

**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 193,625 square foot property into 18 lots. The subject property is to the west of 45<sup>th</sup> Avenue and is identified by 1070 45<sup>th</sup> Avenue and Linn County Tax Assessor's Map No. 13S01E33AC Tax Lot 2600. Lots would range in size from 8,000 square feet to 11,697 square feet. All lots would be eligible to be developed with single, family dwellings [SHMC 17.24.020.A]. The subject property is in the Residential Low Density (R-1) Zone.

Application SD22-02 is pending the approval of Applications P22-05, VR22-02, PLA22-05 and PLA22-06. Applications SD22-02, P22-05, VR22-02, PLA22-05 and PLA22-06 are being filed simultaneously.

**APPLICANT:** Cordle Construction LLC

**PROPERTY OWNER:** Cordle Construction LLC

**FILE NUMBER:** SD22-02

**PROPERTY LOCATION:** 1070 45<sup>th</sup> Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AC Tax Lot 02600.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 16.12, 16.16, 17.24.020 through 17.60.100

**HEARING DATE & TIME:** **May 19, 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:** May 12, 2022

**I. PROJECT AND PROPERTY DESCRIPTION**

The application under consideration is a proposed tentative subdivision plat for an 18-lot residential subdivision with concurrent Partition, Variance, Property Line Adjustment approval to allow for the subdivision to be built to Sweet Home Municipal Code criteria. The subject property is to the northwest of the 45<sup>th</sup> Avenue and Kalmia Street intersection and is identified by 1070 45<sup>th</sup> Avenue and Linn County Tax Assessor's Map No. 13S01E33AC Tax Lot 2600. The subdivision is approximately 4.31 acres and improved with an existing single-family residential dwelling which will be demolished with the proposed development.

**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Low Density Residential
Property North	Residential Low Density (R-1)	Low Density Residential

Property East	Residential Low Density (R-1)	Low Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Low Density Residential

**Floodplain** Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, 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 not contain inventoried wetlands.

**Access:** The subject property has frontage and access along 45<sup>th</sup> Avenue. The applicant is proposing to create a local street within the subdivision [see Attachment B].

**Services:** The City water services are available in 45<sup>th</sup> Avenue. The City sewer services are available in 45<sup>th</sup> Avenue and along the southern boundary of the subject property.

#### TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: April 11, 2022  
 Notice Published in Newspaper: April 13, 2022  
 Planning Commission Public Hearing: May 19, 2022  
 120-Day Deadline: August 9, 2022  
 Notice was provided as required by SHMC 17.12.120

## **II. COMMENTS**

**Joe Graybill**

**Engineering Division:** Regarding the Clearwater Subdivision proposal, the adjacent street of 45<sup>th</sup> Ave has full city utilities. There is an 8" water line and an 8" sewer line in 45<sup>th</sup> Ave that be connected to. Water connection would be a cut-in tee with full valving and an 8" line in the cul-de-sac. The sewer connection would be with a manhole and an 8" line in the cul-de-sac. The roadside drainage ditch in 45<sup>th</sup> Ave is available also for the stormwater runoff. The proposed subdivision has a perimeter storm drain easement to collect rear yard drainages. Impervious surface runoff will be contained in the cul-de-sac street. Both will be detained with storage and flow controls, with outlets to 45<sup>th</sup> Ave. The drainage area on the north lots is wider than the other segments to accommodate the runoff capture and the storage requirements. The frontage along 45<sup>th</sup> Ave has been recently paved leaving rock shoulders. The frontage will be developed to city standards with roadway and pedestrian facilities. The drainage ditch on the west side of 45<sup>th</sup> Ave may be piped or left open channel with a sidewalk assembly between it and the right-of-way lines of the property. The indicated 45ft of right-of-way for the street system appears wide enough for the required subdivision elements of curbs, planters, sidewalks, etc.

**Trish Rice**

**Public Works Dept.:**

We just paved 45<sup>th</sup> Ave last fall. Therefore, the street cuts for utilities into the subdivision shall be ground down across the full width of 45<sup>th</sup> Ave and repaved in a single piece, to maintain as best as practical the integrity of the new pavement. Street cuts shall be located as close together as practical to minimize disturbance to 45<sup>th</sup> Ave. There is an existing City sewer main along the south property line. Long-term, Public Works finds that is an excessive amount of infrastructure to maintain for the service area. Therefore, we require that all subdivision lots connect to the new sewer main in the new cul-de-sac, and any existing connections to the main on the south side be disconnected. This will leave only one house outside of the subdivision still served by the sewer main and at such time in the future that adjacent properties to the south are subdivided, that last service can be re-routed, and the redundant sewer main can be abandoned.

