has an approximate net land area of 8.79-acres, which equates to a maximum allowable density of 80 and 47 dwellings based on the medium and low-density districts. Although, there is no maximum density standard for the RC zoning district, the proposed development is less than maximum density permitted in medium density residential and low-density residential areas.

The only policy specific to the RC zoning district in Comprehensive plan is Economic Development Policy 10, which states “The Recreation Commercial Designation provides for a mixture of commercial and residential uses associated with recreational development. Sweet Home will encourage enhancement of natural features. Development shall avoid negative impacts on the natural features of

the land. If a negative impact cannot be avoided, development shall minimize the impacts and be mitigated on site.”

Policies of the comprehensive plan are implemented with the adoption of associated long-range planning documents such as the transportation system plan, development code, facility plans, and land need/supply analyses. The proposed subdivision and application of the planned development overlay are consistent with these standards and therefore, the associated policies within the Comprehensive Plan.

An analysis of transportation impacts is provided under Section IV, Criteria B, which are incorporated herein by reference. All off-street parking access, streets rights-of-way and improvements are proposed to be in accordance with city standards. This criterion is met.
[see Attachment C].

Staff Findings: The applicant is proposing to modify the minimum lot width. In SHMC 17.60.040 the minimum lot width for a single-family dwelling is 80 feet (17.60.040.A.2), and the minimum lot width for two family dwellings is 60 feet (17.60.040.B.2). Staff feels the lot widths are in error and should have been reversed when the code was created. The applicant intends the Planned Development overlay to be applied to the 13.37-acre subdivision, 4 tracts, and the 5-acre future development. The Planned Development will allow for modifications to site development standards, such as lot widths, without changes in use by the underlying zone. The applicant states that all State and City standards will be followed during the development.

There are no density requirements for the RC zone. Staff finds that the proposed density is sufficient for the use in an RC zone.

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

- 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.**

Applicants Comments: A Planned Development overlay is requested to allow single-family residential uses permitted conditionally under SHMC 17.60.030(D) to be developed in accordance with SHMC 17.60.040(B). Compatibility with adjacent developments is addressed under Section V, criteria B below, which are incorporated herein by reference. This criterion is met. [see Attachment C].

Staff findings: Staff finds that the planned development project shall be compatible with adjacent developments, with consideration of the factors listed in the criteria. The proposed planned development modification is to the width of the lots. Staff believes the modification is only minor and the proposed project 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].

Based on the above findings, 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.**

Applicants Comments: The applicant has submitted the necessary applications to gain approval for the proposed development which was vetted through a thorough due diligence process. [see Attachment C].

Staff Findings: A Planned Development application, tentative plats, a narrative, a FEMA National Flood Hazard FIRMette map and a National Wetlands Inventory map are included in the packet. Staff finds that the applicant has demonstrated the soundness of the proposal and their ability to carry out the project as proposed.

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

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.

Applicants Comments: SHMC 17.48.080 outlines the effective date of development plan approval but states that the Planning Commission may establish different time frames. The applicant requests approval of a planned development overlay in conjunction with the tentative subdivision plat to be valid for a period of two years of the effective date of the notice of decision. The applicant further requests approval of a planned development overlay in conjunction with the future development area to be valid period of four years of the effective date of the notice of decision. The proposed approval timelines will allow for construction plans to be developed, reviewed, and approved and any required site improvements to be completed prior to recording the final plat. The proposed will further allow for a tentative subdivision plat and associated construction for the future development area to be developed, reviewed, and approved and any required site improvements to be completed prior to recording the final plat. This criterion is met. (See Attachment C)

Staff Findings: The applicant has requested that the tentative subdivision plat be valid for a period of two years from the date of the notice of decision. The applicant also requests that the planned development overly zone on the designated 'future development' site, be valid for four years from the date of the notice of decision. Staff recommends a condition of approval stating that the planned development in conjunction with the proposed subdivision (SD22-01) be valid for two years from the date of decision, and the planned development overlay in conjunction with the remaining 5 acres be valid for four years from the date of the notice of decision.

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

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

Applicants Comments: Compatibility with location and general development standards are addressed under Sections IV and V, below, which are incorporated herein by reference. This criterion is met. (See Attachment C)

Staff Findings: The applicant is requesting a Planned Development (PD) overlay to an approximately 790,718 square foot (18.14-acre) property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The proposal includes a preliminary plan to subdivide approximately 582,397 square feet (13 acres) into 42 residential lots and four tracts. The remaining approximate 208,321 square feet (5 acres) are proposed to be developed later. All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. Staff finds that the proposal conforms with the location and general development standards of the city.

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

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.

Applicants Comments: SHMC 17.04.030 defines a variance as follows: “A grant of relief from the requirements of this title, which permits activity in a manner that would otherwise be prohibited by this title.” SHMC 17.04.030 defines a Planned Unit Development as follow: “A type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.” Therefore, a variance to the regulations of Titles 16 and 17 is not requested. Regardless, the purpose of the overlay request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed accordance with the development standards of the standards of SHMC 17.60.040(B). A comparison table is provided above under Section III, Criteria A, which is incorporated herein by reference. The proposed deviation in the special development standards will allow for a more efficient and effective use of public utilities, consistency with development standards R-3 medium residential zoning district, and preservation of more open spaces areas for recreational purposes. This criterion is met. (See Attachment C).

Staff Findings: 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 ensuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this chapter. A PD zone is an overlay zone that can be applied in conjunction with any other zone designation. The proposed planned development will be an overlay to the RC zone standards. The PD overlay zone permits modifications to the site development standards, but not changes in the uses of the underlying zone. The applicant is only requesting modifications to the site development standards not the uses permitted in the RC zone. Staff finds that the proposed development will benefit the city and the general public. The applicant has not requested any variances outside of the Planned Development proposal.

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

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.

Applicants Comments: An analysis of transportation impacts is provided under Section IV, Criteria B, which are incorporated herein by reference. All off-street parking access, streets rights-of-way and improvements are proposed to be in accordance with city standards. This criterion is met. (see Attachment C)

Staff Findings: Per the staff engineers’ comments in Section II: The East-West Collector Street will be using a multiuse path that will work for both access and the necessary right-of-way widths. The interior street network is looped, but as a whole functions like a cul-de-sac. All of Clark Mill Road basically functions the same as a cul-de-sac also, with only one roadway available to Main St. Future development East and North on adjacent lands will eventually link the roadways in various ways. At that point a Traffic Impact Study may be required due to the larger development and multiple routes. The existing private driveway leading to the adjacent north property, is being modified to tie into the Collector St near the Zelkova intersection.

Per the Public Works comments in Section II: The Clark Mill Road right-of-way extends north beyond the street connection and provides frontage to the Tack property, 13S01E29 03501. The street connection with Clark Mill Road shall be a tee intersection, not a curve as drawn, to provide for future roadway extension to any future developments of the Tack property. (see Attachment D). Street improvements on Clark Mill Road are required from the development to Zelkova Street. The planned

development will need to incorporate a street naming system beyond Z. Reference SHMC 12.20.030 System of Naming Streets.

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

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

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

Applicants Comments: Findings pertaining to public sanitary sewer and water services are provided under Section IV, Criteria F, below and incorporated herein by reference. (see Attachment C)

Staff Findings: Per the staff engineer's comments in Section II above: one water line comes into the neighborhood from Clark Mill Road. To provide flow networking and isolation, a water line from the east end of Green River Road needs to connect to the east end of the new collector street, albeit temporarily for a few years till further development occurs on the east side. The Sanitary Sewer system will connect to Clark Mill Road, which has adequate capacity. Stormwater runoff will be managed and conveyed to the north through a constructed water quality and detention swale on the adjacent Track D parcel. An access road or path on the storm drainage easement will provide maintenance access to the basin and outlet. The city has responsibility for the pipeline and fixtures, while the basin vegetation and channel itself is the responsibility of the homeowners that benefit from its use.

Per the Public Works comments in Section II above: Clark Mill Road has an 8" water main up to Green River Road and then a 2" water main up to Zelkova Street. The water main will need to be upsized to serve the development. Our Capital Improvement Plan identifies a 10" Northern Transmission Main from Clark Mill Road down Zelkova Street and through the quarry park property. The City's Engineer of Record consultant is currently working on a water model which will confirm the necessary transmission main size. On the block between Green River Road and Zelkova Street, the developer shall install an upsized water main consistent with the sizing requirement for the transmission main. The cost difference to build upsized pipe for City purposes would be eligible for SDC credits in accordance with SHMC 13.12.110 Credits. The developer shall provide a tee with a northwards stubout at the Clark Mill Road intersection to provide for future water extension northwards.

The nearest sanitary manhole is approximately 6ft deep. A sewer pump station may be required to serve the development. The design engineer shall make reasonable efforts to provide sewer by gravity to the extent possible. The developer shall provide a northwards stub at the Clark Mill Road intersection to provide for future sewer extension northwards. The developer shall submit the engineered sewer plans to Department of Environmental Quality (DEQ) for plan review. DEQ approval shall be obtained prior to the issuance of the City infrastructure permit.

The detention pond is located in the future development phase area. The developer shall indicate what will happen to the detention pond during the future development phase (i.e. protect it, expand it to serve phase 2, etc). The detention pond is proposed to be public. City standard is that detention ponds to serve developments are private. However, in this case the City may wish to discuss with the developer an option incorporating the detention pond into a City park. Public Works Maintenance has indicated a willingness to maintain the pond if it is part of a City park. The Community and Economic Development Department (CEDD) should evaluate whether the creation of a neighborhood park in this vicinity is consistent with the Parks Master Plan. The outfall from the pond crosses onto adjacent property 13S01E28 00700 which is also owned by the applicant. A utility easement is recommended to prevent any disputes with future property owners in perpetuity. The utility easement to the pond has a dropoff with approximately 20% slope. The developer shall grade the easement to reduce the slope and base rock it to provide vehicle and equipment access to all pipes and appurtenances. I recommend

constructing the access in accordance with road base requirements so that it won't have to be rebuilt in the future when the road is extended to the future development phase.

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

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.

Applicants Comments: As stated under Criteria A, above, there are no density requirements specific to the RC zoning district in Comprehensive plan or Development Code. The maximum density for medium density residential and low-density residential areas is 9 and 5.4 dwelling units per acre, respectively. The proposed subdivision has an approximate net land area of 8.78-acres, which equates to a maximum allowable density of 80 and 47 dwellings based on the medium and low-density districts. Although, there is no maximum density standard for the RC zoning district, the proposed development is less than maximum density permitted in medium density residential and low-density residential areas. This criterion is met. (see Attachment C)

Staff findings: There are no density requirements for the RC zone. Staff finds that the density proposed for the subdivision is sufficient for the use in an RC zone.

Based on the above findings, 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)]

Applicant Comments: Chapter 16.16 of the Sweet Home Municipal Code (SHMC) includes sections pertaining to general information, pre-application review, application submittal requirements, land division review procedures, review criteria, conditions of approval, development phasing, duration of tentative plat approval, and extension tentative plat approval.

Section 16.16.010 provides general information to the applicant. This information was taken under advisement during the application submittal process.

Section 16.16.020 of the Sweet Home Municipal Code (SHMC) states that a pre-application conference may be required. Pre-applications were voluntary held on Monday, December 27, 2022, and Tuesday, January 11, 2022.

SHMC 16.16.025 outlines the application submittal requirements which include a tentative subdivision plan set with scaled drawings of existing conditions and proposed improvements. A supplemental tentative subdivision plan set has been included with this application submittal and will be deemed completed in advance of scheduling a public hearing before the Planning Commission.

SHMC 16.16.030 outlines the application review process which is quasi-judicial review with a decision by the Planning Commission and a 12-day appeal period.

SHMC 16.16.040 includes the tentative subdivision, replat, and partition review criteria which are address herein and below, by reference.

SHMC 16.16.050 denotes conditions of approval may be opposed to ensure the proposal conforms to the applicable review criteria.

SHMC 16.16.060 outlines approval periods for subdivision phasing.

SHMC 16.16.060 (16.16.070) indicates that the tentative approval is valid for 12-months from the date of approval of the tentative plat or phased timelines, if applicable

SHMC 16.16.080 allows the Planning Commission to grant a 12-month extension to a tentative approval or phased approval in certain situations.

Therefore, the only information required by Chapter 16.16 is outlined in SHMC 16.16.020, which was provided and deemed complete in advance of scheduling a public hearing before the Planning Commission. [see Attachment C].

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application. The applicant submitted the plot plans on February 1, 2022, with the requirements to comply with SHMC Chapter 16. Staff finds that the proposal substantially conforms to the applicable provisions of the Sweet Home Municipal Code and the Comprehensive Plan.

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

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 AND LOT SIZE AND WIDTH.

