



## City of Sweet Home

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

### Staff Report Presented to the Planning Commission

**REQUEST:** The applicant is requesting to subdivide an approximately 13.37-acre site into 42 residential lots and four tracts including an existing single-family residential dwelling that will be retained with the proposed development. 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. 13S01E29 Tax Lot 3502. 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 [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone.

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

**APPLICANT:** Laura LaRoque, Udel Engineering and Land Surveying, LLC

**PROPERTY OWNER:** Troy Cummins DBA Santiam River Development, LLC

**FILE NUMBER:** SD22-01

**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, 17.60.030 through 17.60.050, and 17.80.

**HEARING DATE & TIME:** **March 3, 2022, at 6:30 PM**

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

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

**REPORT DATE:** February 24, 2022

### I. PROJECT AND PROPERTY DESCRIPTION

The application under consideration is a proposed tentative subdivision plat for a 42-lot residential subdivision and four tracts with concurrent conditional use and planned development approval 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. 13S01E29 Tax Lot 3502. The subdivision is approximately 13.37 acres and improved with an existing single-family residential dwelling which will be retained with the proposed development.

Applicants Summary: 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. [see Attachment C].

#### 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 abuts the development area and wetland SR-32 is located in the area of future development.
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:

Mailed/Emailed Notice:	February 3, 2022
Notice Published in Newspaper:	February 9, 2022

Planning Commission Public Hearing: March 3, 2022

120-Day Deadline: June 2, 2022

Notice was provided as required by SHMC 17.12.120

## II. COMMENTS

**Joe Graybill**

**Engineering Division:** Regarding the Subdivision for the proposed at the North end of Clark Mill Road, the proposed development will create a community of 42 lots with one roadway in and out. 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. The plans indicate a similar condition for city water to the neighborhood. 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 St, 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. The City CEDD-ES has no significant issues with the proposal.

**Trish Rice**

**Public Works Dept.:** 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 6<sup>th</sup> 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 6<sup>th</sup> Edition is the newest edition the City has access to; the 2018 7<sup>th</sup> Edition is the current edition which should be used for design.)

**Adam Leisinger**  
**Building Division:**

The Building Program has no issues with this request.



**Chief Barringer**  
**Sweet Home Fire**  
**District:**

The Fire District has no issues with this request.

**Chris Stevenson**  
**DSL:**

See Attachment C

**Public Comments:**

No comments as of the issue of this Staff Report.

### **III. REVIEW AND DECISION CRITERIA**

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

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

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

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 deem 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, and the applicant provided this information

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

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

**YARD SETBACKS AND LOT SIZE AND WIDTH.**

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

- 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 it polices 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: Based on a review of the applicant's site plans (Attachment B), and the applicant's Subdivision and Conditional Use Application summary (Attachment C), lot depth would not exceed two and one-half times the average width. There is a portion of each lot where the lot width would be at least 60 feet in width for multi-family dwellings and 80 feet in width for single-family dwellings. No lot would be dimensioned to contain part of an existing or proposed street.

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 on the Planned Development Overlay to be applied to the entire lot, including the 13.37-acre subdivision and the 5-acre future development. PD22-01 is being applied for concurrently with the Subdivision.

Staff finds that approval of the 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 these criteria.

**D. 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: Based on the review of the applicant's site plans (Attachment B), the lot depths shall not exceed two and one-half times the average lot width.

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

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

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: Based on a review of the applicant's site plans (Attachment B), the proposed lots would have at least 25 feet of frontage along a public road.

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

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

**1. Joint use driveways.** [SHMC 17.08.100(C)(6)]

- a. Joint use driveways are permitted.
- b. A joint use driveway shall comply with International Fire Codes
- c. A joint use driveway that serves four or more lots or parcels shall be developed to the standards of a local street.
- d. Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but

**the city is not responsible for maintaining the driveway or resolving any dispute between property owners.**

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 this criterion.

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

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

Applicant Comments: There are no through lots. [see Attachment C]

Staff Findings: The applicant has not proposed a through lot with the modification.

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

**H. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [SHMC 16.12.030(H)]**

- 1. Topographical conditions or street configurations may warrant an angle.**
- 2. Generally, any angle should not exceed 30° from a right angle to the street.**

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

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

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

Applicant Comments: There are no flag lots. [see Attachment C]

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

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

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

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

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

**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 subdivision that would inhibit development on adjoining property.

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

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

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: 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 Zerkova 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 Zerkova 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 Zerkova 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 FEMA flood insurance rate map; Panel 41043C0912G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area. 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. The identified wetlands SSR-31 and SSR-32 are located on the subject property but are outside the proposed subdivision area. 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 this criterion.

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

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

Staff Findings: The applicant is not proposing to phase the proposed subdivision (SD22-01).

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

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

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 this criterion.

## **B. Conditions of Approval.**

- 1. The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria. [SHMC 16.16.050(A)]**
- 2. Conditions of approval may include, but are not limited to, the following: [SHMC 16.16.050(B)]**

- a. **Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.**
- b. **Storm water drainage plans**
- c. **Fencing.**
- d. **Landscaping.**
- e. **Public land dedication.** [SHMC 16.16.050(B)(1 through 5)]

Staff Findings: The applicant is requesting to subdivide an approximately 13.37-acre site into 42 residential lots and four tracts including an existing single-family residential dwelling that will be retained with the proposed development. 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. 13S01E29 Tax Lot 3502. 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 [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone.

