

**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 a conditional use permit to allow residential uses not related to or in conjunction with a recreational development. The proposal is for a Subdivision and Planned Development in the Recreation Commercial (RC) Zone. The subject property is in the Recreation Commercial (RC) Zone.

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

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

PROPERTY OWNER: Troy Cummins DBA Santiam River Development, LLC

FILE NUMBER: CU22-02

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) 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 at 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: February 24, 2022

I. PROJECT AND PROPERTY DESCRIPTION

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. The identified wetland (SSR-31) abuts the northern boundary of the development area. Additional detail about wetlands is provided in the PD22-01 and SD22-01 Staff Reports.
Access:	The subject properties have frontage and access along Clark Mill Road. The applicant is proposing to create a local street network with the Planned Development application PD22-01.
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:	January 25, 2022
Mailed/Emailed Revised Notice:	February 3, 2022
Notice Published in Newspaper:	February 2, 2022
Revised Notice Published in Newspaper:	February 9, 2022
Planning Commission Public Hearing:	March 3, 2022
120-Day Deadline:	May 14, 2022
Notice was provided as required by SHMC 17.12.120	

II. COMMENTS

Adam Leisinger

Building Division: The Building Program has no issues with this request.

Joe Graybill

Engineering Division: Regarding the Conditional Use for the proposed Subdivision and Planned Development at the North end of Clark Mill Road, the proposed development is residential in nature with a PD for flexibility in design alternatives. The CEDD-ES has no concerns.

Trish Rice

Public Works Dept. The Public Works Department has no issues with this request.

Chief Barringer Sweet Home Fire District:

The Fire District has no issues with this request.

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

III. REVIEW AND DECISION CRITERIA

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

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.80.040(A)]

Applicants Comments: 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. 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 (*See PD22-01 Staff Report*). No other overlays (i.e., Mobile Home Infill and Natural Resource) are applied to this subject site. Compliance with applicable design and development standards are addressed under Section III and are incorporated herein by reference. [See Attachment C].

Staff Findings: The subject property is in the RC zone. The applicant is requesting a conditional use permit to allow a residential use not related to or in conjunction with a recreational development. The proposal is for a Subdivision (SD) and Planned Development (PD) in the Recreation Commercial (RC) Zone. In an RC zone, the following uses and their accessory uses may be permitted as a part of a planned development, or subject to the provisions of this section (17.60) and Chapter 17.80: Residential uses not related to or in conjunction with a recreational development [SHMC 17.60.060(D)]. Planned Development application PD22-01 and Subdivision application SD22-01 are pending the approval of application CU22-02. Application CU22-02 is being filed simultaneously with application PD22-01 and SD22-01.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-02.

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

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

- 1. Building size;**
- 2. Parking;**
- 3. Traffic;**
- 4. Noise;**
- 5. Vibration;**
- 6. Exhaust and emissions;**
- 7. Light and glare;**
- 8. Erosion;**
- 9. Odor;**
- 10. Dust;**
- 11. Visibility;**
- 12. Safety;**
- 13. Building, landscaping or street features. [SHMC 17.80.040(B)]**

Applicants Comments: 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.

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).

Each lot will include off-street parking in accordance with SHMC 17.08.090, which include two spaces per dwelling.

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.

Any required streetlights will be installed per city standards in accordance with SHMC 16.24.050.

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.

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.

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.

There is no minimum landscape area or screening standard for a residential dwelling. No additional landscaping or screening is proposed with this development.

This criterion is met. [See Attachment C].

Staff Findings: The applicant is requesting a conditional use permit to allow for a Planned Development in the Recreation Commercial (RC) Zone. Planned Development application PD22-01 is pending the approval of application CU22-02. Application PD22-01 is being filed simultaneously with application CU22-02 and SD22-01.