**Adam Leisinger**

**Building Division:**

The Building Program has no issues with this request.

**Chief Barringer**

**Sweet Home Fire District:**

The access portion looks good to me at this point. I am concerned about hydrants and water obviously. The closest hydrant is at 1101 45<sup>th</sup> Avenue. I show it at 622 GPM so it is probably on a smaller line. Is there a plan to have or add a hydrant in the area? We run by a rule of thumb that we like hydrants every 400 feet. Not rigid on that if we are close to within 500. The GPM needed for the number of homes beyond 400 feet of distance from the hydrant that is on 45th would determine that.

**Public Comments:**

See Attachment C, Attachment D and Attachment E

### **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: The application materials presented herein document compliance with this standard.

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.**

**Except as provided in § 17.08.060, in a R-1 zone, yard setbacks shall be as follows. [SHMC 17.24.050(A-F)]**

- A. The front yard shall be a minimum of 20 feet.**
- B. Each side yard shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of 13 feet.**
- C. The street side yard shall be a minimum of 15 feet.**
- D. The rear yard shall be a minimum of 15 feet.**
- E. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.**
- F. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.**

Applicant Comments: The applicable standards of SHMC Titles 16 and 17 are addressed in Parts II, III, and IV of the narrative. The application materials presented document compliance with these standards. The lots as proposed in the Tentative Plat comply with the size and dimensional requirements of code section 17.24.040 which is addressed hereafter. Exhibit 'D', Tentative Plat demonstrates compliance with SHMC 16.12.030.B standard. The applicable provisions Title 17 are addressed in Part III of the narrative.

Staff Findings: Based on a review of the applicant's site plans (Attachment B), 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 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).

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: The Tentative Plat, demonstrates compliance with this standard.

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: The Tentative Plat, demonstrates compliance with this standard.

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: No access easements are required to provide access to a given lot or parcel. However, to reduce the number of street driveway approaches joint use access easements are anticipated for paired flag lots.

Staff Findings: The applicant has proposed an easement for franchise utilities and drainage, and joint use driveways on the proposed flag lots.

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: Not applicable, no through lots are proposed.

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.**

Applicant Comments: All lot side lines as shown on the Tentative Plat are perpendicular to street right of way.

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: Five (5) flag lots are proposed along the northerly boundary of the property. These flag lots are necessary to make efficient use of the land and to not have to construct a looped public street through the property in order to provide 80' of lot frontage each. Such additional street right of way for a loop system would reduce the developable lot area by approximately 0.6 to 0.7 acre and double the amount of street and utility infrastructure the City would own and maintain.

Staff Findings: The applicant has proposed 6 flag lots (proposed lot 7, lot 9, lot 11, lot 13, lot 15, and lot 17). Staff finds that the flag lots are the minimum necessary for the applicant to use as access from the identified lots to the local street.

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)]**

Applicant Comments: The proposed lots are all of sufficient size that no special setbacks are required.

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: 100% of applicant's property will be developed under this application. There is no remainder property owned by the applicant.

Staff Findings: The applicant is proposing to create 18 residential lots. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

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: The development proposed herein does not preclude the future development of adjacent or abutting properties. All such properties have frontage on existing city right of way.

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 narrative and Exhibits 'E', 'G', and 'H' demonstrate compliance with the applicable street design standards.

Staff Findings: Per the staff engineers' comments in Section II: The frontage along 45<sup>th</sup> Avenue has been recently paved leaving rock shoulders. The frontage will be developed to City standards with roadway and pedestrian facilities. The drainage ditch on the west side of 45<sup>th</sup> Avenue may be piped or left open channel with a sidewalk assembly between it and the right-of-way lines of the property. The indicated 45ft of right-of-way for the street system appears wide enough for the required subdivision elements of curbs, planters, sidewalks, etc.

Per the Public Works comments in Section II: The City paved 45<sup>th</sup> Avenue in the fall of 2021. Therefore, the street cuts for utilities into the subdivision shall be ground down across the full width of 45<sup>th</sup> Avenue and repaved in a single piece, to maintain as best as practical the integrity of the new pavement. Street cuts shall be located as close together as practical to minimize disturbance to 45<sup>th</sup> Avenue.