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

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

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

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

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

Staff Findings: 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. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

**D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved**

**tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92.**  
[SHMC 16.20.010(B)(1)]

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

#### **IV. CONCLUSION AND RECOMMENDATION**

Based on the findings discussed in Section III above, staff recommends that this application be **approved**. The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

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

Recommended Conditions If the Application is Approved:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application (See Attachment B). The final configuration to subdivide an approximately 13.37-acre site into 42 residential lots, a 5-acre future development, four tracts, and an existing single-family residential dwelling that will be retained with the proposed development. 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. 13S01E29 Tax Lot 3502. 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 [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone.
2. The approval of Conditional Use Application CU22-02 allowing for a residential subdivision in the Recreation Commercial (RC) Zone.
3. The approval of Planned Development Application PD22-01 allowing for single-family dwelling lot widths to be a minimum of 60 feet.
4. The applicant shall change the name of Zelkova Road to Zelkova Street on the site plan.
5. Per SHMC 12.20.030, the applicant shall incorporate a street naming system beyond Z.
6. The applicant shall provide a tee intersection at the intersection of Clark Mill Road and the entrance to the subdivision (see Attachment D).
7. The applicant shall provide street improvements on Clark Mill Road from the development to Zelkova Street.
8. The applicant shall upsize the water main from 2" to 8" from Green River Road to Zelkova Street, install an upsized water main consistent with the sizing requirement for the

transmission main, and shall provide a tee with a northwards stubout at the Clark Mill Road intersection to provide for future water extension northwards.

9. SHMC 16.12.040 WATER SYSTEM. The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account provisions for extension beyond the subject property. The design shall adequately loop the city system.
10. The applicant shall provide a northwards stub at the Clark Mill Road intersection to provide for future sewer extension northwards and shall submit the engineered sewer plans to the Department of Environmental Quality for plan review.
11. SHMC 16.12.045. SANITARY SEWER SYSTEM. The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account capacity and grade to allow for desirable extension beyond the subject property.
12. Staff recommends a utility easement from the pond in Tract D to Lot 700, also owned by the applicant, to prevent any disputes with future property owners in perpetuity.
13. The applicant shall grade the utility easement to the pond (Tract D) to reduce the slope and base rock the easement to provide vehicle and equipment access to all pipes and appurtenances.
14. 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.
15. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Recreation Commercial (RC) zone.
16. Improvements within the subdivision shall be installed at the expense of the subdivider as required by SHMC 16.24.050. Improvements shall be made under the procedures and specifications listed in SHMC Chapter 16.24.
17. 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.
18. Approval of a development plan 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 associate 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.
19. The applicant shall obtain all applicable development permits which include, but are not limited to: Public Works permits, development permits including building permits, and erosion control permits. The applicant shall obtain a 1200-C Stormwater Permit from the Oregon Department of Environmental Quality and any Department of State Lands permits as applicable.

## **V. PLANNING COMMISSION ACTION**

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

Appeal Period: Staff recommends that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the notice of decision is mailed.

Order: After the Planning Commission makes a decision, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

### Motion:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

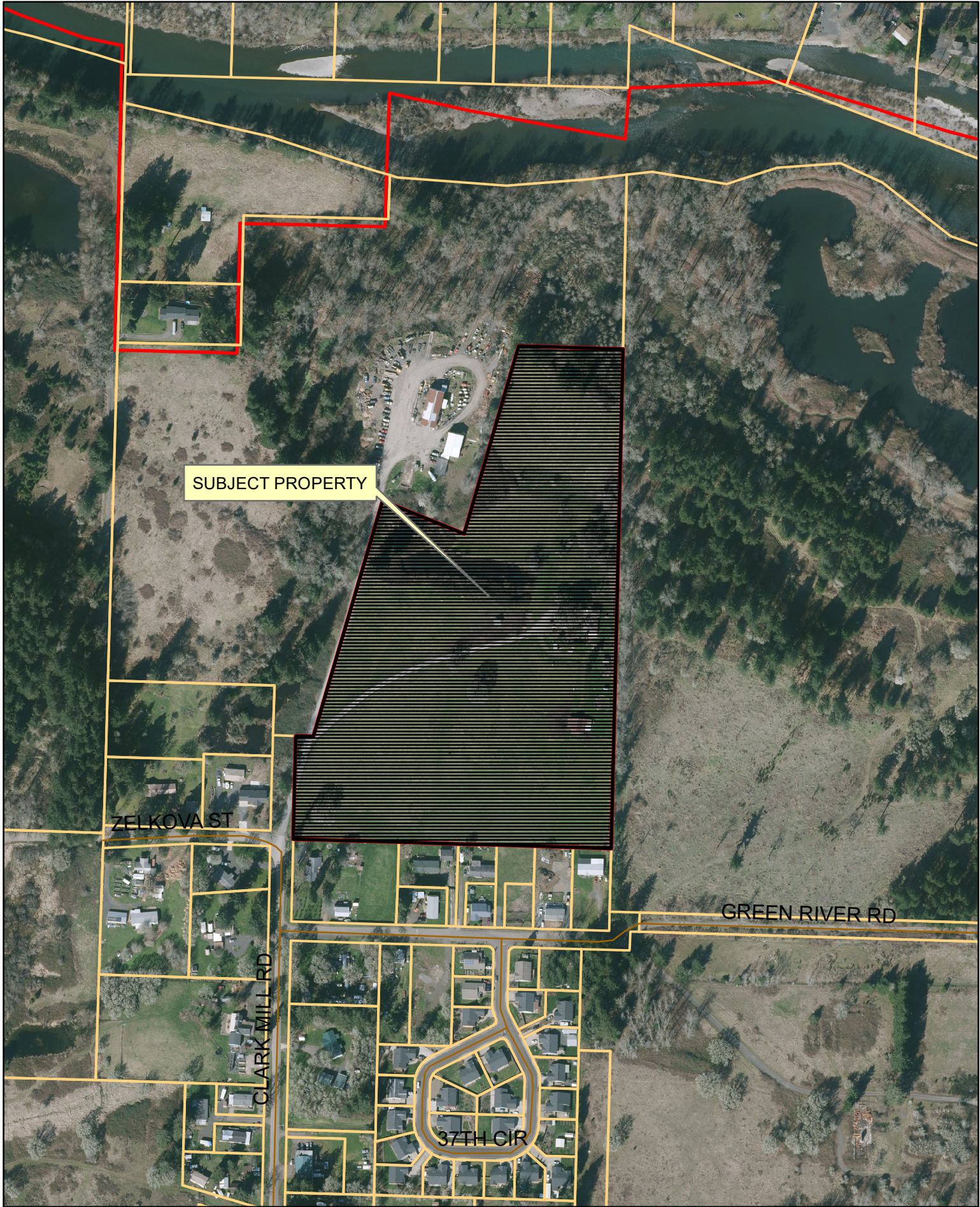
1. Move to approve application SD22-01; including the conditions of approval listed in Section IV of the Staff Report; adopting the findings of fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application SD22-01; including adopting findings (specify), the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