The conditional use application is required because the proposed residential development is not in conjunction with recreation development. In reviewing the proposal staff finds that the proposed planned development application is similar to other subdivisions in Sweet Home. The proposed use will have building size, parking, traffic, noise, etc. similar to a standard subdivision. Therefore, staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

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

C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter. [SHMC 17.80.040(C)]

Applicants Comments: 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.

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.

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.”

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.

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. [see Attachment C]

Staff Findings: Staff has not identified any negative impacts to adjacent properties. In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section IV of this report.

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

D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use. [SHMC 17.80.040(D)]

Applicants Comments: As stated under Section IV, Criterion F (*see Attachment C*) above and included herein by reference, all public utilities (sanitary sewer, water, storm drainage) are adequate to serve the proposed use. [see Attachment C]

Staff Findings: The subject property has access to City water and sewer. The City water and sewer services terminate at the corner of Zelkova Street and Clark Mill Road. The water and sewer lines will need to be extended to service the proposed Planned Development. Staff finds that the proposed use has adequate capacity.

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

E. Home occupations must meet the following standards:

1. The home occupation shall be secondary to the residential use.

Applicants Comments: The proposal does not include a home occupation; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing a home occupation.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Applicants Comments: The proposal does not include a home occupation; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing a home occupation.

- 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.**

Applicants Comments: The proposal does not include a home occupation; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing a home occupation.

- 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.**

Applicants Comments: The proposal does not include a home occupation; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing a home occupation.

- F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]**

Applicants Comments: The proposal does not include a marijuana facility; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

- G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]**

Applicants Comments: The proposal does not include a marijuana facility; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

- H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]**

Applicants Comments: The proposal does not include a marijuana facility; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

- I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]**

Applicants Comments: The proposal does not include a marijuana facility; therefore, this criterion is not applicable. [see Attachment C]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

- J. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. [SHMC 17.80.050]**

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of development listed in Section V of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

K. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, staff recommends that a condition of approval require that the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. CONCLUSION AND RECOMMENDATION

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 (Section 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 contained in Section III.

Recommended Conditions of Approval for CU22-01:

1. Application SD22-01 and PD22-01, being filed simultaneously with application CU22-02, shall be approved by Planning Commission.
2. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
3. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

V. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, the Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action 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 V.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is 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.