In an RC zone, the following special standards shall apply unless modified as a part of a planned development. [SHMC 17.60.040]

- A. Single-family dwellings and accessory uses, including accessory dwellings, shall meet the following minimum standards.**
 1. Minimum lot size shall be 8,000 square feet.
 2. Minimum lot width shall be 80 feet.
 3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum five feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 15 feet.
 4. Detached accessory dwellings shall not exceed 20 feet in height at the apex of the roof. All other buildings shall not exceed 30 feet in height.
 5. Building coverage shall not exceed 35% of the land area.
 6. A carport or garage is required for each single-family dwelling; not including accessory dwellings.
 7. Off-street parking will be based on the city parking standards.
- B. Two-family dwellings and accessory uses shall meet the following standards.**
 1. Minimum lot size shall be 5,000 square feet.
 2. Minimum lot width shall be 60 feet.
 3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum of five feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of ten feet.
 4. Building height shall not exceed 40 feet.
 5. Building coverage shall not exceed 50% of the land area.
 6. A carport or garage for each unit is required.
 7. Off-street parking will be based on the city parking standards.
- C. Multi-family dwellings and accessory uses shall meet the following standards.**
 1. Minimum lot size shall be 1,245 square feet per unit.
 2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Side shall be a minimum ten feet;

- c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of ten feet.
- 3. Building height shall not exceed 40 feet.
- 4. Building coverage shall not exceed 60% of the land area.
- 5. Off-street parking will be based on the city parking standards.
- D. Single-family attached dwellings shall meet the following standards.
 - 1. Minimum lot size shall be 1,245 square feet per unit.
 - 2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Sides between units shall be zero;
 - c. Sides on exterior boundaries shall be five feet;
 - d. Street side shall be a minimum of 15 feet;
 - e. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - f. Rear shall be a minimum of ten feet.
 - 3. Building height shall not exceed 40 feet.
 - 4. Building coverage shall not exceed 60% of the land area.
 - 5. Off-street parking will be based on the city parking standards.
- E. Commercial establishments shall meet the following standards.
 - 1. Off-street parking will be based on the city parking standards.
 - 2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 - 3. Building height shall not exceed 45 feet.
 - 4. Yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet; and
 - 1) Sides, none, except if abutting residential zones, and then the side yard shall be at least ten feet.
 - 2) The required side yard shall be increased by one-half foot for each foot the building height that exceeds 20 feet.
 - 3) Rear, none, except if abutting residential zones, and then the rear yard shall be at least ten feet.
 - 4) The required rear yard shall be increased by one-half foot for each foot that the building height exceeds 20 feet.

Applicant Comments: SHMC Chapter 16.12 entitled Design Standards includes sections pertaining to general development standards and design criteria, streets, blocks, lots and parcels, easements, water systems, sanitary sewer systems, storm water and surface drainage, lot grading, erosion control, underground utilities, and large tract land divisions.

SHMC 16.12.015 states that the developer is responsible for the design and improve all public and private improvements associated with the proposed development. All lots within the subdivision would be provided access from Clark Mill Road and proposed internal public rights-of-way. Figures 2.2, denote Clark Mill Road is classified as a Collector Street. A conceptual future arterial street alignment and bicycle and pedestrian route is depicted in Figure 4.2 which traverses along the north of the subject property and east of Green River Road and the proposed subdivision. Notably, the Sweet Home Transportation Plan (TSP) bases the conceptual future street classification on a former development proposal entitled the Santiam River Club (formerly Salmon Run), which was a master planned community of a 752.19-acre site, which included mixed-use development consisting of 1,575 residential units, related commercial land uses, open space, institute, and two hotels. Table 6 in the TSP provides a general guide to the functional classification of streets for various levels of ADT and travel speed. Local streets generally have Annual Daily Traffic (ADT's) of 1,000 vehicles or less and speed of 25 MPH or less. Collector streets generally have ADTs of 1,500 to 5,000 with speeds of 25 MPH. Minor arterial streets have ADTs from 3,000 to 10,000 with speeds greater than 25 MPH. Based on the current projections for development (and associated ADT's) of the former Santiam River Club (formerly Salmon

Run) 752.19-acre site, the conceptual future street alignment is anticipated to be reclassified from an arterial street to a collector street during the next TSP update.

SHMC 16.16.020 includes the street design standards by street classification. Site internal circulation will be provided by the development of a public streets system. To the south of the subdivision is a proposed east/west collector street with a 53-foot-wide right-of-way, 25-foot-wide curb-to-curb width, with a 4-foot-wide planter and 5-foot-wide sidewalk to the north and a 4-foot-wide planter and 12-foot-wide multi-use path to the south of the roadway. All other local streets are designed with a 52-foot-wide right-of-way, 32-foot-wide curb-to-curb width with 4-foot-wide planter and 5-foot-wide sidewalk on each side of the street, as shown on the Tentative Lot Layout plan set. Other street standards such as street alignment, future extensions of streets, intersection angles, dead end streets, grades, curves, access, bicycle, and pedestrian ways have additionally been designed to the city standards, as shown on the Tentative Lot Layout plan set.

SHMC 16.12.025 states that block and perimeter length must consider property shape, traffic flow, fire safety, access control onto adjacent streets, natural features, access to school, access to parks, mid-block pedestrian ways, and existing development. These provisions were considered during the subdivision design, as shown on the Tentative Lot Layout plan set.

SHMC 16.12.030 includes considerations for lot dimensions and configuration.

SHMC 17.60.040 requires a minimum 8,000 square foot lot size and 80-foot lot width for development of a single-family dwelling and accessory uses; a minimum 5,000 square foot and 60-foot lot width for two-family dwellings and accessory uses; and a minimum 1,245 square feet per unit for single-family attached dwellings.

SHMC 16.12.040 – 16.12.050 require water, sanitary sewer, storm water, and surface drainage to be designed to city standards and approved by the City Engineer. As shown on the preliminary grading, storm drain, and utilities plans all proposed improvements will comply with city standards. A condition of approval may include approval of the final grading, storm drain, and utilities plans prior to site improvements.

SHMC 16.12.055 – 16.12.060 pertain to lot grading and erosion control. A condition of approval may include approval of the final grading and erosion control plans prior to site improvements.

SHMC 16.12.070 requires all permanent franchise utility services to lots be provided from underground facilities. No overhead utilities facilities are proposed with this application.

SHMC 16.12.075 states requirements may be imposed to allow large lots or parcels to be subdivided in the future. Streets and utilities improvements will be provided to the site's north and east property lines to allow for future development to abutting underdeveloped parcels.

SHMC 17.08.100 includes access standards which limit the maximum driveway width based on number of driveways and property frontage. Lot frontage ranges from 43 feet to 143 feet with average frontage width of 72 feet. Therefore, the driveway width will vary for 25 feet to 30 feet. All access standards will be verified at the time of a building permit.

SHMC Chapter 17.60 included special development standards for residential development.

SHMC 17.60.040 requires a minimum 8,000 square foot lot size and 80-foot lot width for development of a single-family dwelling and accessory uses; a minimum 5,000 square foot and 60-foot lot width for two-family dwellings and accessory uses; and a minimum 1,245 square feet per unit for single-family attached dwellings. As proposed, lots sizes would range in size from 8,032 square feet to 12,920 square feet with an average lot size of 9,105 square feet. Lot width range from 67 feet to 110 feet with an average of 83 feet. The proposed lot sizes will meet or exceed the minimum standards for single-family, two-family, and single-family attached dwellings in the RC zoning district with approval of the requested Planned Development.

Setback standards per SHMC 17.60.040 will be reviewed for conformance at the time of a building permit. However, compliance with the minimum lot dimensional standards will allow sufficient area to meet setback standards at that time.

No other sections in Chapter 17 are applicable at the time of a tentative subdivision approval. However, compliance with subdivision design standards and lot dimensional standards will allow sufficient lot area to meet site development standards at the time of development.

Applicable Comprehensive Plan Policies are as follows: *Residential Land Use Policies: Policy 1 Residential areas will offer a wide variety of housing types in locations best suited to each housing type. Policy 3 the city encourages flexibility in design to promote safety, livability, and preservation of natural features. Policy 4 Sweet Home establishes density recommendations in the plan in order to maintain property relationships between proposed public facilities, services, and population distribution.*

The proposed development conforms with the Residential Land Use policies above by having a range of lot sizes to allow for development of dwelling types permitted in the RC zone. *Policy 1 as a general guideline, all streets shall carry volumes and speeds at the appropriate range for all street classifications as described in the Functional Classification Guidelines. 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. Policy 5 The standard for Pedestrian and Bicycle System improvements listed in the Transportation System Plan, shall be implemented when reviewing new development.*

Findings of fact concerning the location and design of streets are provided under finding 2.3 above, and Criterion E below, which are incorporated herein by reference. *Public Facilities: Policy 11 To assist development in funding of water main extensions, the city should continue its policies of: 1) providing reimbursement agreements to developments and abutting property owners for main line extensions costs that benefit other properties; 2) Paying for oversizing of main lines. Policy 12 The use of nonstructural storm water controls (land use policies and regulations) shall be implemented where appropriate to insure proper use and enhancement of naturally occurring runoff-control features. Policy 17 The City shall continue with some form of development charge levied against new development for the actual cost of extending sewage treatment service. Policy 18 The City shall review franchise agreements to ensure residents have access to the appropriate level of service.*

Findings of fact concerning the location and design of public and private utilities are provided under Criterion F below and incorporated herein by reference. *Citizen Involvement Policies: Policies 1 – 7.*

The application has been processed in accordance with public notification and public hearing procedures under SHMC 16.16.030, which satisfy Citizen Involvement Policies 1 – 7 of the Comprehensive Plan. [see Attachment C].

Staff Findings: As proposed, each parcel would be of a generally rectangular shape. Based on the applicant's proposed tentative subdivision map (Attachment B). Through the planned development process, the applicant is requesting to modify the minimum width standards for single-family dwellings. All other standard yard and lot requirements for the RC zone will be maintained on each of the proposed lots.

As proposed with application SD22-01, the subdivision lots would range in size from 8,032 square feet to 12,290 square feet. Tract A shall be approximately 2,271 square feet, Tract B shall be approximately 3,857 square feet, Tract C shall be approximately 2,223 square feet, and Tract D shall be approximately 70,378 square feet including a pond. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed in accordance with the development standards of SHMC 17.60.040(B). All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)].

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

- a) 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.

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

- b) 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. In an RC zone, the following special standards shall apply unless modified as a part of a planned development. [SHMC 17.60.040]**
 - a. Single-family dwellings and accessory uses, including accessory dwellings, shall meet the following minimum standards.**
 - 1) Minimum lot size shall be 8,000 square feet.**
 - 2) Minimum lot width shall be 80 feet.**
 - b. Two-family dwellings and accessory uses shall meet the following standards.**
 - 1) Minimum lot size shall be 5,000 square feet.**
 - 2) Minimum lot width shall be 60 feet.**
 - c. Multi-family dwellings and accessory uses shall meet the following standards.**
 - 1) Minimum lot size shall be 1,245 square feet per unit.**
 - d. Single-family attached dwellings shall meet the following standards.**
 - 2) Minimum lot size shall be 1,245 square feet per unit.**

Staff Findings: The applicant is requesting a Planned Development (PD) overlay to an approximately 18-acre property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The proposal includes a preliminary plan to subdivide approximately 13.37 acres into 42 residential lots and four tracts. The remaining approximate 5 acres are proposed to be developed at a later date. As proposed, lots sizes would range in size from 8,032 square feet to 12,290 square feet. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed in accordance with the development standards of SHMC 17.60.040(B). All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]

To ensure compliance, staff recommends a condition of approval that the final configuration of proposed Parcels 1 through 42, Tracts A-D and the future development site substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration includes a preliminary plan to subdivide approximately 582,397 square feet (13 acres) into 42 residential lots and four tracts. The remaining approximate 208,321 square feet (5 acres) are proposed to be developed later. As proposed, the subdivision lots would range in size from 8,032 square feet to 12,290 square feet. Tract A shall be approximately 2,271 square feet, Tract B shall be approximately 3,857 square feet, Tract C shall be approximately 2,223 square feet, and Tract D shall be approximately 70,378 square feet including a pond.

With the above conditions, and based on the findings above, the application complies with these criteria.

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

Applicant Comments: SHMC 16.12.030(D)(H) states that lot depth cannot exceed 2.5 the average lot width, lot side lines at right angles to the street as far as practicable, and each lot must maintain a frontage width of at least 25 feet. As proposed, lots sizes would range in size from 8,032 square feet to 12,920 square feet with an average lot size of 9,105 square feet. Lot width range from 67 feet to 110 feet with an average of 83 feet. Lot depth range from 85 feet to 130 feet and does not exceed the maximum lot depth of 207 feet (based on the average lot depth of 83 feet). [see Attachment C]

Staff Findings: The proposal includes a preliminary plan to subdivide approximately 13.37 acres into 42 residential lots and four tracts. The remaining approximate 5 acres are proposed to be developed later. Based on the site plans provided by the applicant, the lot depth would not exceed two and one-half times the average width.