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: The narrative and Exhibit 'F' demonstrate compliance with this standard.

Staff Findings: Per the staff engineer's comments in Section II above: The adjacent street of 45<sup>th</sup> Avenue has full city utilities. There is an 8" water line and an 8" sewer line in 45<sup>th</sup> Avenue that can be connected to. Water connection would be a cut-in tee with full valving and an 8" line in the cul-de-sac. The sewer connection would be with a manhole and an 8" line in the cul-de-sac. The roadside drainage ditch in 45<sup>th</sup> Avenue is available also for the stormwater runoff. The proposed subdivision has a perimeter storm drain easement to collect rear yard drainages. Impervious surface runoff will be contained in the cul-de-sac street. Both will be detained with storage and flow controls, with outlets to 45<sup>th</sup> Ave. The drainage area on the north lots is wider than the other segments to accommodate the runoff capture and the storage requirements.

Per the Public Works comments in Section II above: There is an existing City sewer main along the south property line. Long-term, Public Works finds that is an excessive amount of infrastructure to maintain for the service area. Therefore, we require that all subdivision lots connect to the new sewer main in the new cul-de-sac, and any existing connections to the main on the south side be disconnected. This will leave only one house outside of the subdivision still served by the sewer main and at such time in the future that adjacent properties to the south are subdivided, that last service can be re-routed, and the redundant sewer main can be abandoned.

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: There are no mapped natural features or natural hazards on the property. There are no historic sites on the property.

Staff Findings: Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, 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 not contain inventoried wetlands.

Based on the above findings, 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: The tentative plat proposes development in a single phase.

Staff Findings: The applicant is not proposing to phase the proposed subdivision.

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: City staff has advised the applicant that the school district has not identified a lack of capacity.

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 193,625 square foot site into 18 residential lots. The subject property is to the west of the 45<sup>th</sup> Avenue and is identified by 1070 45<sup>th</sup> Avenue and Linn County Tax Assessor's Map No. 13S01E33AC Tax Lot 2600. Lots sizes would range in size from 8,000 square feet to 11,697 square feet. The subject property is in the Residential Low Density (R-1) Zone.

To ensure compliance staff recommends a condition of approval that upon development of the proposed parcels, the property owner shall construct all applicable street, sidewalk and storm drain improvements that are required by, and according to the provisions of the Sweet Home

Municipal Code at the time of development. All public improvements must comply with the standards listed in the SHMC at the time of development.

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

With the above conditions, the application complies with 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: This approval shall be valid for 12 months. The applicant has not proposed a phased development. Extensions shall be permitted as allowed under SHMC 16.16.080. With the above conditions, the application complies with these criteria.

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 193,625 square foot property into 18 lots. The subject property is to the west of 45<sup>th</sup> Avenue and is identified by 1070 45<sup>th</sup> Avenue and Linn County Tax Assessor's Map No. 13S01E33AC Tax Lot 2600. Lots sizes would range in size from 8,000 square feet to**

11,697 square feet. All lots would be eligible to be developed with single, family dwellings [SHMC 17.24.020.A]. The subject property is in the Residential Low Density (R-1) Zone.

2. The applicant shall ground down the street cuts for utilities across the full width of 45<sup>th</sup> Avenue and repave it in a single piece to maintain the integrity of the new pavement. Street cuts shall be located as close together as practical to minimize disturbance to 45<sup>th</sup> Avenue.
3. The City shall require the applicant to connect all subdivision lots to the new sewer main in the new cul-de-sac, and any existing connections to the main on the south side be disconnected.
4. 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.
5. 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.
6. 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.
7. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Recreation Commercial (RC) zone.
8. 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.
9. 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.
10. 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:**