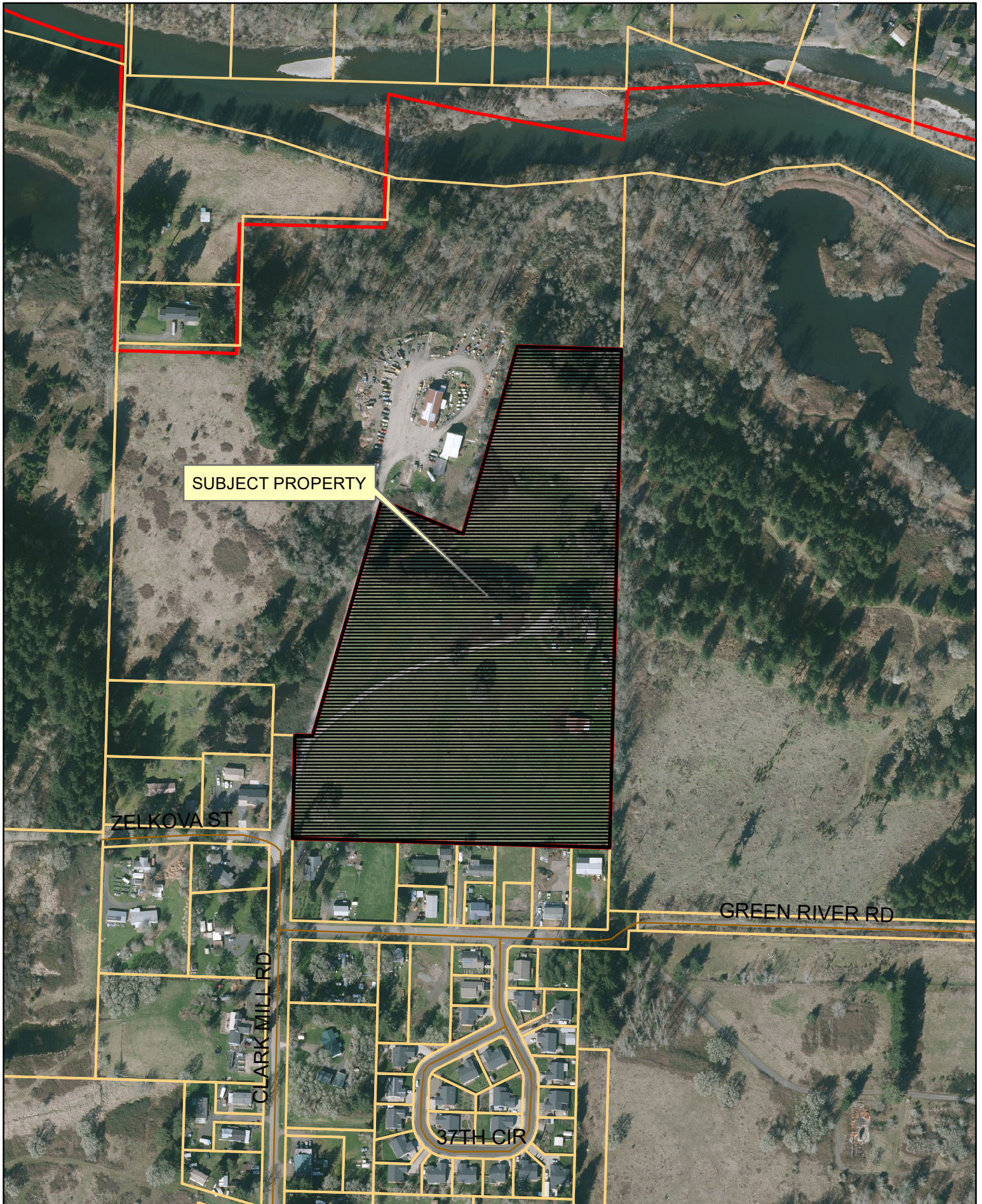
Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; 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 CU22-02; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV 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 applications CU22-02; which includes adopting the findings of fact (specify), including 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.

