



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting to subdivide an approximately 41.03 acres (1,787,269 square foot) property into 161 total lots over the span of four phases. Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor’s Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.

Application SD23-01 is reliant on the approval of Application PLA23-05. Application PLA23-05 is an Administrative Decision and is not decided upon by the Planning Commission. Applications SD23-01 and PLA23-05 are being filed simultaneously.

- APPLICANT:** Cordle Construction LLC
- PROPERTY OWNER:** Cordle Construction LLC
- FILE NUMBER:** SD23-01
- PROPERTY LOCATION:** Identified on the Linn County Assessor’s Map as 13S01E33D Tax Lots 02800 and 3502.
- REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.10., , 17.28.020, 17.40.010 through 17.40.030, 17.42, 17.44, 17.46, 17.48, 17.52, 17.56, 17.58, 17.82.010 through 17.82.040, 17.82.060, 17.82.090(F)(2) and 17.110.
- HEARING DATE & TIME:** **February 1, 2024, at 6:30 PM**
- HEARING LOCATION:** City Hall Council Chambers, 3225 Main Street, Sweet Home, Oregon 97386
- STAFF CONTACT:** Angela Clegg, Tourism & Economic Development Coordinator
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov
- REPORT DATE:** January 26, 2024

I. PROJECT AND PROPERTY DESCRIPTION

The application under consideration is a proposed tentative subdivision plat. The proposed subdivision will be completed in 4 phases and include 157 residential lots and 3 storm water tracts. The subdivision approval is reliant on the property line adjustment application being filed concurrently. The subject properties are located east of 43rd Avenue, north and east of Coulter Lane, the southernmost end of 45th Avenue, and the southernmost end of 46th Avenue and is identified by Linn County Tax Assessor’s Map No. 13S01E33D Tax Lots 2800 and 3502.

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	Linn County	Linn County
Property South	Linn County	Linn County
Property West	Residential Low Density (R-1)	Low Density Residential

- Floodplain:** Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G and 41043C0918G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.
- Wetlands:** The subject property does show wetlands/waterways on the property depicted on the Sweet Home Local Wetlands Inventory Map: SSR-2, SSR-3, SSR-3A, SSR-3C, SSR3-D, SSR-3E, and SSR-3H.

Per the Department of State Lands (DSL) Wetland Land Use Notice Response on December 28, 2023: This project has a concurred wetland delineation (WD2023-0092). This delineation identified extensive wetlands onsite. A permit and associated mitigation are required.
- Access:** Proposed Parcel I has access from 43rd Avenue and Coulter Lane. Proposed Parcel II shall have access via a road system proposed with Subdivision Application SD23-01, applied for simultaneously.
- Services:** There are City water and sewer services in 43rd Avenue, Coulter Lane, and 46th Avenue. There are three storm water channels abutting and one running north to south on Proposed Parcel I. There are two storm water channels abutting and four running north to south on Proposed Parcel II.

TIMELINES AND HEARING NOTICE:

- Mailed/Emailed Notice: December 12, 2023
Notice Published in Newspaper: December 21, 2022
Planning Commission Public Hearing: February 1, 2024
120-Day Deadline: April 19, 2024
Notice was provided as required by SHMC 17.122.010

II. COMMENTS

**Levi Gideon
CEDD Engineering:**

- Here are the CEDD Engineering comments on SD23-01
- This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480.
 - 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures.
 - It appears that this applies to exhibit 'E-2', east end of:
 - A Street

- B Street
 - C Street
 - D Street
 - Coulter Lane
 - Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan.
- All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead.
 - The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described:
 - Eastern end of 'C' Street
 - Eastern end of 'A' Street
 - Eastern end of Coulter Lane
 - Southern end of 46th Avenue
- Recommend building a neighborhood park or comparable facility, as the area is currently undeveloped and there are no parks or playgrounds within a reasonable distance. The nearest park is Ashbrook Park, which is 1.4 miles away.
- Streetlights will need to be installed at the appropriate locations. All new streetlights in subdivisions shall be aluminum material with an anchor pier. The light fixture itself shall be a LED luminaire, and shall conform to Oregon PUC rules.

**Blake Patterson
Public Works
Engineering:**

Water:

- The waterline on 43rd will allow the proposed tie in shown in the design.
- Waterline entering the subdivision from the 43rd avenue 16" water main tap will need to be an 8" c900 PVC line.
- The 8" PVC waterline serving the subdivision will need to be looped and tied back into our existing 8" ductile iron water main on 46th avenue.