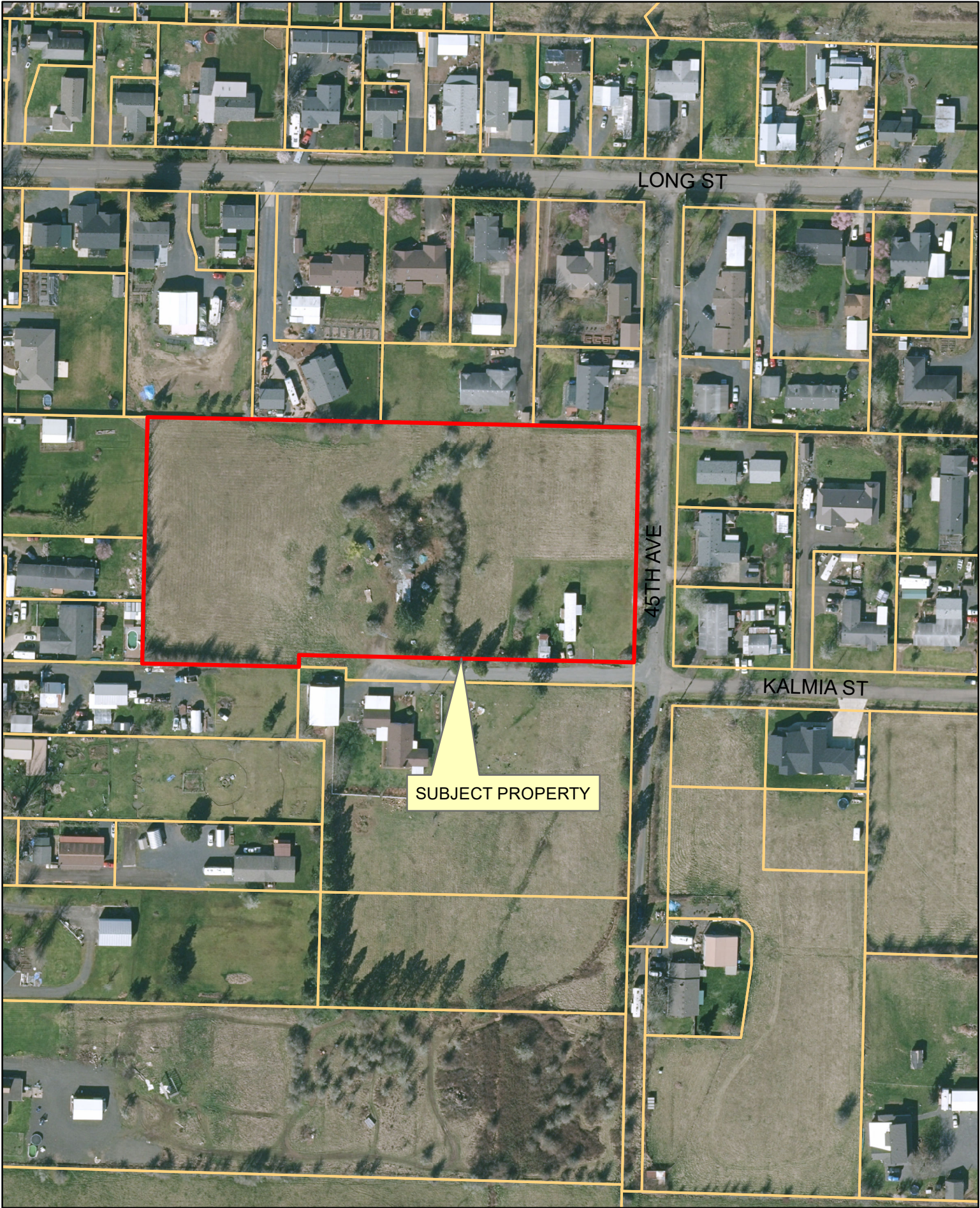
After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application SD22-02; 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 SD22-02; 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. Austin Comments
- D. Nicholson Comments
- E. Vineyard Comments

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.

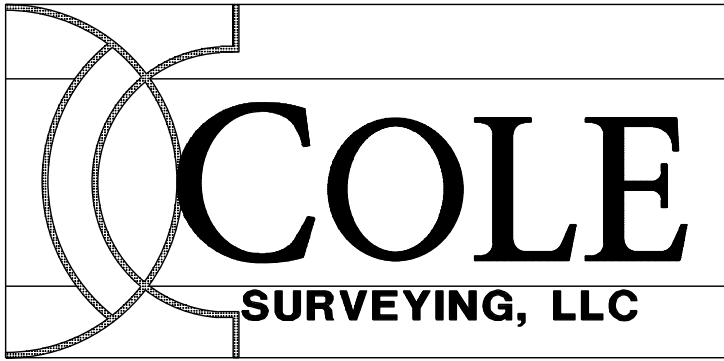


1 inch = 155 feet



Parcel II

# EXHIBIT 'D-3'



© COPYRIGHT 2022  
DEVCO ENGINEERING, INC.  
ALL RIGHTS RESERVED.