VI. ATTACHMENTS

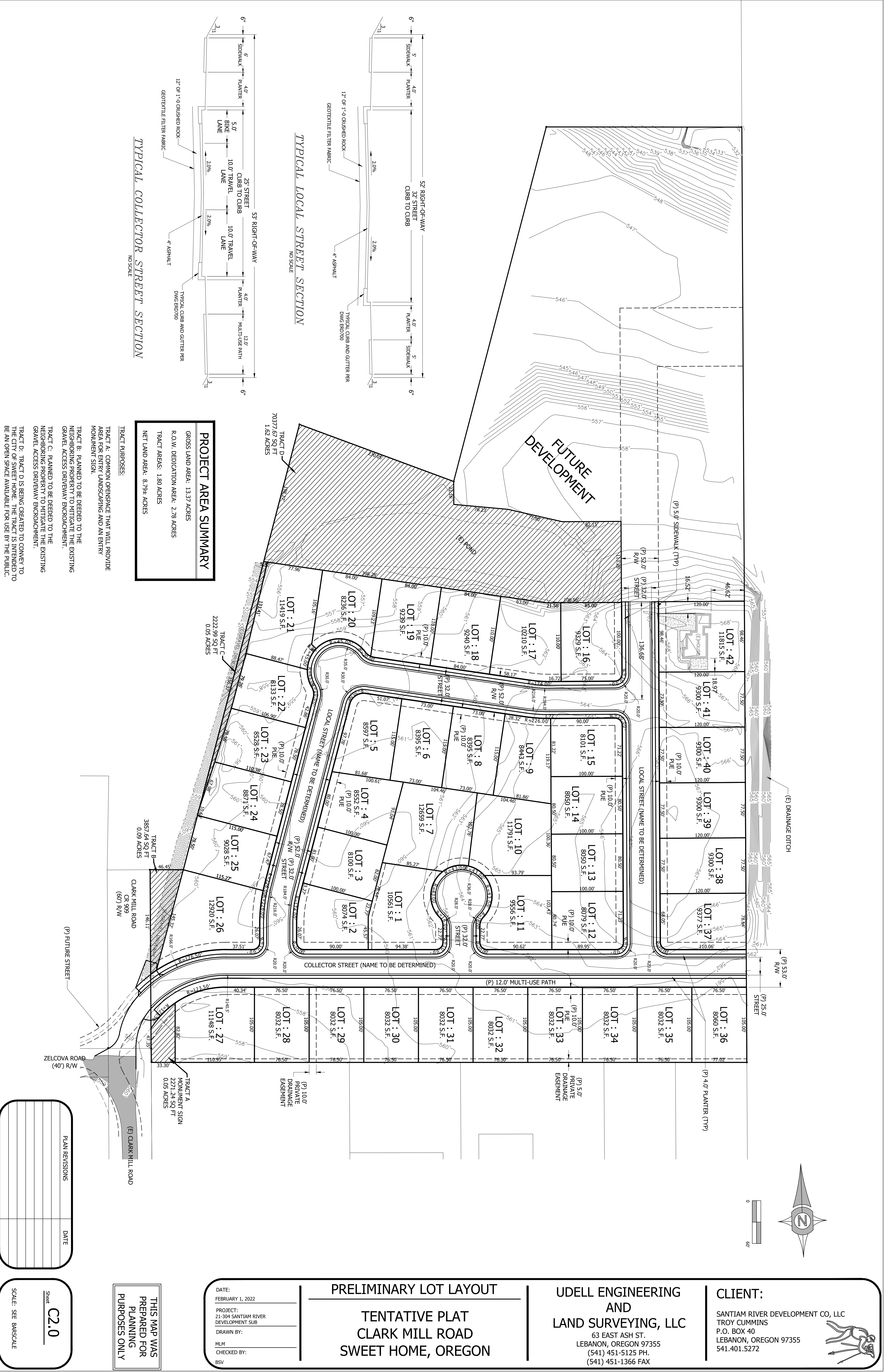
- A Subject Property Map
- B Site Plan
- C Applicant's Narrative
- D Application



1 inch = 321 feet

CU22-02
Subject Property Map
1400 Clark Mill Road

Date: 1/25/22



PRELIMINARY LOT LAYOUT

TENTATIVE PLAT

CLARK MILL ROAD

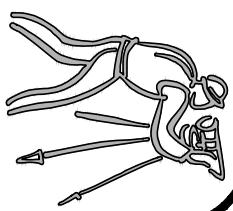
SWEET HOME, OREGON

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



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

Sheet
C2.0

SCALE: SEE BARSCALE

PLAN REVISIONS

DATE

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'
	Parking	garage or carport, 2 spaces	garage or carport, 2 spaces/unit	garage or carport, 2 spaces
Maximum	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



ATTACHMENT D



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

Application for a Conditional Use Permit

Date Received: 02.01.22 revised
Date Complete: 02.2.22
File Number: CU22-02
Application Fee \$: 307.50
Receipt #: 4728
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)

Property Owner:

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 / tecommins@comcast.net

Comprehensive Plan Classification:

Planned Recreational Commercial

Nature of Applicants Request

Narrative describing the proposed use: Brief Description on this form and attach extra sheets if needed.

See attached

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

See attached

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

Laura LaRoque

Date:

1/20/2022

Property Owner's Signature:

Troy Cummins
Troy Cummins (Jan 20, 2022 1:13 PM)

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.