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

- d) 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)]

Applicant Comments: All lots are proposed to have frontage on and access to a public street. Frontages are all more than the 25-foot minimum. [see Attachment C]

Staff Findings: As depicted on the tentative partition map, Attachment B, the proposed parcels would have frontage of at least 25 feet along a public street. The frontages are proposed to be from 68 feet to 98 feet. RC zone requires 80 feet of frontage for single-family dwellings and accessory uses, including accessory dwellings, and 60 feet of frontage for two-family dwellings and accessory uses. Through the Planned Development, the applicant has asked for the minimum lot width to be 60 feet, including single-family dwelling lots.

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

- e) 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.**

Applicant Comments: SHMC 16.12.035 requires easements for public utilities not located within public right-of-way, drainage channels, and franchise utilities abutting the right-of-way. The only proposed private easements are for franchise utilities and drainage. All proposed private drainage easements are denoted on the Preliminary Lot Layout (Sheet C2.0). The proposed 10-foot-wide private utility easement abuts the rights-of-way, which is greater than the 7-foot-wide franchise utility easement standard. [see Attachment C]

Staff Findings: The applicant has proposed an easement for franchise utilities and drainage. The applicant has not proposed a joint use driveway.

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

- f) **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.

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

- g) **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, the proposed parcels would have side lines that are at, or very close, to right angles to a public street.

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

- h) **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.

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

- i) **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.

Based on the above findings, 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)]

Applicant Comments: The proposal will divide the subject property into 42-lots and four tracts. They resultant lots will be able to be developed with residential uses not related to or in conjunction with a recreational development per SHMC 17.60.040, with conditional use approval. There is no other remainder of land to consider. Therefore, this criterion is met. [see Attachment C]

Staff Findings: Staff finds that the remaining, approximate 5 acres, identified as future development on the site plan, can be developed in accordance with this code. The applicant is proposing to create 42 residential lots, 4 tracts, new streets, and associated utilities. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling.

Based on the above findings, the application complies with this criterion.

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

Applicant Comments: Property to the north: The adjoining property to the north at 2201 Clark Mill Road have and will maintain access from the north terminus of Clark Mill Road. Properties to the east: The adjoining properties to the east at 1388 Green River Road have and will maintain access from the east terminus of Green River Road. Property to the south: Adjoining properties to the south have access to and frontage on Green River Road and/or Clark Mill Road. Property to the west: Adjacent properties to the west have access to and frontage on Zelkova Street and/or Clark Mill Road. The proposed subdivision will not impact existing access for adjoining properties, nor will it impact the ability of adjoining land to develop. Therefore, this criterion is met. [see Attachment C]

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

Based on the above findings, 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)]

Applicant Comments: The proposed tentative subdivision plat application to divide one ±13.37acre parcel into 42-lot residential subdivision with four tracts. All resultant lots will be able to be developed with a single-family, two-family, and/or attached single-family dwelling. All proposed streets are designed in accordance with SHMC 16.16.020 per the collector and local street classifications. Site internal circulation will be provided by the development of a public streets system. To the south of the subdivision is a proposed east/west collector street with a 53-foot-wide right-of-way, 25-foot-wide curb-to-curb width, with a 4-foot-wide planter and 5-foot-wide sidewalk to the north and a 4-foot-wide planter and 12-foot-wide sidewalk to the south of the roadway. All other local streets are designed with a 52-foot-wide right-of-way, 32-foot-wide curb-to-curb width with 4-foot-wide planter and 5-foot-wide sidewalk on each side of the street, as shown on the Tentative Lot Layout plan set. The proposed subdivision will result in 42 residential lots that are anticipated to each be developed with a single-family dwelling. Based on the Institute of Transportation Engineers (ITE) trip generation rates, a single-family residence would add 9.44 vehicle trips per day, per parcel to the public street system (i.e., 396 trips), resulting in 42 new peak PM vehicle trip, per parcel, per day. Sweet Home's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development. [see Attachment C]

Staff Findings: Per the staff engineers' comments in Section II: The East-West Collector Street will be using a multiuse path that will work for both access and the necessary right-of-way widths. The interior

street network is looped, but as a whole functions like a cul-de-sac. All of Clark Mill Road basically functions the same as a cul-de-sac also, with only one roadway available to Main St. Future development East and North on adjacent lands will eventually link the roadways in various ways. At that point a Traffic Impact Study may be required due to the larger development and multiple routes. The existing private driveway leading to the adjacent north property, is being modified to tie into the Collector St near the Zelkova intersection.

Per the Public Works comments in Section II: The Clark Mill Road right-of-way extends north beyond the street connection and provides frontage to the Tack property, 13S01E29 03501. The street connection with Clark Mill Road shall be a tee intersection, not a curve as drawn, to provide for future roadway extension to any future developments of the Tack property. (see Attachment D). Street improvements on Clark Mill Road are required from the development to Zelkova Street. The planned development will need to incorporate a street naming system beyond Z. Reference SHMC 12.20.030 System of Naming Streets.

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

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

Applicant Comments: Water: City utility maps show 8-inch public water mains in Clark Mill Road near the intersections of Zelkova Road near the south property line of the subject site. Connections to the existing public water mains and extension of the public water services within proposed rights-of-way are depicted on the Utility Plan. These improvements may be included as a condition of approval for completion prior to the approval of the final plat. Development of each of the proposed parcels will require connection to the public water system at the time of development. These improvements may be included as a condition of approval for completion prior to the issuance of a final occupancy permit.

Sanitary Sewer: City utility maps show 8-inch public sanitary sewer mains in Clark Mill Road near the intersections of Zelkova Road near the south property line of the subject site. Connections to the existing public sanitary sewer mains and extension of the public sanitary sewer services within proposed rights-of-way are depicted on the Preliminary Utility Plan. Sanitary sewers will be installed to serve each new development and to connect developments to existing mains in accordance with the provisions of the Standard Specifications Manual. The city engineer shall approval all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Storm Drainage: It is acknowledged that it is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. Private drainage systems can be utilized to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple properties require reciprocal use and maintenance easements and can be shown on the final plat. At the time of development, the type of private drainage system, as well as the location and method of connection to the public system, must be reviewed and approved by the city.

Franchised Utilities: Franchised utilities such as power, television, phone, and gas are available to the property via a 10-foot-wide private utility easement along abutting right-of-way. [see Attachment C]

Staff Findings: Staff Findings: Per the staff engineer's comments in Section II above: one water line comes into the neighborhood from Clark Mill Road. To provide flow networking and isolation, a water line from the east end of Green River Road needs to connect to the east end of the new collector street, albeit temporarily for a few years till further development occurs on the east side. The Sanitary Sewer system will connect to Clark Mill Road, which has adequate capacity. Stormwater runoff will be managed and conveyed to the north through a constructed water quality and detention swale on the adjacent Track D parcel. An access road or path on the storm drainage easement will provide maintenance

access to the basin and outlet. The city has responsibility for the pipeline and fixtures, while the basin vegetation and channel itself is the responsibility of the homeowners that benefit from its use.

Per the Public Works comments in Section II above: Clark Mill Road has an 8" water main up to Green River Road and then a 2" water main up to Zelkova Street. The water main will need to be upsized to serve the development. Our Capital Improvement Plan identifies a 10" Northern Transmission Main from Clark Mill Road down Zelkova Street and through the quarry park property. The City's Engineer of Record consultant is currently working on a water model which will confirm the necessary transmission main size. On the block between Green River Road and Zelkova Street, the developer shall install an upsized water main consistent with the sizing requirement for the transmission main. The cost difference to build upsized pipe for City purposes would be eligible for SDC credits in accordance with SHMC 13.12.110 Credits. The developer shall provide a tee with a northwards stubout at the Clark Mill Road intersection to provide for future water extension northwards.

The nearest sanitary manhole is approximately 6ft deep. A sewer pump station may be required to serve the development. The design engineer shall make reasonable efforts to provide sewer by gravity to the extent possible. The developer shall provide a northwards stub at the Clark Mill Road intersection to provide for future sewer extension northwards. The developer shall submit the engineered sewer plans to Department of Environmental Quality (DEQ) for plan review. DEQ approval shall be obtained prior to the issuance of the City infrastructure permit.

The detention pond is located in the future development phase area. The developer shall indicate what will happen to the detention pond during the future development phase (i.e. protect it, expand it to serve phase 2, etc). The detention pond is proposed to be public. City standard is that detention ponds to serve developments are private. However, in this case the City may wish to discuss with the developer an option incorporating the detention pond into a City park. Public Works Maintenance has indicated a willingness to maintain the pond if it is part of a City park. The Community and Economic Development Department (CEDD) should evaluate whether the creation of a neighborhood park in this vicinity is consistent with the Parks Master Plan. The outfall from the pond crosses onto adjacent property 13S01E28 00700 which is also owned by the applicant. A utility easement is recommended to prevent any disputes with future property owners in perpetuity. The utility easement to the pond has a dropoff with approximately 20% slope. The developer shall grade the easement to reduce the slope and base rock it to provide vehicle and equipment access to all pipes and appurtenances. I recommend constructing the access in accordance with road base requirements so that it won't have to be rebuilt in the future when the road is extended to the future development phase.

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

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

Applicant Comments: The site does not contain any steep slopes. As shown on the Existing Conditions sheet, the subject property slopes slightly approximately 567 feet to 559 feet from east to west (see Exhibit A). The National Wetland Inventory and Local Wetland Inventory do not depict a wetland on the subject site (see Exhibit B). The applicable Flood Insurance Rate Map (FIRM) for the subject site is map no. 41043C0912G, dated September 29, 2010. Based on this FIRM, the subject property is located outside of the Special Flood Hazard Area, otherwise known as the 100-year floodplain (see Exhibit C)). However, there is no development proposed with this application. Therefore, there is no impact to the special flood hazard area. The subject site is not located in a historic district nor are there any known archaeological sites on the property. [see Attachment C]

Staff Findings: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does contain inventoried wetlands.

Identified wetland SSR-31 is in Tract D and abuts the proposed subdivision (SD22-01). Wetland SR-32 is in the area of future development.

The Department of State Lands Wetland Land Use Notification response states that based on a review of the available information, there are jurisdictional wetlands and/or waters onsite. A wetland delineation is recommended prior to develop. A permit and associated mitigation may be required for removal and/or fill activities that are 50 cubic yards or greater. (se Attachment D).

Staff recommends that the applicant contact the Department of State Lands (DSL) and the Corps of Engineers to verify if there will be additional permitting required.

Staff recommends a conditional of approval that a wetland delineation be recommended prior to development and the applicant comply with all applicable local, state, and federal requirements.

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)]

Applicant Comments: Phasing is not proposed with this application. Therefore, this review criterion is not applicable. [see Attachment C]

Staff Findings: The applicant has not proposed to phase the development, SD22-01, submitted simultaneously with the Planned Development.

Based on the above findings, 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)]

Applicant Comments: The applicant is not aware of any school capacity restraints currently, nor are any anticipated. Therefore, this review criterion is not applicable. [see Attachment C]

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.

Based on the above findings, 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 RC zone that fronts Clark Mill Road. 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.

Based on the above findings, 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: The applicant requests approval of a planned development overlay in conjunction with the tentative subdivision plat to be valid for a period of two years of the effective date of the notice of decision. The applicant further requests approval of a planned development overlay in conjunction with the future development area to be valid for a period of four years of the effective date of the

notice of decision. The applicant is proposing development with this application (SD22-01). 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 Plat 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: An applicant may petition for review of an approved development plan for the purpose of modifying that plan. The petition must include a statement of the reasons for any changes, as well as graphical and text representations of the proposed changes. [SHMC 17.48.070]

Major changes. When determined by the Community Development Director that the proposed change is a major change from one or more of the review criteria listed above, a hearing with notice as required in Chapter 17.12 of this code of ordinances shall be scheduled before the Planning Commission. In reviewing the proposed modification, the Planning Commission shall follow the procedure required for submittal and review of a new plan. The Planning Commission may consider the redesign of the development plan in whole or in part.

Minor changes. When the Community Development Director determines that proposed modifications of a plan reduce negative effects or have no effect on the surrounding area, they may be reviewed and approved as an administrative action.