DRAWING STATUS:	DATE:	No.	REVISION:	DATE:
<input type="checkbox"/> PRELIMINARY		△		
<input checked="" type="checkbox"/> SUBMITTED	04/08/22	△		
<input type="checkbox"/> BID SET		△		
<input type="checkbox"/> PERMIT SET		△		
<input type="checkbox"/> CONST. SET		△		
<input type="checkbox"/>		△		
		△		

FOR LAND  
USE  
PURPOSES  
ONLY

JOB NO. 21427		<div>SHEET TITLE:</div> <div>TENTATIVE PLAT</div>
DRAWN BY: DEVO		
DRAWING:		

**PROJECT:**  
**CLEAR WATER SUBDIVISION**

**PROJECT LOCATION:**  
**1070 AND 1082 45TH AVENUE**  
**SWEET HOME, OREGON**

**CLIENT:**  
**CORDLE CONSTRUCTION LLC**

 **devco**  
engineering inc.

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Oregon  
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<input type="checkbox"/> PRELIMINARY		<input type="checkbox"/>		
<input checked="" type="checkbox"/> SUBMITTED	04/08/22	<input type="checkbox"/>		
<input type="checkbox"/> BID SET		<input type="checkbox"/>		
<input type="checkbox"/> PERMIT SET		<input type="checkbox"/>		
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FOR LAND  
USE  
PURPOSES  
ONLY

## ATTACHMENT C

**From:** [Don and Peggy Austin](#)  
**To:** [Angela Clegg](#)  
**Subject:** Construction proposal file number SD22-02  
**Date:** Friday, April 15, 2022 3:30:24 PM

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Thank you for sending the information about the proposed development.

Initially my concerns are:

1. Since they put down new paving on 45th Avenue it is narrower that it used to be. You have to be very careful when meeting oncoming traffic because there is barely room to pass. This new development will greatly increase the amount of traffic on 45th Avenue; even more so during the construction faze with large trucks coming and going. Widening the street would make it safer.
2. Has there been any study on the effect of all those roofs and pavement on run off. Where is the water going to go when there is no place for it to soak in? If it is funneled to the ditch on 45th is it going to cause flooding down the line? Is that storm drain easement on the drawing another open ditch that will be a safety hazard for children who are likely to come along with housing?
3. It would be nice if the main entrance could be on the south side of the property off where Kalmia would go through, only because every car that comes and goes will shine it's lights directly into my living room. There is only an open field on the south side toward this end.

Thank you,

Peggy Austin  
1121 45th Ave

April 22, 2022

Mr. Blair Larsen, Community and Economic Development Director,

RE: File Number SD22-02

Thank you for the opportunity to submit written comments regarding the subject property development. Following are my remarks, in italics, to the Clearwater Application.

PART II – LAND DIVISIONS  
CHAPTER 16.12: DESIGN STANDARDS  
16.12.035 EASEMENTS

C. Drainage channels. If a subdivision or partition is traversed by a drainage channel, there shall be provided a public drainage easement. The drainage easement shall conform substantially with the lines of the drainage channel, with additional width as needed for channel maintenance.

**Applicant responded, “There are no water ways or drainageways on the site.” Pg 10 of 20.**

16.12.050 STORM WATER AND SURFACE DRAINAGE

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

A. The design shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system to serve such areas.

**Applicant responded, “There are no areas of concentrated flow from any adjacent property through the applicant’s property. This property and the adjacent properties generally slope south to north. Any surface water from the southerly adjacent property is channeled to the east to the 45th Avenue ditch, or on the western side of the site, collected surface water from the south is collected and discharged by pipe to the detention area along the northerly site boundary. These drainage related improvements are shown on the Grading and Utility Plans, Exhibits ‘E’ and ‘H’.” Pgs 10-11 of 20**

CHAPTER 16.16: TENTATIVE PLAN

16.16.025 TENTATIVE SUBDIVISION, SUBDIVISION REPLAT OR PARTITION,  
PARTITION REPLAT PLAN SUBMITTAL

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

**Applicant responded, “There are no water ways or drainageways on the site.” Pg 14 of 20**

*I counter these statements. There is a drainage feature, on the West side of the subject property, which carries water during rain events. This rainfall accumulates and inundates adjacent and nearby tax lots as the elevation of the subject property is lowest in the northwest corner. I experience standing water on the north side and northeast corner of my property during heavy rain events from this accumulation.*