## **V. ATTACHMENTS**

- A. Subject Property Map
- B. Tentative Subdivision Maps
- C. Wetlands Land Use Notification Response
- D. Public Works Attachments
- E. Application and Supporting Documentation Provided by the Applicant
- F. Sweet Home Local Wetland Inventory Map

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





SUBJECT PROPERTY

ZELKOVA ST

CLARK MILL RD

GREEN RIVER RD

37TH CIR

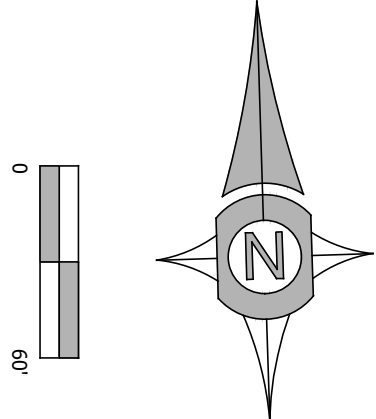
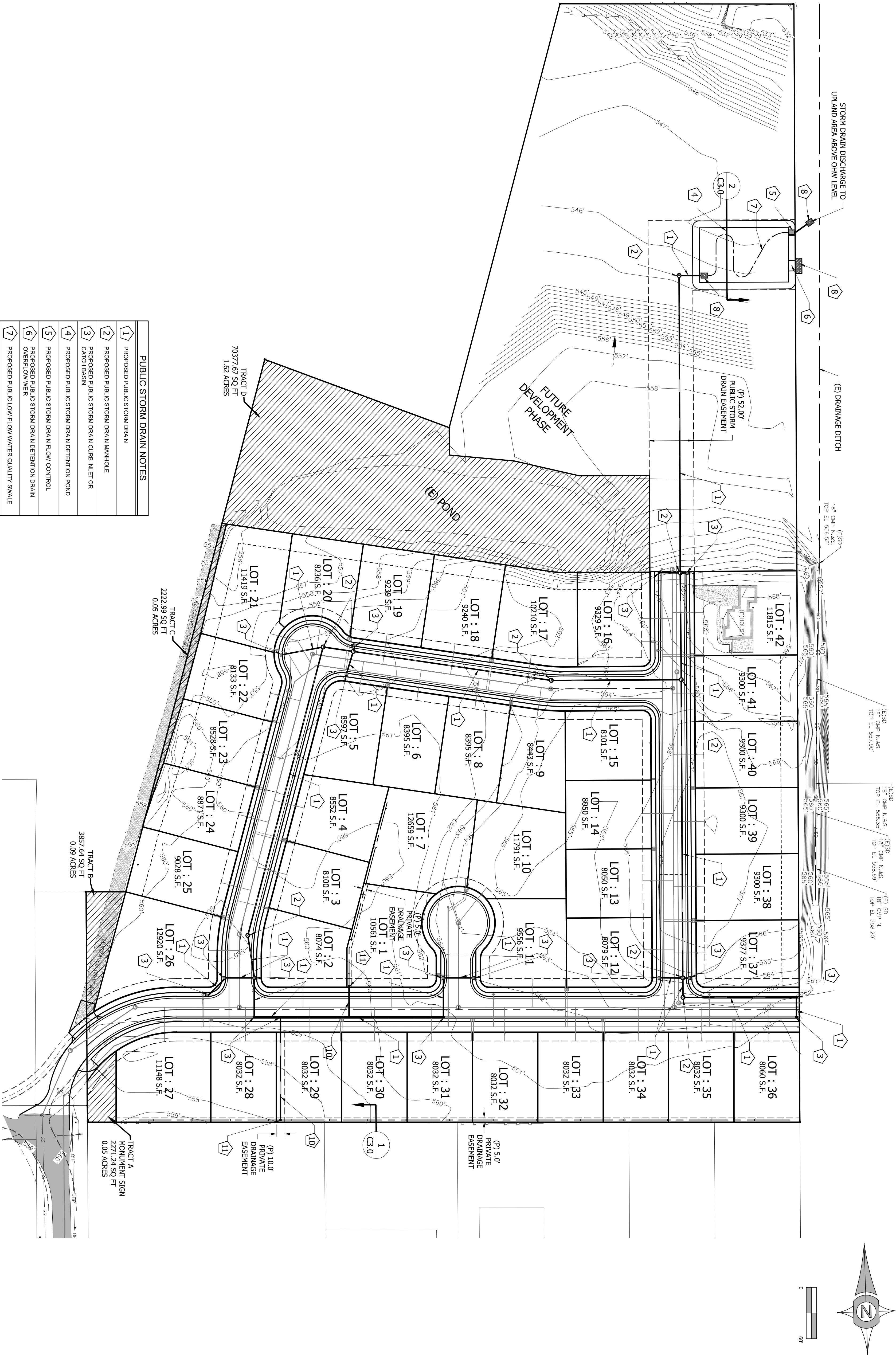