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 the proposed 18-acre property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The Planned Development is requested for the subject

property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. The proposal includes a preliminary plan to subdivide approximately 13.37 acres into 42 residential lots and four tracts. The remaining approximate 5 acres are proposed to be developed at a later date. As proposed, lots sizes would range in size from 8,032 square feet to 12,290 square feet. All lots are eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses

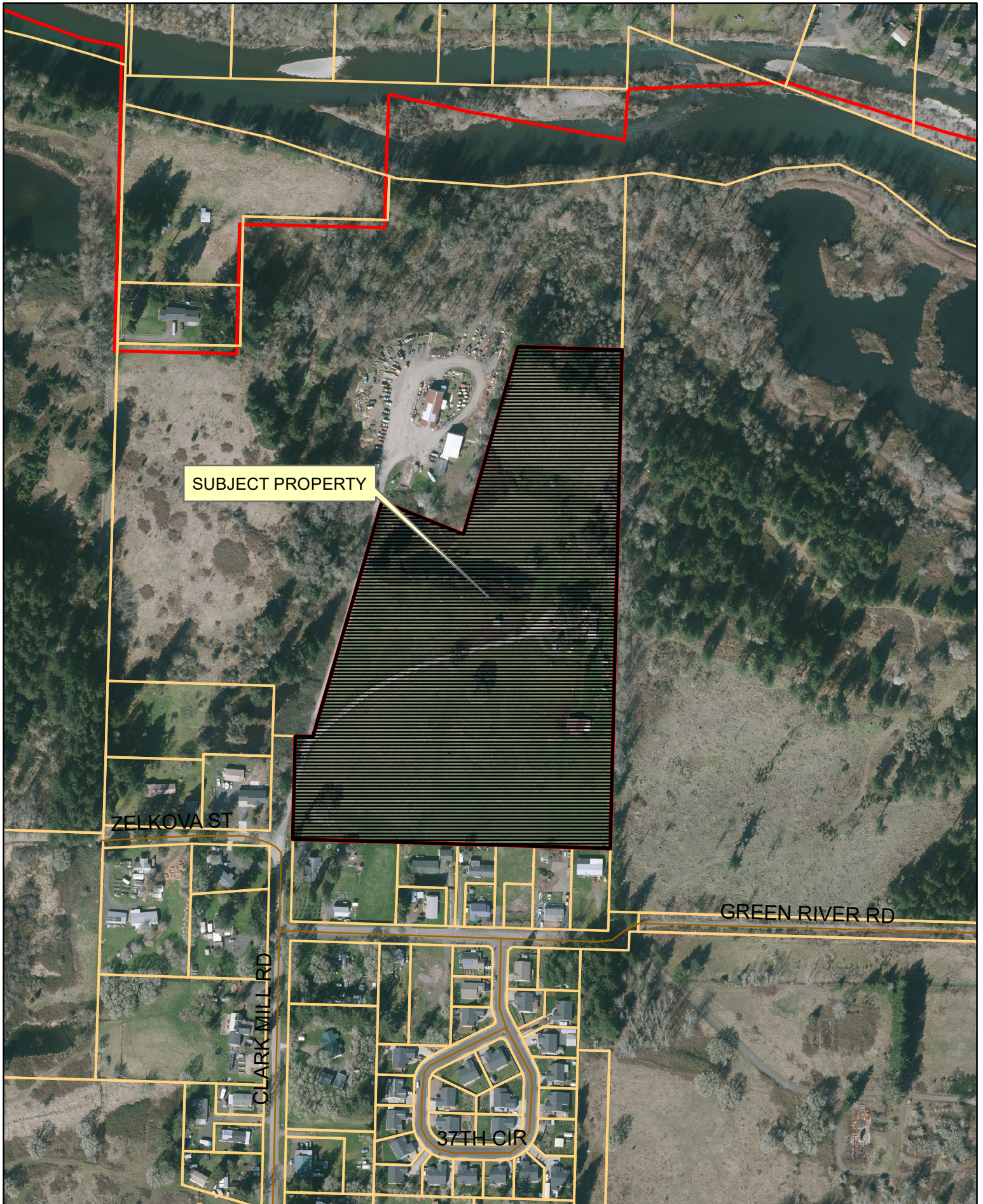
2. The approval of Conditional Use Application CU22-02 allowing for a residential subdivision in the Recreation Commercial (RC) Zone.
3. The applicant shall change the name of Zelkova Road to Zelkova Street on the site plan.
4. The minimum lot width for single-family dwellings shall be 60 feet.
5. The applicant shall provide each property with its own water and sewer services. The access and utility easements shall be clearly identified.
6. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements proposed in the Planned Development application and/or the setback requirements of the RC Zone. Application PD21-01 is pending the approval of Application CU22-02 allowing single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. Application CU22-02 will be filed simultaneously
7. Within two years 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.
8. Approval of a development plan associated with the subdivision application SD22-01 shall be valid for two-year period from the date of approval without documented progress to complete implementation of an approved development plan. Approval of a development plan associated with the future development shall be valid for a four-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.
9. 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.
10. Development of the subject parcels shall comply with all applicable local, state, and federal requirements. The applicant shall submit the engineered sewer plans to the Department of Environmental Quality (DEQ) for plan review. A wetland delineation is recommended prior to development. A permit and associated mitigation may be required for removal and/or fill activities that are 50 cubic yards or greater.

V. ATTACHMENTS

A. Subject Property Map

- B. Proposed Site Map
- C. Planned Development Summary
- D. WLUN Responses
- E. Public Works Attachments
- F. Application

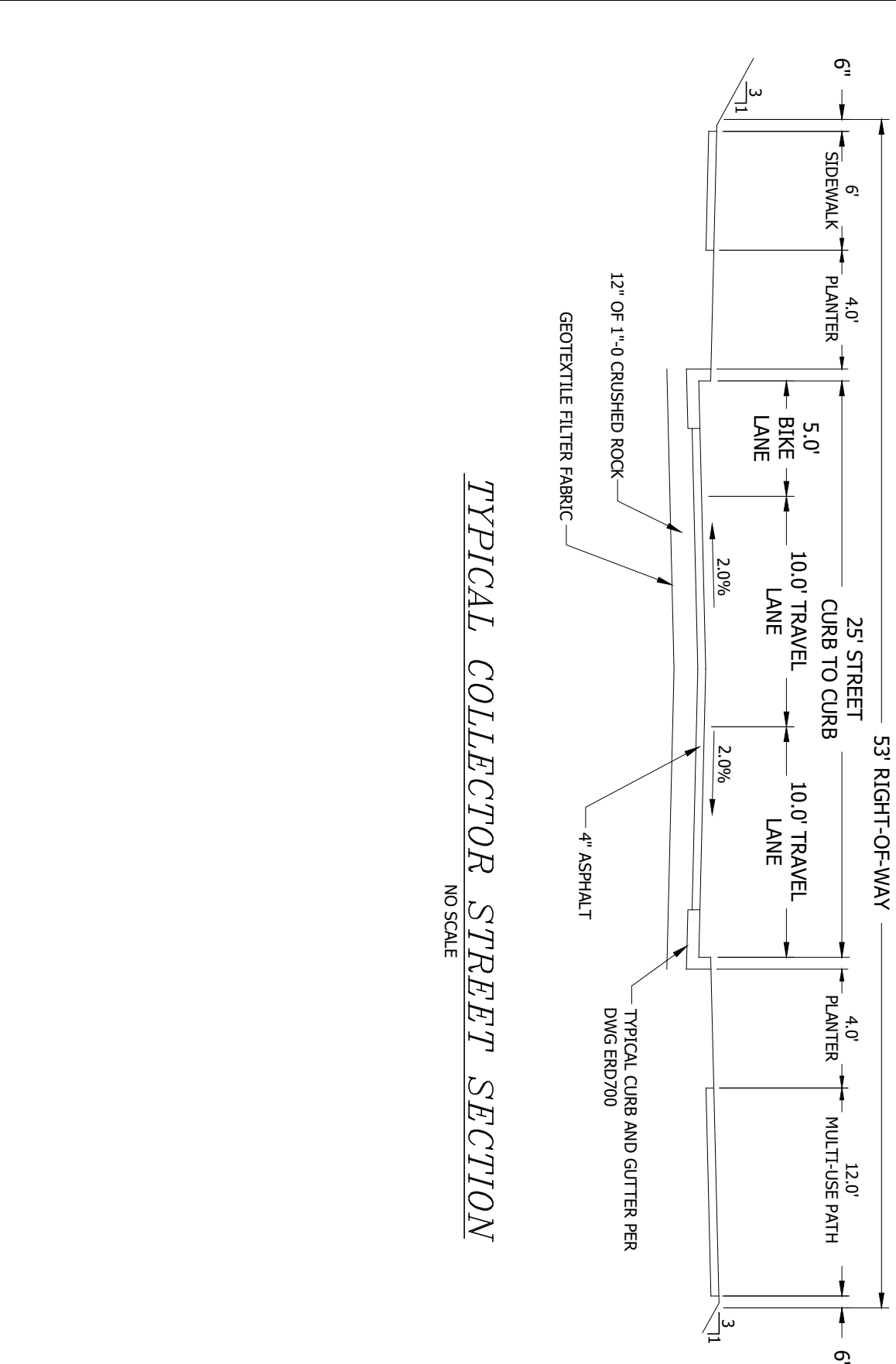
The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street through Friday, excluding holidays.



1 inch = 321 feet

PD22-01
Subject Property Map
1400 Clark Mill Road

Date: 1/25/22



PROJECT AREA SUMMARY
GROSS LAND AREA: 13.37 ACRES
R.O.W. DEDICATION AREA: 2.78 ACRES
TRACT AREAS: 1.80 ACRES
NET LAND AREA: 8.79+ ACRES

TRACT PURPOSES:

TRACT A: COMMON OPENSOURCE THAT WILL PROVIDE AREA FOR ENTRY LANDSCAPING AND AN ENTRY MONUMENT SIGN.

TRACT B: PLANNED TO BE DEEDED TO THE NEIGHBORING PROPERTY TO MITIGATE THE EXISTING GRAVEL ACCESS DRIVEWAY ENCROACHMENT.

TRACT C: PLANNED TO BE DEEDED TO THE NEIGHBORING PROPERTY TO MITIGATE THE EXISTING GRAVEL ACCESS DRIVEWAY ENCROACHMENT.

TRACT D: TRACT D IS BEING CREATED TO CONVEY TO THE CITY OF SWEET HOME. THE TRACT IS INTENDED TO BE AN OPEN SPACE AVAILABLE FOR USE BY THE PUBLIC.

PLAN REVISIONS	DATE

Sheet **C2.0**

SCALE: SEE BARSCALE

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

DATE: FEBRUARY 1, 2022

PROJECT: 21-304 SANTIAM RIVER DEVELOPMENT SUB

DRAWN BY: MLM

CHECKED BY: BSV

PRELIMINARY LOT LAYOUT

TENTATIVE PLAT

CLARK MILL ROAD

SWEET HOME, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC

63 EAST ASH ST.

LEBANON, OREGON 97355

(541) 451-5125 PH.

(541) 451-1366 FAX

CLIENT: SANTIAM RIVER DEVELOPMENT CO, LLC

TROY CUMMINS

P.O. BOX 40

LEBANON, OREGON 97355

541.401.5272

ATTACHMENT C

PLANNED DEVELOPMENT, SUBDIVISION, AND CONDITIONAL USE APPLICATIONS

Submitted to:	City of Sweet Home Planning Division 3225 Main Street Sweet Home, OR 97386
Applicants/Property Owners:	Santiam River Development Co LLC Troy Cummings P.O. Box 40 Lebanon, OR 97355
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355
	Contact: Laura LaRoque Email: laura@udelleng.com Phone: (541) 990-8661
Site Location:	1400 Clark Mill Road, Sweet Home, OR 97386
Polk County Assessor's Map No.:	13S-01E-29 Tax Lot 3502
Site Size:	±13.37 acres
Existing Land Use:	Unimproved
Comprehensive Plan Designation:	Planned Recreational Commercial
Zone Designation:	Recreational Commercial Zone (RC)
Surrounding Zoning:	North: RC South: Residential Industrial Transition (RMT) East: RC West: RC
Surrounding Uses:	North: Commercial (R & L Excavating Inc.) South: Single-Family Residential East: Unimproved West: Single-Family Residential/Unimproved



I. Executive Summary

The applications under consideration are as follows:

1. Planned Development Overlay to allow single-family uses permitted conditionally via Sweet Home Municipal Code (SHMC) 17.60.030(D) to be developed accordance with the development standards of SHMC 17.60.040(B).
2. Tentative Subdivision Plat for a 42-lot residential subdivision and four tracts.
3. Conditional Use permit to allow residential uses not related to or in conjunction with a recreational development in the Recreational Commercial (RC) zoning district.

The subject property is to the northeast of the Zelkova Street and Clark Mill Road intersection and is identified by 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S-01E-29 Tax Lot 3502. The property is ± 13.37 -acres and improved with an existing single-family residential dwelling which will be retained with the proposed development.

The property is in a partially developed neighborhood. To the north is a commercial excavating company located in the Residential Commercial (RC) zone. To the east and west, are large tract RC zoned properties largely unimproved except for a few single-family dwellings and associated accessory structures. To the south are urban residential lots in the RL zone that are improved with single-family dwellings and associated accessory structures.