*At this time seasonal rains are intercepted by vegetation and absorbed into the ground. Development will disrupt natural infiltration and create obstructions to these historical flow patterns. The creation of impermeable surface area increases the total discharge leaving the site.*

*I would highly recommend the permitting agency require a hydrological investigation of the surrounding area to include, at a minimum, a water table map, water flow direction, identification of water potential zones, and a quantitative sub surface water assessment. These measures will guide what course of action will provide an approach that ensures development does not adversely impact the property and rights of others or incur loss as a result of a developer's actions.*

PART II – LAND DIVISIONS  
CHAPTER 16.12: DESIGN STANDARDS  
16.12.035 EASEMENTS

A. City utility lines;

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

**Applicant responded, “The applicant concurs, such additional public easements are indicated on the Tentative Plat, Exhibit ‘D’.”**

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

**Applicant responded, “The applicant concurs, although no public water or sanitary sewer extensions are required within a public easement.” Pgs 9-10 of 20**

*The City of Sweet Home Municipal Code states, as shown above, that City easements shall be at least 20 feet wide. Exhibit “D” indicates only a 10' STORM DRAIN EASEMENT on the south and west sides of the development. City shall not permit this reduced width.*

PART II – LAND DIVISIONS  
CHAPTER 16.12: DESIGN STANDARDS  
16.12.030 LOTS AND PARCELS

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.

**Applicant responded, “Five (5) flag lots are proposed along the northerly boundary of the property. These flag lots are necessary to make efficient use of the land and to not have to construct a looped public street through the property in order to provide 80' of lot frontage each. Such additional street right of way for a loop system would reduce the developable lot area by approximately 0.6 to 0.7 acre and double the amount of street and utility infrastructure the City would own and maintain.” Page 9 of 20**

*The City of Sweet Home Municipal Code states, as shown above, that flag lots should be avoided. If in fact flag lots should be avoided, why are they being proposed for approval other than for profit of the applicant? A loop system is not needed to develop the property. Also, Exhibit 'D' reflects lot sizes including the flag pole areas which the code specifically states, "shall not be used in determining lot size." Lot sizes shall be revised accordingly.*

#### PART V – EXHIBITS

Exhibits 'D', 'E', and 'H'; Tentative, Grading, and Utility Plans

*How will the permitting agency ensure functionality of the detention area along the northerly site boundary in perpetuity so that development does not adversely impact the property and rights of others or incur loss as a result of a developer's actions? What is the purpose of (N) CONTROL MANHOLE on Exhibit H? What is the elevation of the surface water drainage feature on the south side of Long Street?*

*There exists mosquitoborne disease such as West Nile virus and Zika virus. In an effort to mitigate public health concerns in the foreseeable future and prevent future cases of chronic associated symptoms I would encourage the permitting agency require the developer propose stormwater drainage that does not incorporate a stormwater quality and detention rain garden. Many public health agencies are advocating removal of small pools of standing water from around homes to protect the environment from mosquitoes. I would encourage the permitting agency require the developer to cause storm water and surface drainage to be diverted away from adjacent property to avoid adverse impact to the property and rights of others or incur loss as a result of a developer's actions.*

Exhibits 'D', 'E', 'F', 'H', and 'I'; Tentative, Grading, New Street, Utility, and Streetscape Plans

*If flag lots are permitted, which should be avoided as noted above, I would highly recommend the permitting agency require the developer to reverse the layout of the lots such that the flag lots are on the south side of the development which will disburse noise pollution away from existing flag lots.*

Thank you for your consideration of my comments. I look forward to a written response to any questions noted above.

Cordially,



Marilyn Nicholson



SD22-02

May 2, 2022

RECEIVED  
R 05.17.22

4305 Long St.

March 26, 2022  
SE Corner  
1197 43<sup>rd</sup> Ave.