1 inch = 321 feet

SD22-01  
Subject Property Map  
1400 Clark Mill Road

Date: 1/25/22





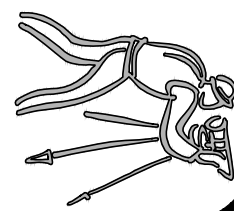
DATE:  
FEBRUARY 1, 2022  
PROJECT:  
21-304 SANTIAM RIVER  
DEVELOPMENT SUB  
DRAWN BY:  
MLM  
CHECKED BY:  
BSV

PRELIMINARY STORM DRAIN PLAN

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



THIS MAP WAS  
PREPARED FOR  
PLANNING  
PURPOSES ONLY

- | 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 |

PLAN REVISIONS	DATE

Sheet  
**C3.1**  
SCALE: SEE BARSCALE



## 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

State / Province / Region

OR

Postal / Zip Code

97386

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

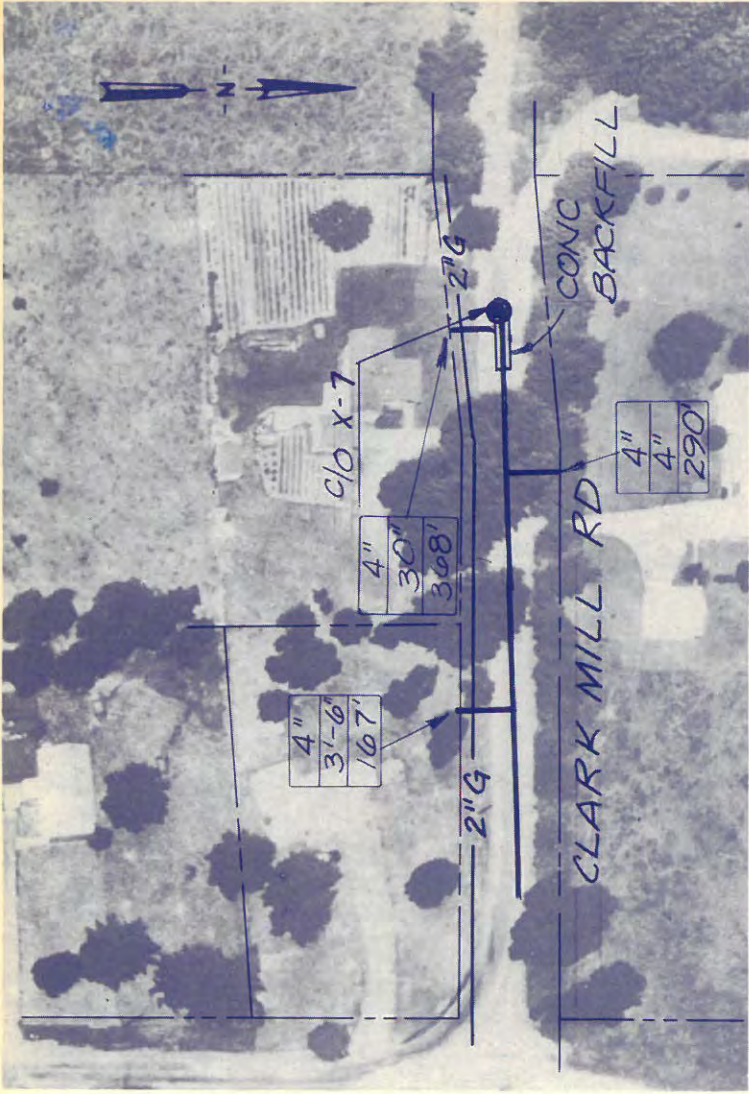
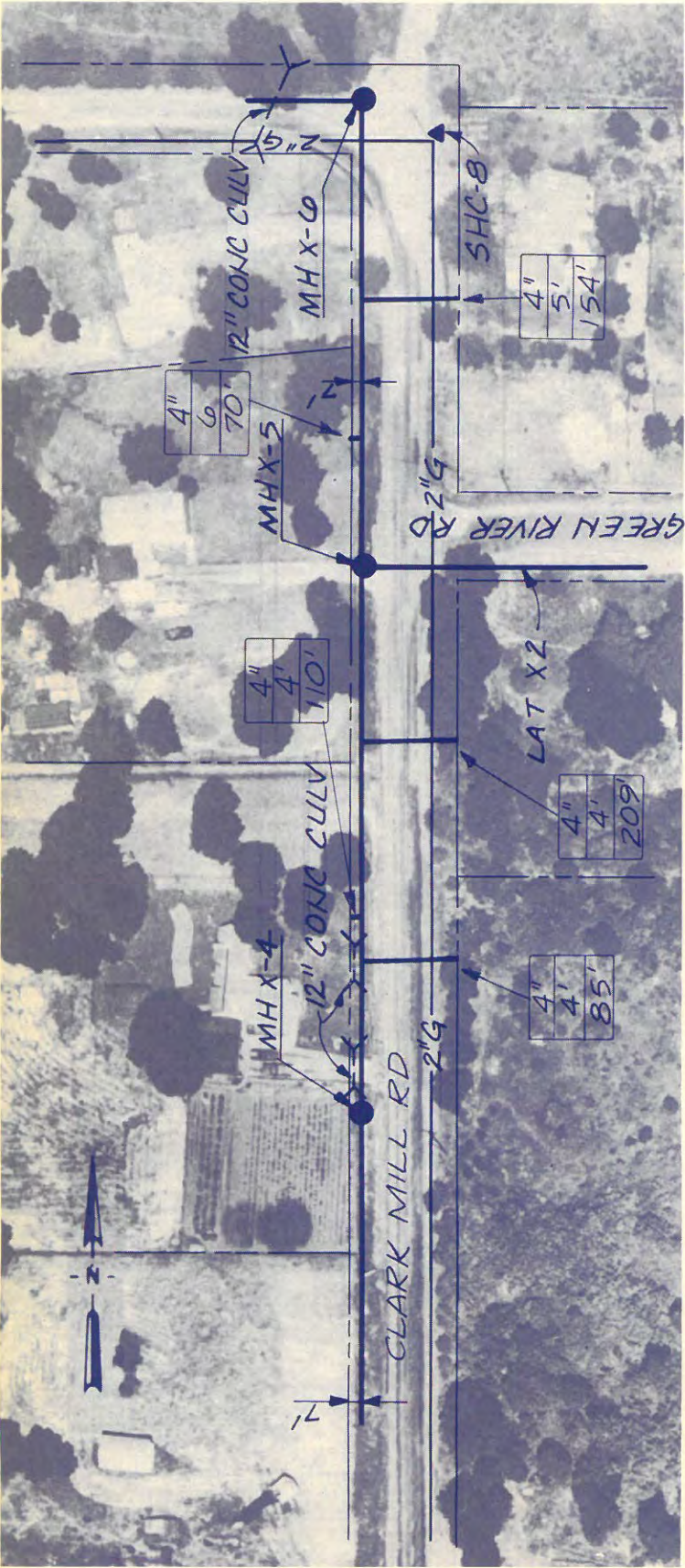
### Response by:

Chris Stevenson

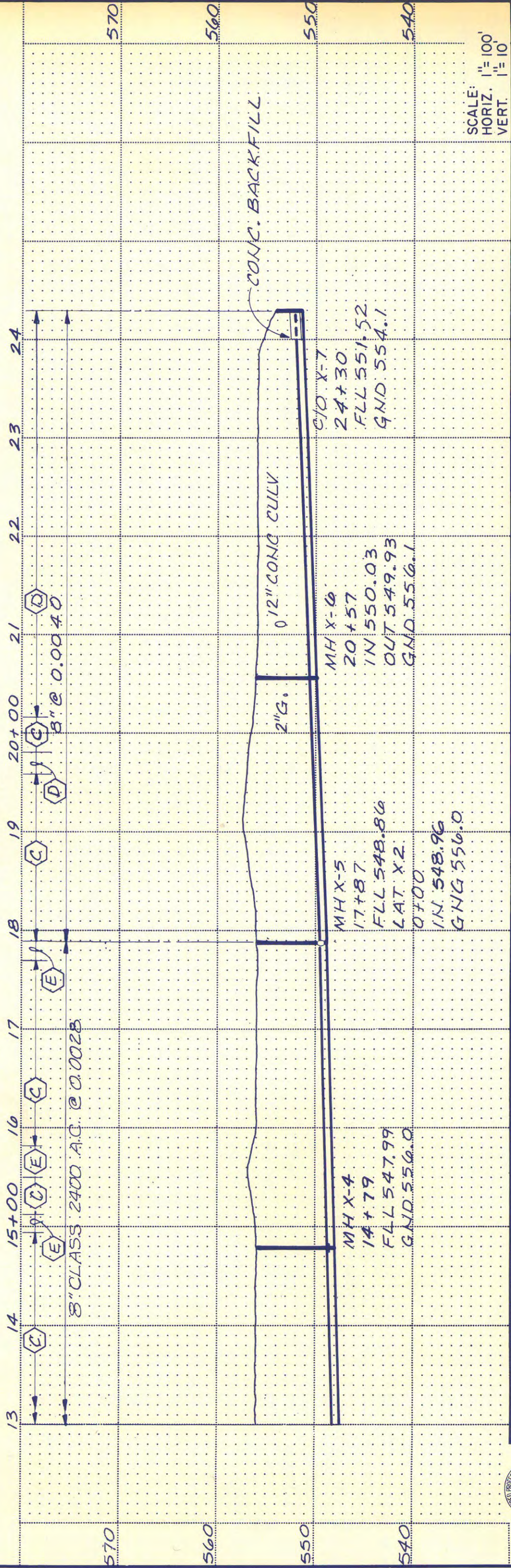
### Response Phone:

503-986-5246





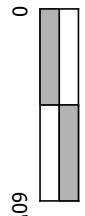
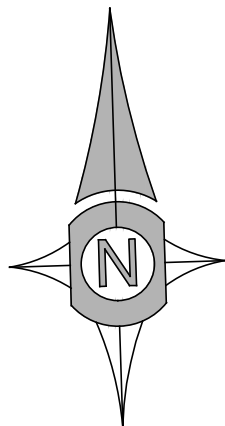
LATERAL X



SCALE:  
HORIZ. 1" = 100'  
VERT. 1" = 10'

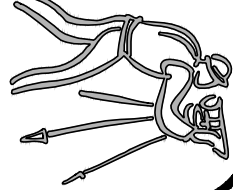
CH2M HILL	DES. RLR	8/78	RECORD DRAWING	KLM	FOSTER-MIDWAY SERVICE AREA CITY OF SWEET HOME, OREGON	SCHEDULE A, LATERAL X STA. 13+00 TO STA. 24+30	SHEET 20 OF 105 DATE NOV. 77 DWG# E8176-4
	DR. DWG	NO.					





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

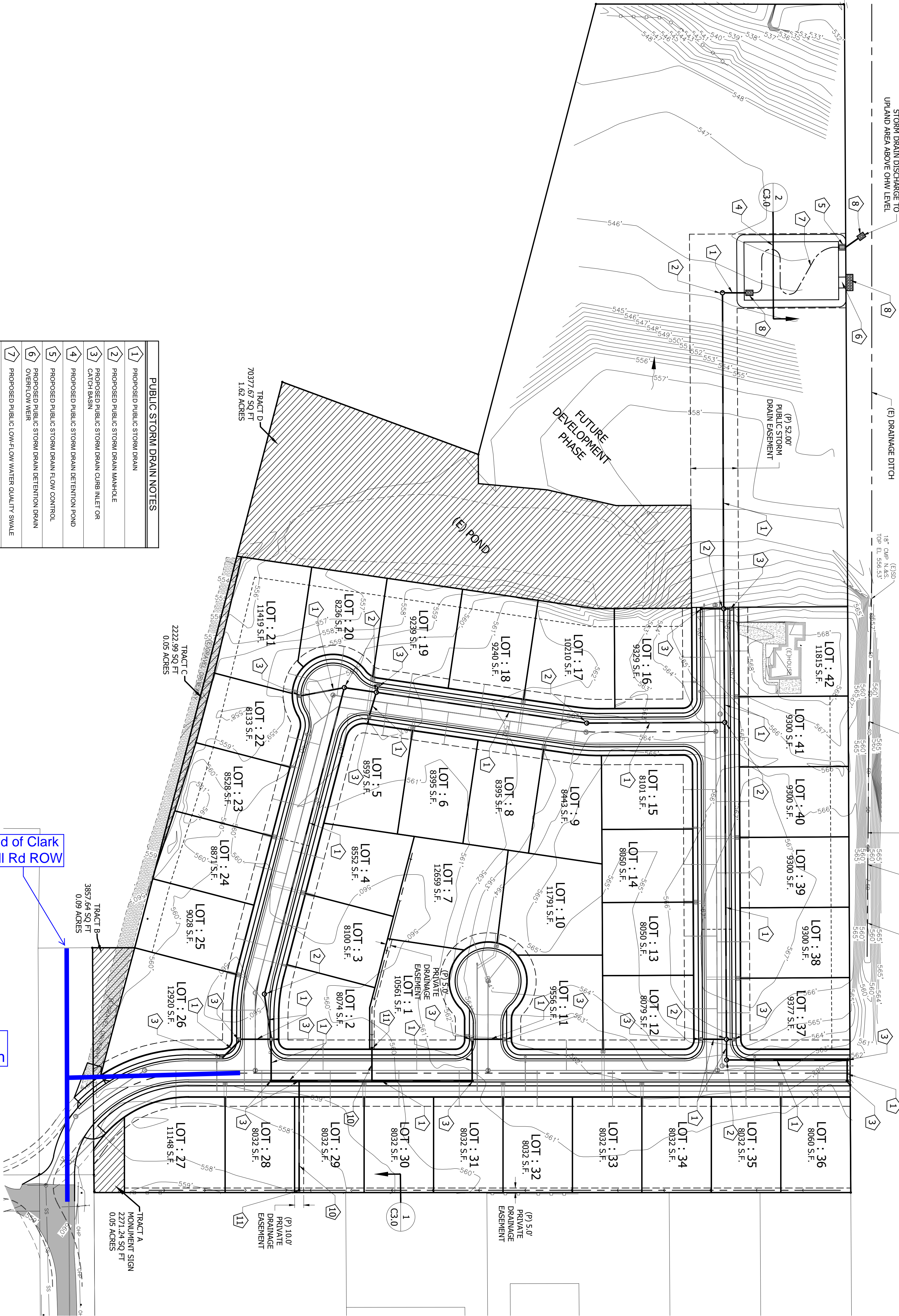
Sheet  
**C3.1**

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







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

### Application for a Land Division

Date Received: 01.24.22

Date Complete: 02.01.22

File Number: SD22-01

Subdivision/Replat Application Fee : \$1745.00

Partition Application Fee : —

Receipt #: 4722

Subdivision/Replat 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-acres

**Subject Property: Zoning Classification**

Recreational Commercial Zone (RC)