The proposal includes a preliminary plan to subdivide the ± 13.37 -acre site into 42 residential lots and four tracts. As proposed, lots sizes would range in size from 8,032 square feet to 12,290 square feet. All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development.

All lots within the subdivision would be provided access from Clark Mill Road and proposed internal public rights-of-way. Figures 2.2 and 2.5, denote Clark Mill Road is classified as a Collector Street with good curbs, sidewalks, and gutters, respectively. A future arterial street traversing to the north and east of Green River Road and the proposed subdivision is depicted in Figure 4.2.

For utilities, sanitary sewer and water mains would be extended from Clark Mill Road to and through the proposed internal public right-of-way. Upon extension of the mains, the new lots within the proposed subdivision would be able to connect laterals to the mains for utility service.

II. Review Procedure

Section 16.16.030 of the Sweet Home Municipal Code (SHMC) that Planned Developments, Tentative Subdivision, and Conditional Use applications are processed via a quasi-judicial review procedure, in which the Planning Commission renders a decision at a public hearing based upon the review criteria of SHMC 17.48.050, SHMC 16.16.040, and 17.80.040.



III. Planned Development – Review Criteria and Findings of Fact

SHMC 17.48.050 includes the following review criteria that must be met for approval of a planned development overlay. Code criteria are written in **bold** and are followed by findings and conclusions.

Criteria A

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.

- 1.1 A Planned Development is requested for the subject property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S-01E-29 Tax Lot 3502. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed accordance with the development standards of SHMC 17.60.040(B).

Table 1: Comparison of Middle Housing Residential Special Standards:

		R-C Residential Standards		
		Single Family Dwelling	Two-Family Dwelling	Single-Family Attached
Minimum	Lot Size	8,000 sf	5,000 sf	1,245 sf
	Lot Width	80'	60'	unspecified
	Front, Setback	20'	20'	20'
	Garage, setback	20'	20'	20'
	Side, Setback	5' / 13'	5'	0 / 5'
	Street, Setback	15'	15'	15'
	Rear, Setback	15'	10'	10'
Maximum	Parking	garage or carport, 2 spaces	garage or carport, 2 spaces/unit	garage or carport, 2 spaces
	Lot Coverage	35%	50%	60%
	Height	30'	40'	40'

- 1.2 According SHMC 17.48.010, "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 ensuring compliance with the purposes and objectives of the zoning regulations and the intent and purpose of this chapter."

The requested deviations from SHMC 17.60.040(A) to SHMC 17.60.040(B) for single-family development is consistent with the purpose of the RC zoning district as it will allow for greater variations in lot dimensional and development standards which will allow for better accommodation of open space(s).



- 1.3 According to Table 1 Summary of Comprehensive Plan Land Use Designations, the purpose of the recreation commercial land use designation is as follows: “To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community.”

The subject property is an infill residential development that will allow access to large tracts of land that will have open space and recreational opportunities. Consist with the purpose of the zone the proposed subdivision includes a dedication of an open space tract and multipath for recreational activities.

- 1.4 The only policy specific to the RC zoning district in Comprehensive plan is Economic Development Policy 10, which states “The Recreation Commercial Designation provides for a mixture of commercial and residential uses associated with recreational development. Sweet Home will encourage enhancement of natural features. Development shall avoid negative impacts on the natural features of the land. If a negative impact cannot be avoided, development shall minimize the impacts and be mitigated on site.”

- 1.5 Policies of the comprehensive plan are implemented with the adoption of associated long-range planning documents such as the transportation system plan, development code, facility plans, and land need/supply analyses. The proposed subdivision and application of the planned development overlay are consistent with these standards and therefore, the associated policies within the Comprehensive Plan.

- 1.6 There are no minimum or maximum density requirements in Comprehensive plan or Development Code for the RC zoning district. According to the Comprehensive Plan, the maximum density for medium density residential and low-density residential areas is 9 and 5.4 dwelling units per acre, respectively.

The proposed subdivision has an approximate net land area of 8.79-acres, which equates to a maximum allowable density of 80 and 47 dwellings based on the medium and low-density districts. Although, there is no maximum density standard for the RC zoning district, the proposed development is less than maximum density permitted in medium density residential and low-density residential areas.

- 1.7 All other applicable policies and standards are outlined under Section IV, Criteria B, below which are incorporated herein by reference.

- 1.8 This criterion is met.

Criteria B

- B. The project will be compatible with adjacent developments, with consideration of the following factors, if applicable: Basic site design, visual elements, noise reduction, noxious odors, lighting, signage, landscaping for buffering and screening, traffic, effects of off-site parking, and effects on air and water quality.**



- 2.1 A Planned Development overlay is requested to allow single-family residential uses permitted conditionally under SHMC 17.60.030(D) to be developed in accordance with SHMC 17.60.040(B).
- 2.2 Compatibility with adjacent developments is addressed under Section V, criteria B below, which are incorporated herein by reference.
- 2.3 This criterion is met.

Criteria C

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.

- 3.1 The applicant has submitted the necessary applications to gain approval for the proposed development which was vetted through a thorough due diligence process.

Criteria D

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.

- 4.1 SHMC 17.48.080 outlines the effective date of development plan approval but states that the Planning Commission may establish different time frames. The applicant requests approval of a planned development overlay in conjunction with the tentative subdivision plat to be valid for a period of two years of the effective date of the notice of decision. The applicant further requests approval of a planned development overlay in conjunction with the future development area to be valid period of four years of the effective date of the notice of decision.

The proposed approval timelines will allow for construction plans to be developed, reviewed, and approved and any required site improvements to be completed prior to recording the final plat. The proposed will further allow for a tentative subdivision plat and associated construction for the future development area to be developed, reviewed, and approved and any required site improvements to be completed prior to recording the final plat.

- 4.2 This criterion is met.

Criteria E

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

- 5.1 Compatibility with location and general development standards are addressed under Sections IV and V, below, which are incorporated herein by reference.
- 5.2 This criterion is met.



Criteria F

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.

- 6.1 SHMC 17.04.030 defines a variance as follows: “A grant of relief from the requirements of this title, which permits activity in a manner that would otherwise be prohibited by this title.”

SHMC 17.04.030 defines a Planned Unit Development as follow: “A type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.”

Therefore, a variance to the regulations of Titles 16 and 17 is not requested.

- 6.2 Regardless, the purpose of the overlay request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed accordance with the development standards of the standards of SHMC 17.60.040(B). A comparison table is provided above under Section III, Criteria A, which is incorporated herein by reference.
- 6.3 The proposed deviation in the special development standards will allow for a more efficient and effective use of public utilities, consistency with development standards R-3 medium residential zoning district, and preservation of more open spaces areas for recreational purposes.
- 6.4 This criterion is met.

Criteria G

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.

- 7.1 An analysis of transportation impacts is provided under Section IV, Criteria B, which are incorporated herein by reference.
- 7.2 All off-street parking access, streets rights-of-way and improvements are proposed to be in accordance with city standards.
- 7.3 This criterion is met.



Criteria H

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

- 8.1 Findings pertaining to public sanitary sewer and water services are provided under Section IV, Criteria F, below and incorporated herein by reference.

Criteria I

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.

- 9.1 As stated under Criteria A, above, there are no density requirements specific to the RC zoning district in Comprehensive plan or Development Code. The maximum density for medium density residential and low-density residential areas is 9 and 5.4 dwelling units per acre, respectively. The proposed subdivision has an approximate net land area of 8.78-acres, which equates to a maximum allowable density of 80 and 47 dwellings based on the medium and low-density districts. Although, there is no maximum density standard for the RC zoning district, the proposed development is less than maximum density permitted in medium density residential and low-density residential areas.
- 9.2 This criterion is met

IV. Subdivision – Review Criteria and Findings of Fact

SHMC 16.16.040 includes the following review criteria that must be met for a Subdivision to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

The following section provides a detailed analysis of how the proposal meets the development

Criteria A

A. The information required by this chapter has been provided.

- 1.1 Chapter 16.16 of the Sweet Home Municipal Code (SHMC) includes sections pertaining to general information, pre-application review, application submittal requirements, land division review procedures, review criteria, conditions of approval, development phasing, duration of tentative plat approval, and extension tentative plat approval.
- 1.2 Section 16.16.010 provides general information to the applicant. This information was taken under advisement during the application submittal process.
- 1.3 Section 16.16.020 of the Sweet Home Municipal Code (SHMC) states that a pre-application conference may be required. Pre-applications were voluntary held on Monday, December 27, 2022, and Tuesday, January 11, 2022.
- 1.4 SHMC 16.16.025 outlines the application submittal requirements which include a tentative subdivision plan set with scaled drawings of existing conditions and proposed



improvements. A supplemental tentative subdivision plan set has been included with this application submittal and will be deemed completed in advance of scheduling a public hearing before the Planning Commission.

- 1.5 SHMC 16.16.030 outlines the application review process which is quasi-judicial review with a decision by the Planning Commission and a 12-day appeal period.
- 1.6 SHMC 16.16.040 includes the tentative subdivision, replat, and partition review criteria which are address herein and below, by reference.
- 1.7 SHMC 16.16.050 denotes conditions of approval may be opposed to ensure the proposal conforms to the applicable review criteria.
- 1.8 SHMC 16.16.060 outlines approval periods for subdivision phasing.
- 1.9 SHMC 16.16.060 indicates that the tentative approval is valid for 12-months from the date of approval of the tentative plat or phased timelines, if applicable
- 1.10 SHMC 16.16.080 allows the Planning Commission to grant a 12-month extension to a tentative approval or phased approval in certain situations.
- 1.11 Therefore, the only information required by Chapter 16.16 is outlined in SHMC 16.16.020, which was provided and deem complete in advance of scheduling a public hearing before the Planning Commission.

Criteria B

A. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable.

- 2.1 SHMC Chapter 16.12 entitled Design Standards includes sections pertaining to general development standards and design criteria, streets, blocks, lots and parcels, easements, water systems, sanitary sewer systems, storm water and surface drainage, lot grading, erosion control, underground utilities, and large tract land divisions.
- 2.2 SHMC 16.12.015 states that the developer is responsible for the design and improve all public and private improvements associated with the proposed development.
- 2.3 All lots within the subdivision would be provided access from Clark Mill Road and proposed internal public rights-of-way. Figures 2.2, denote Clark Mill Road is classified as a Collector Street. A conceptual future arterial street alignment and bicycle and pedestrian route is depicted in Figure 4.2 which traverses along the north of the subject property and east of Green River Road and the proposed subdivision.

Notably, the Sweet Home Transportation Plan (TSP) bases the conceptual future street classification on a former development proposal entitled the Santiam River Club (formerly Salmon Run), which was a master planned community of a 752.19-acre site, which included mixed-use development consisting of 1,575 residential units, related commercial land uses, open space, institute, and two hotels.



Table 6 in the TSP provides a general guide to the functional classification of streets for various levels of ADT and travel speed. Local streets generally have Annual Daily Traffic (ADT's) of 1,000 vehicles or less and speed of 25 MPH or less. Collector streets generally have ADTs of 1,500 to 5,000 with speeds of 25 MPH. Minor arterial streets have ADTs from 3,000 to 10,000 with speeds greater than 25 MPH.

Based on the current projections for development (and associated ADT's) of the former Santiam River Club (formerly Salmon Run) 752.19-acre site, the conceptual future street alignment is anticipated to be reclassified from an arterial street to a collector street during the next TSP update.

2.4 SHMC 16.16.020 includes the street design standards by street classification.

Site internal circulation will be provided by the development of a public streets system. To the south of the subdivision is a proposed east/west collector street with a 53-foot-wide right-of-way, 25-foot-wide curb-to-curb width, with a 4-foot-wide planter and 5-foot-wide sidewalk to the north and a 4-foot-wide planter and 12-foot-wide multi-use path to the south of the roadway. All other local streets are designed with a 52-foot-wide right-of-way, 32-foot-wide curb-to-curb width with 4-foot-wide planter and 5-foot-wide sidewalk on each side of the street, as shown on the Tentative Lot Layout plan set.

Other street standards such as street alignment, future extensions of streets, intersection angles, dead end streets, grades, curves, access, bicycle, and pedestrian ways have additionally been designed to the city standards, as shown on the Tentative Lot Layout plan set.

2.5 SHMC 16.12.025 states that block and perimeter length must consider property shape, traffic flow, fire safety, access control onto adjacent streets, natural features, access to school, access to parks, mid-block pedestrian ways, and existing development. These provisions were considered during the subdivision design, as shown on the Tentative Lot Layout plan set.

2.6 SHMC 16.12.030 includes considerations for lot dimensions and configuration.

SHMC 17.60.040 requires a minimum 8,000 square foot lot size and 80-foot lot width for development of a single-family dwelling and accessory uses; a minimum 5,000 square foot and 60-foot lot width for two-family dwellings and accessory uses; and a minimum 1,245 square feet per unit for single-family attached dwellings.