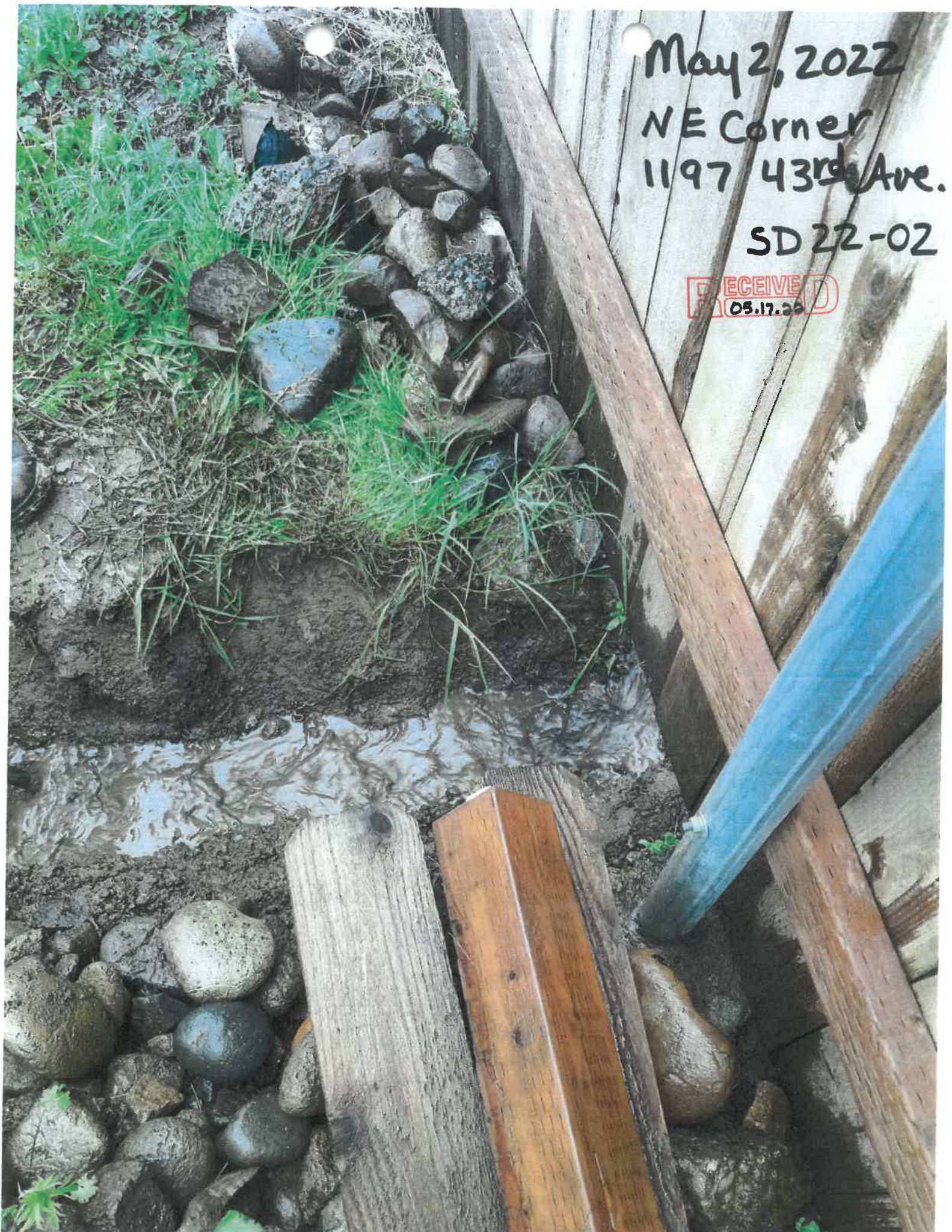
RECEIVED  
MAR 17 2022

SD 22-02

May 2, 2022  
NE Corner  
1197 43rd Ave.

SD 22-02

RECEIVED  
05.17.22



## ATTACHMENT E

**From:** [Katie Vineyard](#)  
**To:** [Angela Clegg](#)  
**Subject:** File Number SD22-02  
**Date:** Thursday, April 28, 2022 11:02:10 PM

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File Number SD22-02

Here are my comments and recommendations for the Clearwater Application.

The drainage on the north side is going to have a huge impact on my already wet property that does not drain. I have pumps under my house and curtain drains that run up my driveway to Long St. Having water sit in the North 20 foot drainage is going to have a negative effect on my house and property. I propose you find a way to have the storm drain easement be drained out to Long st or over to 43rd out to the ditch lines to remove the water. By developing the land there is going to be less place for the water to drain into soil which will cause more onto my property and under my house because there will be less soil for the water to be soaked up by. How much water is expected to stand in this storm drain? This is a major concern for adjacent land owners with small children. What will the depth be?

Who is going to maintain? Many places around town are not and this not getting maintained will have an even bigger impact on my land and house.

I want water diverted away from my property so the development does not have an impact on my property or my structures but most of all my young children.

Leon and Katie Vineyard  
541-409-0188  
4309A Long St

Sent from my iPhone