**Comprehensive Plan Classification:**

Planned Recreational Commercial

**Application Submittal Requirements**

- ☒ 1. For a subdivision or subdivision replat, ten full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☒ 2. For a partition or partition replat, three full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☒ 3. The tentative plan need not be a finished drawing, but it shall show all pertinent information to scale.
- ☒ 4. Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

**Additional Submittal Requirements**

The submittal checklist is a part of this application. It lists the required items that 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:

1/20/2022

**Property Owner's Signature:**

*Troy Cummins*  
Troy Cummins (Jan 20, 2022 14:18 PST)

Date:

Jan 20, 2022

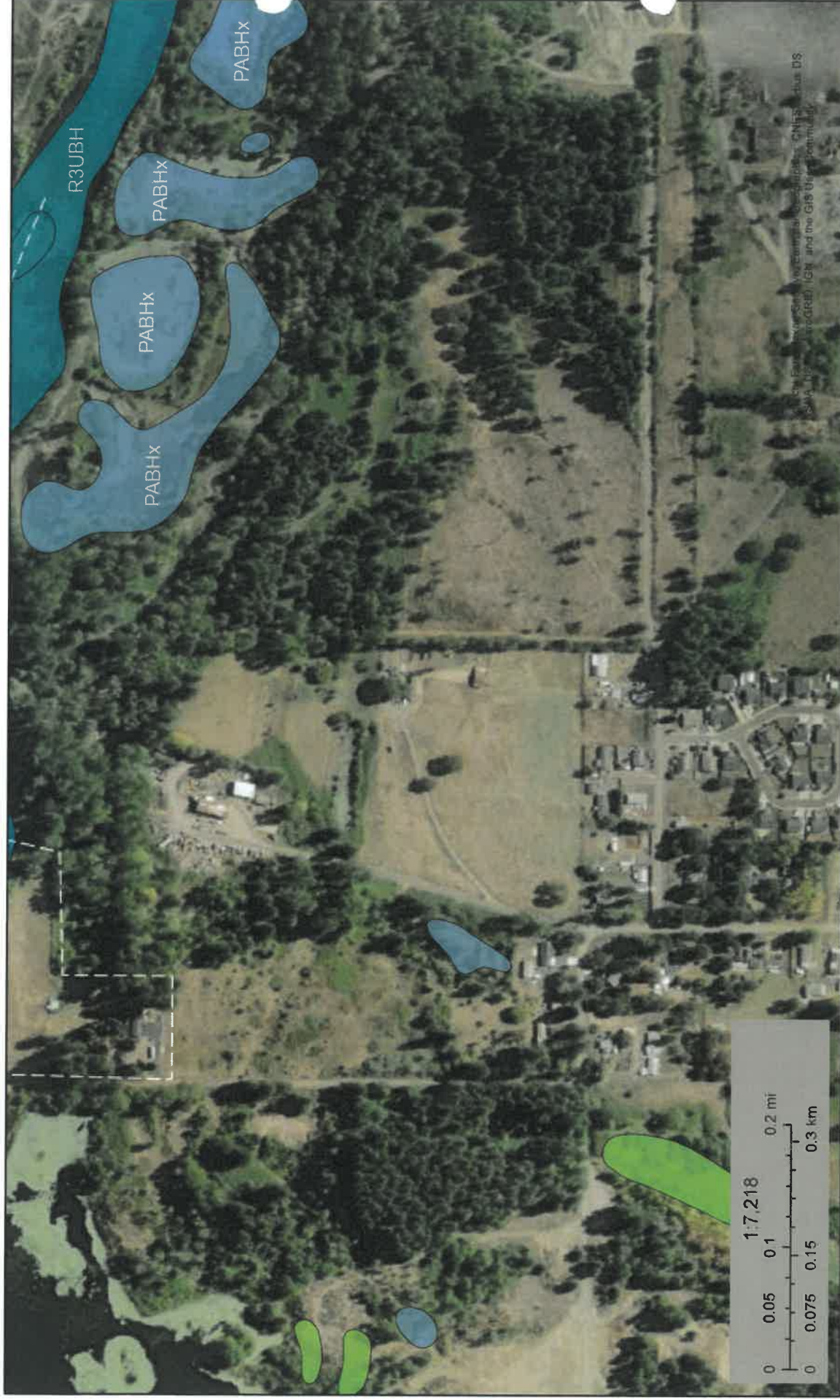
Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.