SHMC 16.12.030(D)(H) states that lot depth cannot exceed 2.5 the average lot width, lot side lines at right angles to the street as far as practicable, and each lot must maintain a frontage width of at least 25 feet.

As proposed, lots sizes would range in size from 8,032 square feet to 12,920 square feet with an average lot size of 9,105 square feet. Lot width range from 67 feet to 110 feet



with an average of 83 feet. Lot depth range from 85 feet to 130 feet and does not exceed the maximum lot depth of 207 feet (based on the average lot depth of 83 feet).

There are no flag lots or through lots. All lots are proposed to have frontage on and access to a public street. Frontages are all more than the 25-foot minimum.

- 2.7 SHMC 16.12.035 requires easements for public utilities not located within public right-of-way, drainage channels, and franchise utilities abutting the right-of-way.

The only proposed private easements are for franchise utilities and drainage. All proposed private drainage easements are denoted on the Preliminary Lot Layout (Sheet C2.0). The proposed 10-foot-wide private utility easement abuts the rights-of-way, which is greater than the 7-foot-wide franchise utility easement standard.

- 2.8 SHMC 16.12.040 – 16.12.050 require water, sanitary sewer, storm water, and surface drainage to be designed to city standards and approved by the City Engineer. As shown on the preliminary grading, storm drain, and utilities plans all proposed improvements will comply with city standards. A condition of approval may include approval of the final grading, storm drain, and utilities plans prior to site improvements.

- 2.9 SHMC 16.12.055 – 16.12.060 pertain to lot grading and erosion control. A condition of approval may include approval of the final grading and erosion control plans prior to site improvements.

- 2.10 SHMC 16.12.070 requires all permanent franchise utility services to lots be provided from underground facilities. No overhead utilities facilities are proposed with this application.

- 2.11 SHMC 16.12.075 states requirements may be imposed to allow large lots or parcels to be subdivided in the future. Streets and utilities improvements will be provided to the site's north and east property lines to allow for future development to abutting underdeveloped parcels.

- 2.12 SHMC 17.08.100 includes access standards which limit the maximum driveway width based on number of driveways and property frontage. Lot frontage ranges from 43 feet to 143 feet with average frontage width of 72 feet. Therefore, the driveway width will vary for 25 feet to 30 feet. All access standards will be verified at the time of a building permit.

- 2.13 SHMC Chapter 17.60 included special development standards for residential development.

- 2.14 SHMC 17.60.040 requires a minimum 8,000 square foot lot size and 80-foot lot width for development of a single-family dwelling and accessory uses; a minimum 5,000 square foot and 60-foot lot width for two-family dwellings and accessory uses; and a minimum 1,245 square feet per unit for single-family attached dwellings.



As proposed, lots sizes would range in size from 8,032 square feet to 12,920 square feet with an average lot size of 9,105 square feet. Lot width range from 67 feet to 110 feet with an average of 83 feet. The proposed lot sizes will meet or exceed the minimum standards for single-family, two-family, and single-family attached dwellings in the RC zoning district with approval of the requested Planned Development.

- 2.15 Setback standards per SHMC 17.60.040 will be reviewed for conformance at the time of a building permit. However, compliance with the minimum lot dimensional standards will allow sufficient area to meet setback standards at that time.
- 2.16 No other sections in Chapter 17 are applicable at the time of a tentative subdivision approval. However, compliance with subdivision design standards and lot dimensional standards will allow sufficient lot area to meet site development standards at the time of development.
- 2.17 Applicable Comprehensive Plan Policies are as follows:

- i. *Residential Land Use Policies*

- 1. *Policy 1 Residential areas will offer a wide variety of housing types in locations best suited to each housing type.*
 - 2. *Policy 3 the city encourages flexibility in design to promote safety, livability, and preservation of natural features.*
 - 3. *Policy 4 Sweet Home establishes density recommendations in the plan in order to maintain property relationships between proposed public facilities, services, and population distribution.*

The proposed development conforms with the Residential Land Use policies above by having a range of lot sizes to allow for development of dwelling types permitted in the RC zone.

- ii. *Transportation Policies*

- 1. *Policy 1 as a general guideline, all streets shall carry volumes and speeds at the appropriate range for all street classifications as described in the Functional Classification Guidelines.*
 - 2. *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.*
 - 3. *Policy 5 The standard for Pedestrian and Bicycle System improvements listed in the Transportation System Plan, shall be implemented when reviewing new development.*



Findings of fact concerning the location and design of streets are provided under finding 2.3 above, and Criterion E below, which are incorporated herein by reference.

iii. Public Facilities

- 1. Policy 11 To assist development in funding of water main extensions, the city should continue its policies of: 1) providing reimbursement agreements to developments and abutting property owners for main line extension costs that benefit other properties; 2) Paying for oversizing of main lines.*
- 2. Policy 12 The use of nonstructural storm water controls (land use policies and regulations) shall be implemented where appropriate to insure proper use and enhancement of naturally occurring runoff-control features*
- 3. Policy 17 The City shall continue with some form of development charge levied against new development for the actual cost of extending sewage treatment service.*
- 4. Policy 18 The City shall review franchise agreements to ensure residents have access to the appropriate level of service.*

Findings of fact concerning the location and design of public and private utilities are provided under Criterion F below and incorporated herein by reference.

iv. Citizen Involvement Policies

- 1. Policies 1 – 7.*

The application has been processed in accordance with public notification and public hearing procedures under SHMC 16.16.030, which satisfy Citizen Involvement Policies 1 – 7 of the Comprehensive Plan.

Criteria C

- B. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code.**
- 3.1 The proposal will divide the subject property into 42-lots and four tracts.
 - 3.2 The resultant lots will be able to be developed with residential uses not related to or in conjunction with a recreational development per SHMC 17.60.040, with conditional use approval.
 - 3.3 There is no other remainder of land to consider. Therefore, this criterion is met.



Criteria D

- C. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes.**
- 4.1 Property to the north: The adjoining property to the north at 2201 Clark Mill Road have and will maintain access from the north terminus of Clark Mill Road.
 - 4.2 Properties to the east: The adjoining properties to the east at 1388 Green River Road have and will maintain access from the east terminus of Green River Road.
 - 4.3 Property to the south: Adjoining properties to the south have access to and frontage on Green River Road and/or Clark Mill Road.
 - 4.4 Property to the west: Adjacent properties to the west have access to and frontage on Zelkova Street and/or Clark Mill Road.
 - 4.5 The proposed subdivision will not impact existing access for adjoining properties, nor will it impact the ability of adjoining land to develop. Therefore, this criterion is met.

Criteria E

- D. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title.**
- 5.1 The proposed tentative subdivision plat application to divide one ±13.37acre parcel into 42-lot residential subdivision with four tracts. All resultant lots will be able to be developed with a single-family, two-family, and/or attached single-family dwelling.
 - 5.2 All proposed streets are designed in accordance with SHMC 16.16.020 per the collector and local street classifications.

Site internal circulation will be provided by the development of a public streets system. To the south of the subdivision is a proposed east/west collector street with a 53-foot-wide right-of-way, 25-foot-wide curb-to-curb width, with a 4-foot-wide planter and 5-foot-wide sidewalk to the north and a 4-foot-wide planter and 12-foot-wide sidewalk to the south of the roadway. All other local streets are designed with a 52-foot-wide right-of-way, 32-foot-wide curb-to-curb width with 4-foot-wide planter and 5-foot-wide sidewalk on each side of the street, as shown on the Tentative Lot Layout plan set.
 - 5.3 The proposed subdivision will result in 42 residential lots that are anticipated to each be developed with a single-family dwelling. Based on the Institute of Transportation Engineers (ITE) trip generation rates, a single-family residence would add 9.44 vehicle trips per day, per parcel to the public street system (i.e., 396 trips), resulting in 42 new peak PM vehicle trip, per parcel, per day.
 - 5.4 Sweet Home's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.



Criteria F

E. The location and design allow development to be conveniently served by public utilities.

Water

- 6.1 City utility maps show 8-inch public water mains in Clark Mill Road near the intersections of Zelkova Road near the south property line of the subject site.
- 6.2 Connections to the existing public water mains and extension of the public water services within proposed rights-of-way are depicted on the Utility Plan. These improvements may be included as a condition of approval for completion prior to the approval of the final plat.
- 6.3 Development of each of the proposed parcels will require connection to the public water system at the time of development. These improvements may be included as a condition of approval for completion prior to the issuance of a final occupancy permit.

Sanitary Sewer

- 6.4 City utility maps show 8-inch public sanitary sewer mains in Clark Mill Road near the intersections of Zelkova Road near the south property line of the subject site.
- 6.5 Connections to the existing public sanitary sewer mains and extension of the public sanitary sewer services within proposed rights-of-way are depicted on the Preliminary Utility Plan.
- 6.6 Sanitary sewers will be installed to serve each new development and to connect developments to existing mains in accordance with the provisions of the Standard Specifications Manual. The city engineer shall approval all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Storm Drainage

- 6.7 It is acknowledged that it is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. Private drainage systems can be utilized to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple properties require reciprocal use and maintenance easements and can be shown on the final plat. At the time of development, the type of private drainage system, as well as the location and method of connection to the public system, must be reviewed and approved by the city.

Franchised Utilities

- 6.8 Franchised utilities such as power, television, phone, and gas are available to the property via a 10-foot-wide private utility easement along abutting right-of-way.



Criteria G

- F. 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.
- 7.1 The site does not contain any steep slopes. As shown on the Existing Conditions sheet, the subject property slopes slightly approximately 567 feet to 559 feet from east to west (see Exhibit A).
- 7.2 The National Wetland Inventory does not depict a wetland on the subject site (see Exhibit B). Figure 4B of the Sweet Home Local Wetland Inventory depicts SSR-31, a Palustrine Emergent (i.e., PEM) wetland described as an herbaceous marsh, fen, swale, or wet meadow, approximately 0.45-acres in size in Tract D.
- 7.3 The applicable Flood Insurance Rate Map (FIRM) for the subject site is map no. 41043C0912G, dated September 29, 2010. Based on this FIRM, the subject property is located outside of the Special Flood Hazard Area, otherwise known as the 100-year floodplain (see Exhibit C). However, there is no development proposed with this application. Therefore, there is no impact to the special flood hazard area.
- 7.4 The subject site is not located in a historic district nor are there any known archaeological sites on the property.

Criteria H

- G. 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.
- 8.1 Phasing is not proposed with this application. Therefore, this review criterion is not applicable.

Criteria I

- H. An application for residential development can be denied based on a lack of school capacity if: 1) The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; 2) The city has considered option to address school capacity; and 3) The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540. This section does not confer any power to the school district to declare a building moratorium.
- 9.1 The applicant is not aware of any school capacity restraints currently, nor are any anticipated. Therefore, this review criterion is not applicable.



V. Conditional Use – Review Criteria and Findings of Fact

SHMC 17.80.040 includes the following review criteria that must be met for a conditional use application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criteria A

J. **The request complies with the requirements of the underlying zone or overlay zone, city codes, state, and federal laws.**

- 1.9 Subject property is located at 1400 Clark Mill Road and is zoned Recreational Commercial (RC). The proposed use is allowed in the RC zoning district with Conditional Use approval.
- 1.10 The zone map denotes a Planned Development overlay which was applied in association with a previous approval that has since lapsed. The application of a new Planned Development approval is proposed with this application. Compliance with the Planned Development review criteria is addressed under Section III above and incorporated herein by reference.
- 1.11 No other overlays (i.e., Mobile Home Infill and Natural Resource) are applied to this subject site.
- 1.12 Compliance with applicable design and development standards are addressed under Section III and are incorporated herein by reference.

Criteria B

K. **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.**

- 2.4 Subject property is located at 1400 Clark Mill Road and is zoned Recreational Commercial (RC). The site is ±13.37-acres and is generally flat with little natural vegetation. The site is improved with a single-family dwelling that is proposed to be retained with the concurrent subdivision application. The proposal is to allow residential uses on proposed lots 1-42 not related to or in conjunction with a recreational development in the RC zoning district.
- 2.5 Development plans for individual lots will be developed upon approval of the concurrent subdivision application. However, proposed residential dwellings will conform to the special standards of SHMC 17.60.040(B)(D).
- 2.6 Each lot will include off-street parking in accordance with SHMC 17.08.090, which include two spaces per dwelling.
- 2.7 Each lot will be developed as permitted per SHMC 17.60.040. Based on the Institute of Transportation Engineers (ITE) trip generation rates, a single-family residence would add



9.44 vehicle trips per day, per parcel to the public street system, resulting in on new peak PM vehicle trip, per parcel, per day.

Findings regard total vehicle trips and circulation for the proposed subdivision are included under Section III, Criterion E above and included herein by reference.

- 2.8 Any required streetlights will be installed per city standards in accordance with SHMC 16.24.050.
- 2.9 Existing noise levels derive mainly from vehicular sources on nearby public streets and typical residential activity on adjacent and nearby lots. Anticipated noise generation from the proposed subdivision and residential lots will be like what is existing.
- 2.10 The dwellings will not present any safety issues that would require additional measures beyond those that will be addressed through the site and building permit review process.
- 2.11 Dust is not anticipated because of trips to and from the site and/or living on the premise. Further, residential dwelling, and associated activities are not expected to generate vibrations, exhaust and emissions, or odors above and beyond what is common for a residential dwelling.
- 2.12 There is no minimum landscape area or screening standard for a residential dwelling. No additional landscaping or screening is proposed with this development.
- 2.13 This criterion is met.

Criteria C

L. 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.

- 3.2 The proposed use is a residential use not related to or in conjunction with a recreational development. The proposed use is allowed in the RC zoning district with Conditional Use approval.
- 3.3 Certain uses are conditional uses instead of being allowed outright. They are subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is required due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved. The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.



- 3.4 The subject property is in the RC zoning district. SHMC 17.36.010, states that “the purpose of the RC zone is to provide and maintain areas which possess unique characteristics for recreation-related commercial and residential development, and which are suitable and desirable for recreation businesses for tourists and recreationists in the area.”
- 3.5 The property is in a partially developed neighborhood. To the north is a commercial excavating company located in the Residential Commercial (RC) zone. To the east and west, are RC zoned properties largely unimproved except for a few single-family dwellings and associated accessory structures. To the south is RL zoned property improved with single-family dwellings and associated accessory structures.
- 3.6 The proposed residential subdivision and future development of residential dwellings comparable and compatible with existing land uses and is not anticipated to generate any negative impacts that cannot be mitigated through the typically design, permit, and construction process.

Criteria D

M. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.

- 4.3 As stated under Section IV, Criterion F above and included herein by reference, all public utilities (sanitary sewer, water, storm drainage) are adequate to serve the proposed use.

Criteria E

N. 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 complete enclosed 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.

- 5.1 The proposal does not include a home occupation; therefore, this criterion is not applicable.

Criteria F-I

Marijuana facilities must meet the following standards: 1) marijuana facilities must be located in a fixed location. 2) Marijuana facilities may not have any drive-up services; 3) marijuana facilities must be located at least 1,000 feet from property boundary of any school; 4) marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

- 6.1 The proposal does not include a marijuana facility; therefore, this criterion is not applicable.



VI. OVERALL CONCLUSION

Based on the analysis in this report, the proposed preliminary subdivision plat and conditional use permit meets all the applicable review criteria as outlined above.

VII. Exhibits

- A. Tentative Subdivision Plat
- B. National Wetland Inventory reference map
- C. FEMA FIRMette





Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2022-0087

Responsible Jurisdiction

Staff Contact

Angela Clegg

Jurisdiction Type

City

Municipality

SWEET HOME

Local case file #

SD22-01

County

Linn

Activity Location

Township

13S

Range

01E

Section

29

QQ section

Tax Lot(s)

3502

Street Address

1400 Clark Mill Road

Address Line 2

City

Sweet Home

Postal / Zip Code

97386

State / Province / Region

OR

Country

Linn

Latitude

44.411818

Longitude

-122.704308

Wetland/Waterway/Other Water Features

- ☒ 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.

Your Activity

- ☒ It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- ☒ An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)



- ☒ 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 a review of the available information, there are jurisdictional wetlands and/or waters onsite. A wetland delineation is recommended prior to development. A permit and associated mitigation may be required for removal and/or fill activities that are 50 cubic yards or greater.

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.

- ☒ 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

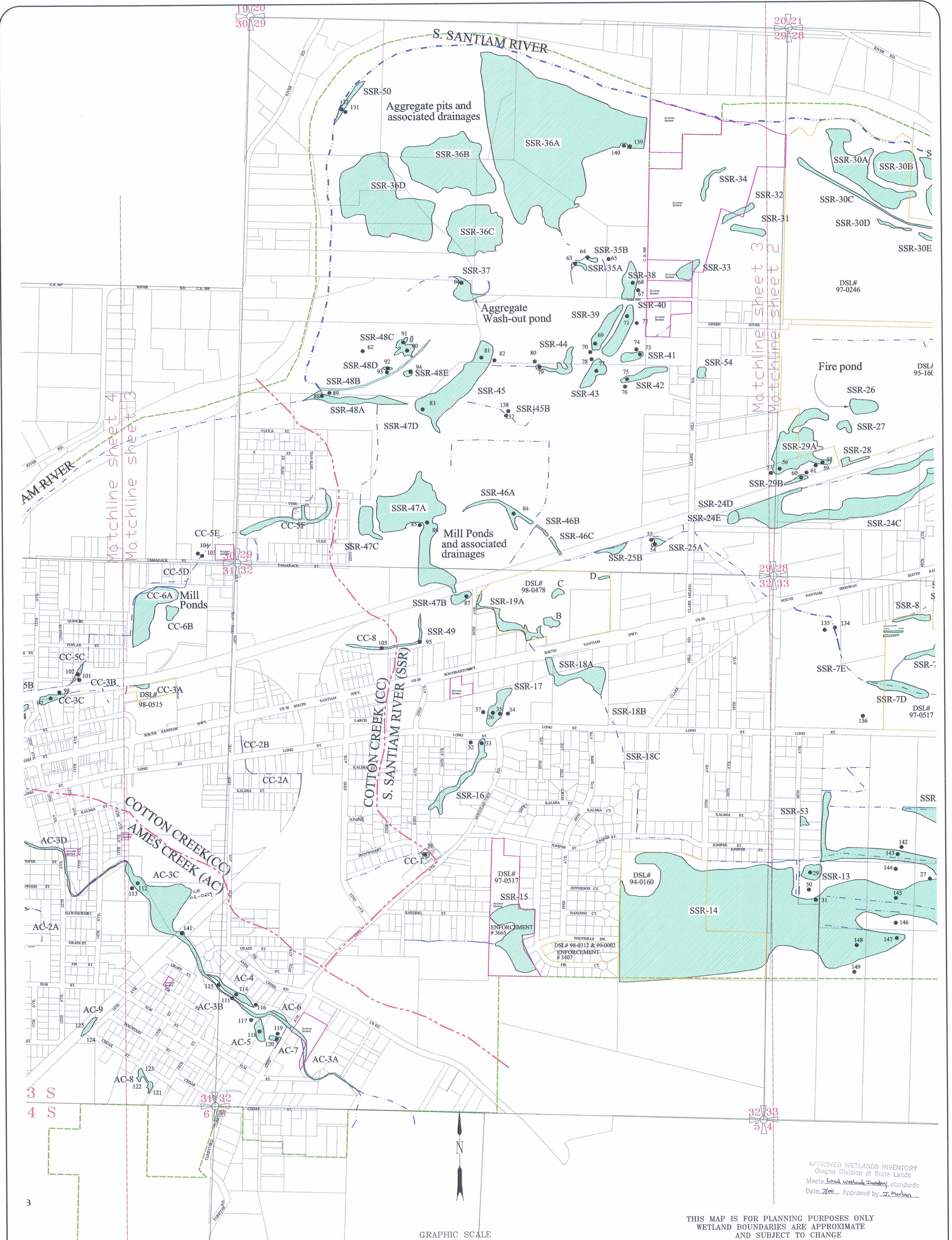
2/8/2022

Response by:

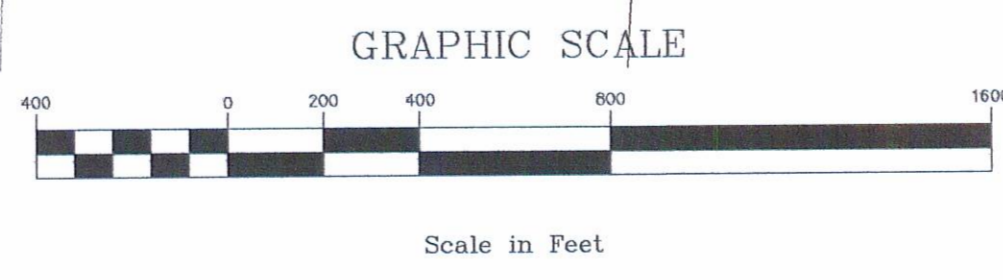
Chris Stevenson

Response Phone:

503-986-5246



Watershed Boundary	Access Denied	Access Denied
Drainage	Wetland	Wetland
Urban Growth Boundary	Wetland Code	SSR-1
	Sample Point	58



Funding for this project was provided by a grant from the Oregon Division of State Lands, Wetlands Planning Assistance grant program. This grant program is supported by a grant from the U.S. Environmental Protection Agency under authority of the Clean Water Act.

THIS MAP IS FOR PLANNING PURPOSES ONLY
WETLAND BOUNDARIES ARE APPROXIMATE
AND SUBJECT TO CHANGE

This map has NOT been approved by the wetland regulatory agencies for permitting purposes. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions. There may be additional wetlands within the study area that have not been identified. All wetlands, whether mapped or not, are subject to Federal and State permit requirements. There may also be areas of non-wetland within areas identified as wetlands on this map. In all cases, Federal and State agencies will use actual field conditions, rather than this map, to determine wetland boundaries.

DATE: June, 2000

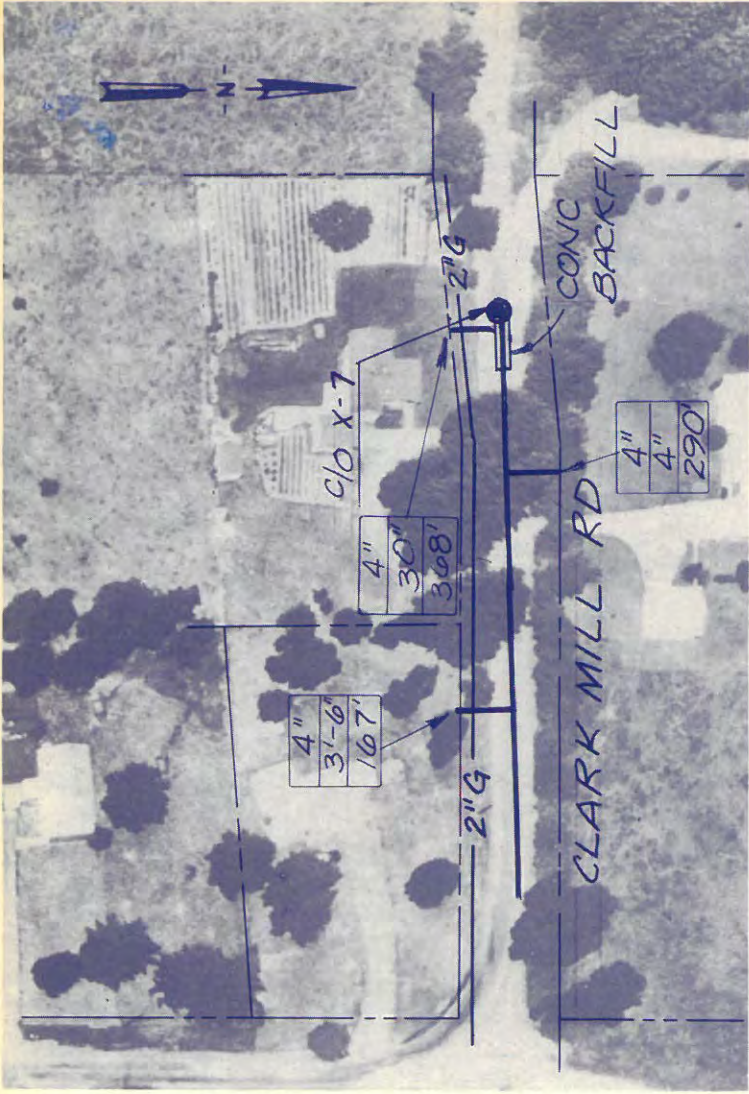
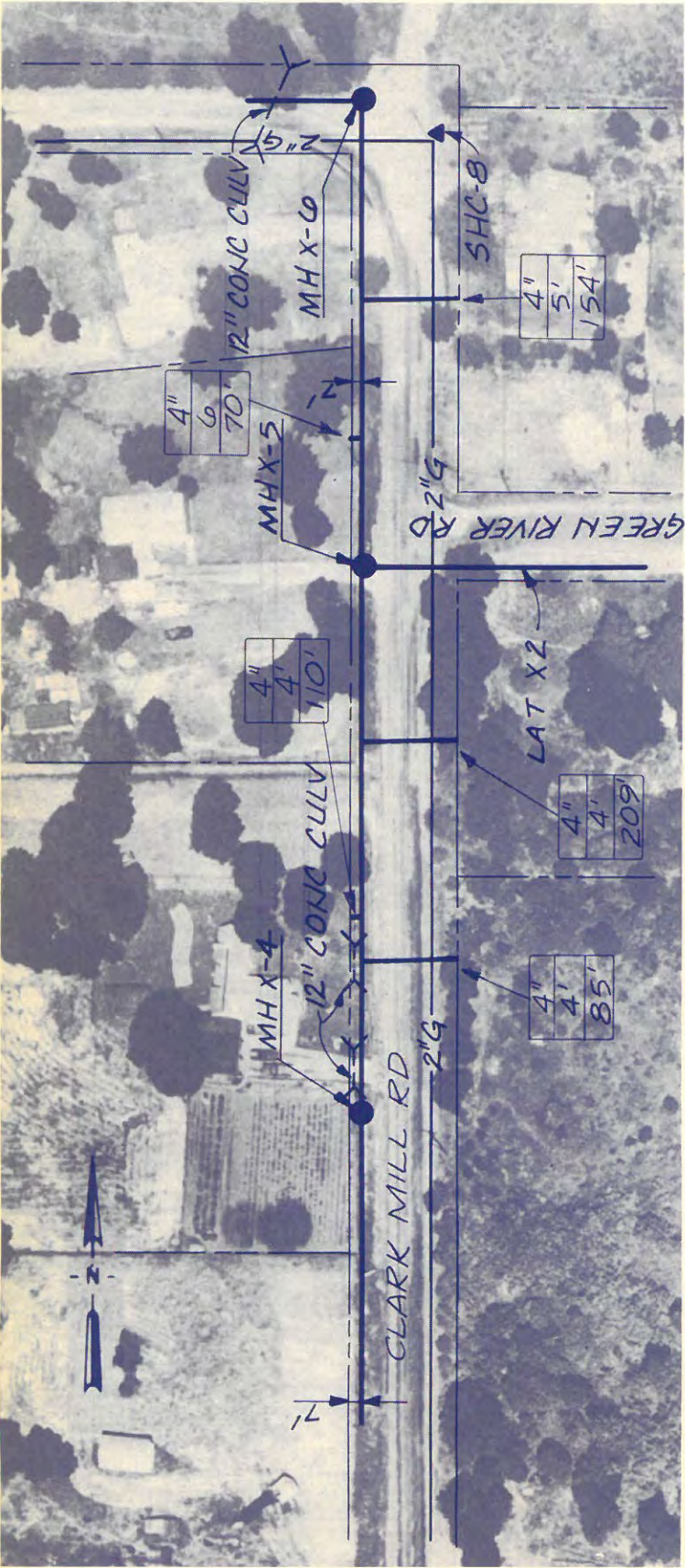
BASE MAP INFO: Supplied by City of Sweet Home, : and Linn County