U.S. Fish and Wildlife Service

## National Wetlands Inventory

## Wetlands



January 19, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland



- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond



- Lake
- Other
- Riverine



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



# National Flood Hazard Layer FIRMette



122°42'29"W 44°24'56"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, AE
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
- Future Conditions 1% Annual Chance Flood Hazard (Zone X)
- Area with Reduced Flood Risk due to Levees. See Notes, Zone X
- Area with Flood Risk due to Levees (Zone D)

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard\* (Zone X)
- Effective LOMRS
- Area of Undetermined Flood Hazard (Zone X)

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

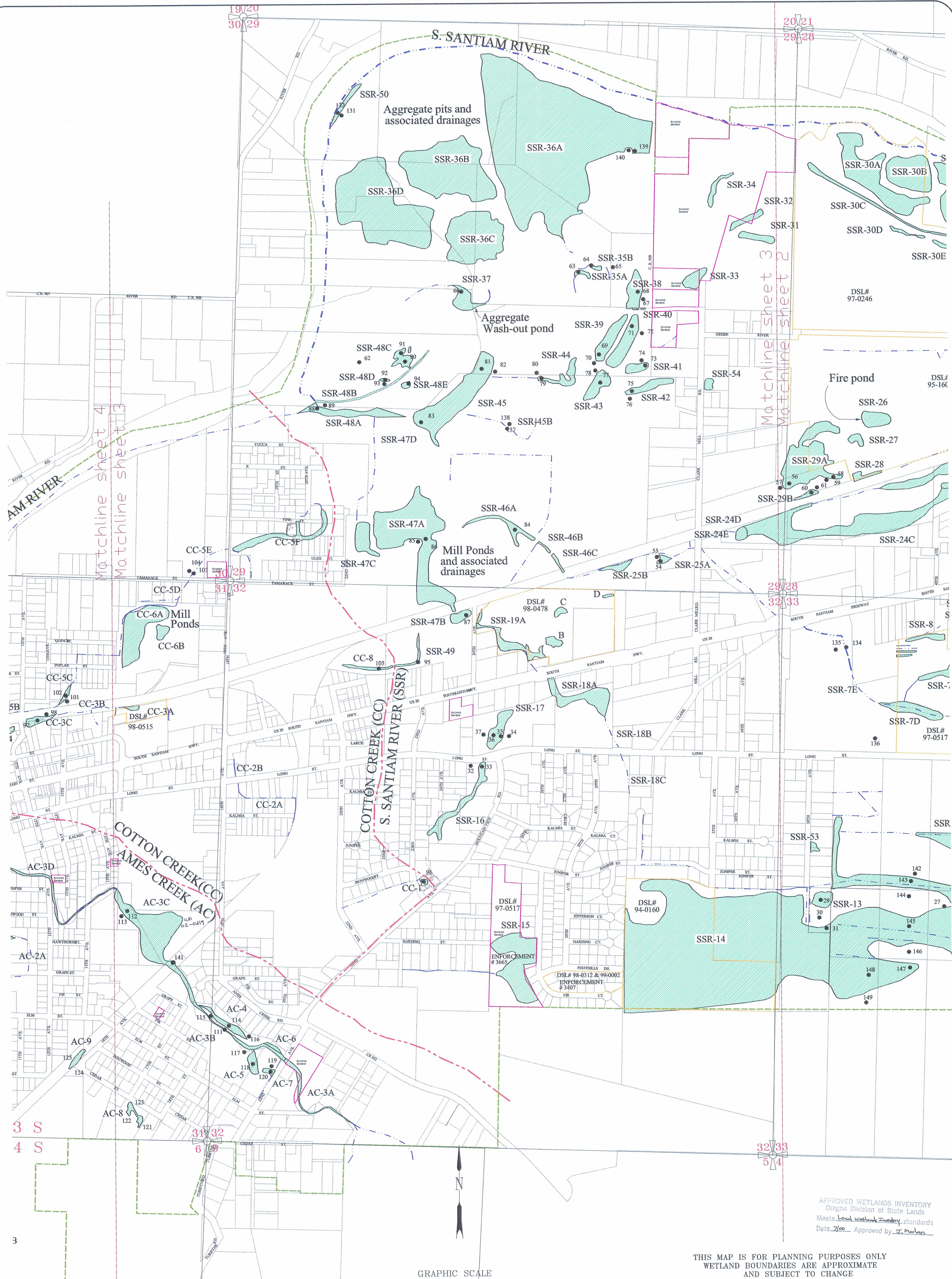
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

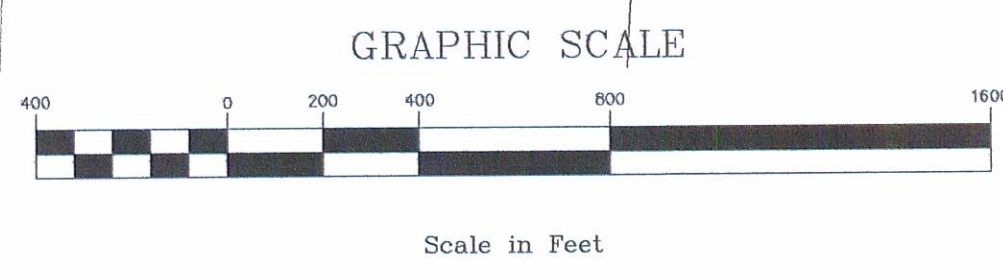
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/19/2022 at 12:22 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





Watershed Boundary ——— Access Denied ———  
Drainage ——— Wetland ———  
Urban Growth Boundary ——— Wetland Code ———  
Sample Point ———



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.

APPROVED WETLANDS INVENTORY  
Oregon Division of State Lands  
Meets Local wetlands inventory standards  
Date 7/00 Approved by J. Madan

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

Sheet: 3  
of: 4