JOB NO.: 9-1884

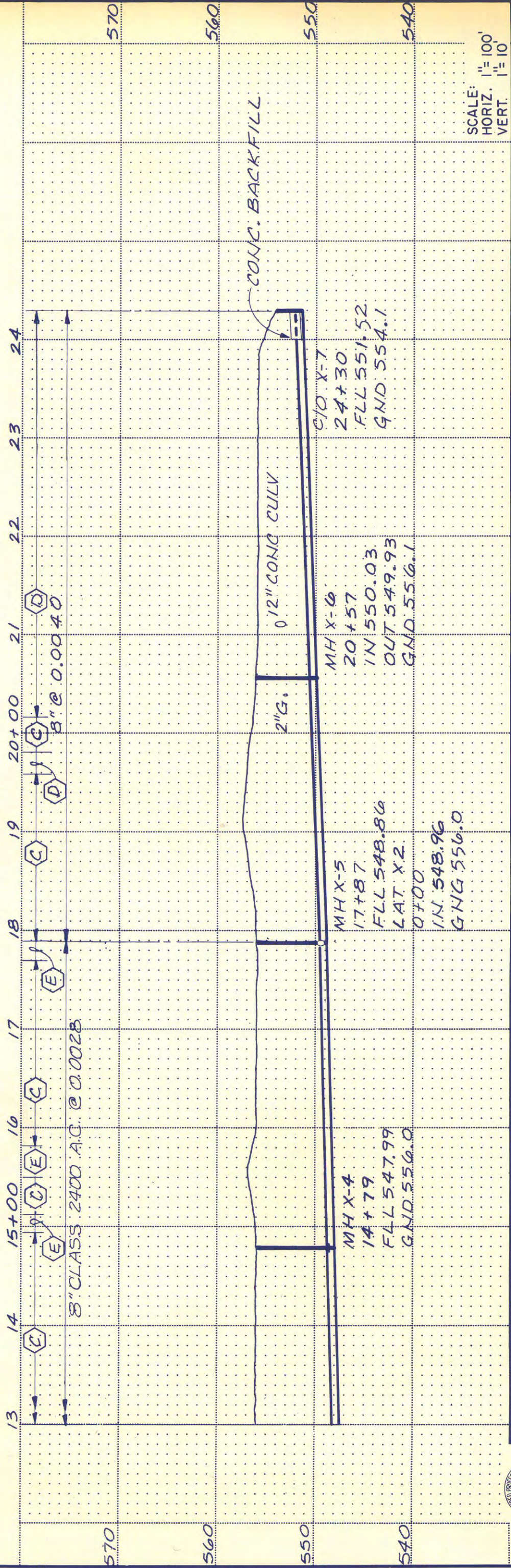
Sweet Home

Local Wetlands Inventory

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
Phone: (503) 570-0800

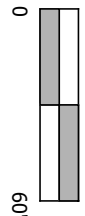
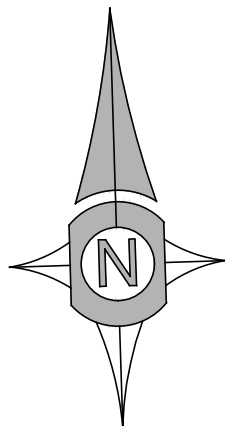


LATERAL X



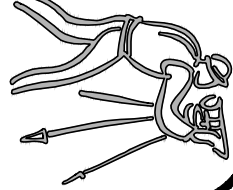
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VERT. 1" = 10'

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	DR. DWG	NO.									DATE
Foster-Midway Service Area City of Sweet Home, Oregon										Schedule A, Lateral X Sta. 13+00 to Sta. 24+30	



CLIENT:

SANTIAM RIVER DEVELOPMENT CO, LLC
TROY CUMMINS
P.O. BOX 40
LEBANON, OREGON 97355
541.401.5272



UDELL ENGINEERING
AND
LAND SURVEYING, LLC

63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

PRELIMINARY STORM DRAIN PLAN

TENTATIVE PLAT
CLARK MILL ROAD
SWEET HOME, OREGON

DATE:
FEBRUARY 1, 2022
PROJECT:
21-304 SANTIAM RIVER
DEVELOPMENT SUB
DRAWN BY:
MLM
CHECKED BY:
BSV

THIS MAP WAS
PREPARED FOR
PLANNING
PURPOSES ONLY

PLAN REVISIONS

DATE

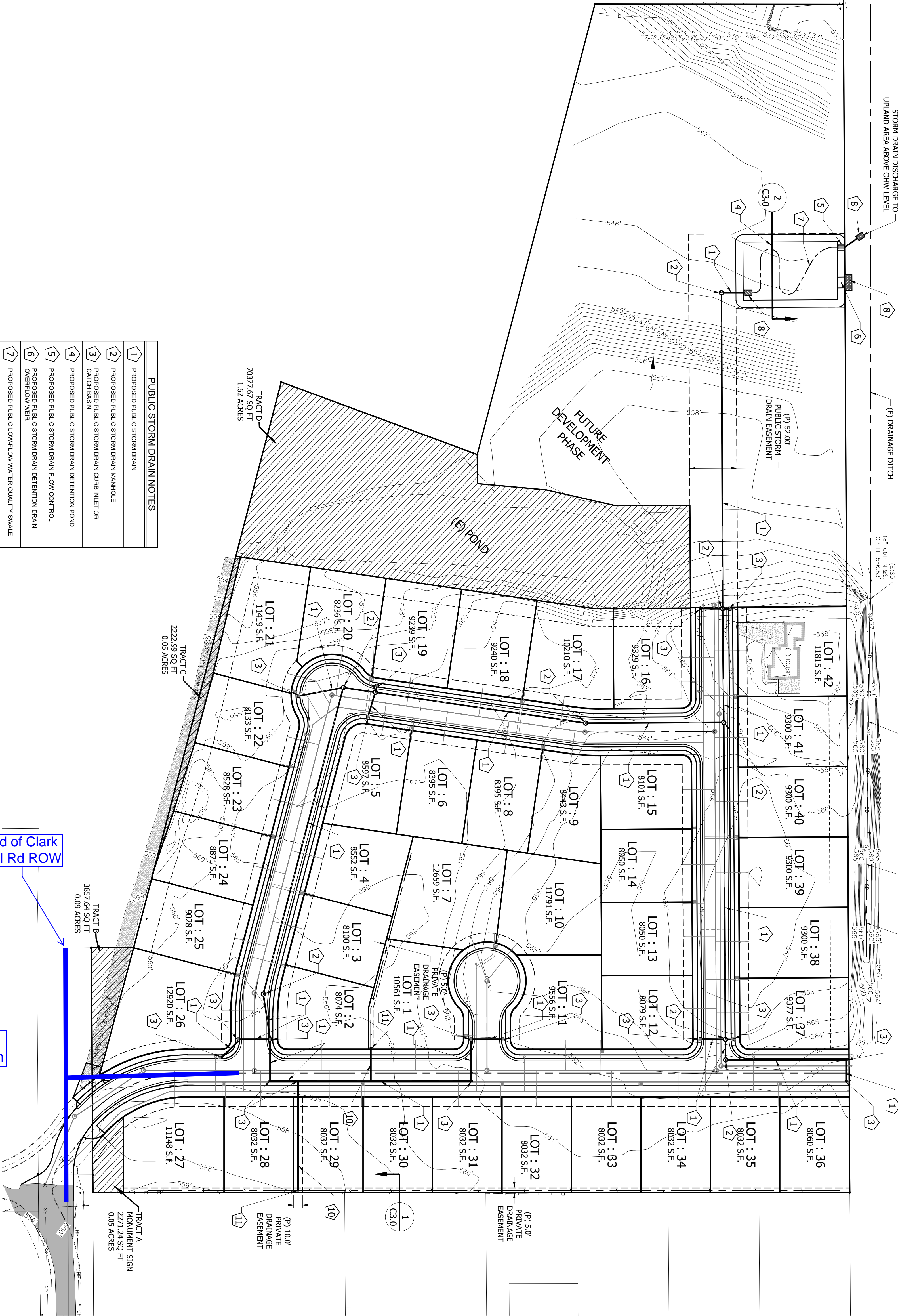
Sheet
C3.1

SCALE: SEE BARSCALE

End of Clark
Mill Rd ROW

Tee
intersection

PUBLIC STORM DRAIN NOTES	
1	PROPOSED PUBLIC STORM DRAIN
2	PROPOSED PUBLIC STORM DRAIN MANHOLE
3	PROPOSED PUBLIC STORM DRAIN CURB INLET OR CATCH BASIN
4	PROPOSED PUBLIC STORM DRAIN DETENTION POND
5	PROPOSED PUBLIC STORM DRAIN FLOW CONTROL
6	PROPOSED PUBLIC STORM DRAIN DETENTION DRAIN OVERFLOW WEIR
7	PROPOSED PUBLIC LOW-FLOW WATER QUALITY SWALE
8	PROPOSED PUBLIC RIP RAP OUTFALL PROTECTION
PRIVATE STORM DRAIN NOTES	
10	PROPOSED PRIVATE STORM DRAIN
11	PROPOSED PRIVATE STORM DRAIN LANDSCAPE INLET





ATTACHMENT F

City of Sweet Home
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: 02.01.22
Date Complete: 02.03.22
File Number: PD22-01
Application Fee: \$1,000.00
Receipt #: 4737
Hearing Date: 03.03.22

Applicant's Name:

Laura LaRoque, Udell Engineering and Land Surveying, LLC

Applicant's Address:

63 E. Ash Street, Lebanon, OR 97355

Applicant's Phone and e-mail:

(541) 990-8661 / laura@udelleng.com

Subject Property Address:

1400 Clark Mill Road, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

13S-01E-29 Tax Lot 3502

Subject Property Size:

11.75

Subject Property: Zoning Classification

Recreational Commercial Zone (RC)

Property Owner's:

Troy Cummins DBA Santiam River Development, LLC

Owner's Address:

P.O. Box 40, Lebanon, OR 97355

Owner's Phone and email:

(541) 401-5272 / tecummins@comcast.net

Comprehensive Plan Classification:

Planned Recreational Commercial

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:

Laura LaRoque

Date:

1/31/2022

Property Owner's Signature:

Troy Cummins
Troy Cummins (Jan 31, 2022 12:49 PM)

Date:

Jan 31, 2022