Sanitary Sewer:

- The design calls for a sanitary sewer tie in on 43rd avenue, into an existing 10" line, however, the existing sewer line on 43rd avenue is only an 8" concrete line.
- The design also shows existing sewer on Coulter Lane being a 6" concrete line, and it is an 8" concrete line.
- Existing sewer line size on Coulter Lane will be sufficient, but the 43rd avenue 8" line will need to be upsized to 10" 30/34 PVC from the A street tie in, north to long street, where it will tie in to our existing 12" line.

Storm Water:

- Where subdivision storm water system outlets into the 43rd avenue ditch, we would need to see an engineered storm water development report that shows pre and post development run-off rates, to ensure the existing 43rd avenue ditch has appropriate capacity.

**Ray Grundy
Building Division:**

In regard to SD23-01 Building has no comments or concerns at this time.

Sweet Home Fire

District:

No comments as of the issuance of this staff report.

Jevra Brown, Aquatic

Resource Planner

Dept of State Lands:

RE Subdivision application 13S01E33D Tax Lots 2800 and 3502; AND new email address for general notices to DSL, and several LWI & WLUN related details. Thank you for sending this, what we call internally, "general notice." We have one document in our database for this project, an approved delineation WD2023-0092. Since this application is for a subdivision, and if it will impact the wetlands or waters mapped in the delineation (or on your LWI), ORS directs you to submit a Wetland Land Use Notice within 5 days of receiving a complete application (however you define that). The online WLUN submittal form, statutes and submittal guidance can be found in the Wetland land use notice drop down on this page, scroll down to find it: <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> Contact me if you have questions! As a reminder, DSL approved delineations "refine" the LWI mapping per: 141-086-0230 Revisions (4) Newly-identified wetlands as identified by a Department-approved wetland delineation report or a removal-fill permit must not be added to the Department-approved Local Wetlands Inventory map without following the procedures outlined by OAR 141-086-0230(1)(a) through (d). (5) Refinements to the location, extent, and/or absence of wetlands mapped on the LWI, as identified by a Department-approved wetland delineation or a Department wetland determination report, may be made at any time through an administrative process, by annotating the approved LWI or by creating a separate geospatial dataset containing the boundary adjustments, preserving the approved LWI mapping.

Public Comments:

No comments as of the issuance of this staff report.

III. REVIEW AND DECISION CRITERIA

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

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

A. *Minimum lot area.* Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet.

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

B. *Lot width and depth.* The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: Based on the submitted site plans (attachment B), no depth of a lot or parcel exceeds three times the width of the parcel.

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

C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is:

- 1. Infeasible due to parcel shape, terrain, or location of existing structures;**
- 2. Unnecessary to provide for the future development of adjoining property.**
- 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.**

Applicant Comments: Part IV, Page 1: All proposed lots are accessed by public street.

Staff Findings: Based on the submitted site plans (attachment B), all new lots or parcels shall access a public street. No lot within the subdivision is accessed via a private street or private access easement.

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

D. Flag lots. Flag lots shall be subject to the following development standards:

- 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.**
- 2. The access strip shall not be included in the lot area calculation.**
- 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.**

Applicant Comments: Part IV, Page 2: No flag lots are proposed.

Staff Findings: The applicant is not proposing any flag lots.

E. Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.

Applicant Comments: Part IV, Page 2: No through lots are proposed.

Staff Findings: Based on the submitted site plans (attachment B), the applicant has proposed one through lot, Lot 14, in Phase 4. There is a proposed fire turn-around (hammerhead) at the rear of Lot 14 along C Street, making the front of Lot 14 along B Street.

F. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.

Applicant Comments: Part IV, Page 2: Complies, as shown on Tentative Plat, Series 'E' Exhibits.

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

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

G. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.

Applicant Comments: Part IV, Page 2: A 7' wide UE will be provided parallel to all street frontages as shown on Tentative Plat Exhibits.

Staff Findings: Based on the submitted site plans (attachment B) the applicant has proposed public utilities to be located in the public right-of way and utility easements throughout the subdivision. (Attachment B, Exhibits F through F-9).

17.58.040 ADDITIONAL STANDARDS FOR SUBDIVISIONS

A. General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

Applicant Comments: Part IV, Page 2: Generally blocks are aligned with existing north-south street rights of way in order to continue the existing street pattern. The proposed street pattern and block layout provides pedestrian and bicycle access and continuity as well as vehicle access to existing streets.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. The lot sizes provide adequate building sites for single-family dwellings and duplexes. Based on the submitted site plans (attachment B), the applicant has proposed local street widths of 40 feet for A Street, and 45 feet for B Street, C Street, D street, 44th Avenue, 45th Avenue, and 46th Avenue. The existing Coulter Lane is 40 feet. The applicant has proposed a 7-foot sidewalk and curb width for pedestrian traffic. Staff finds that the length, width and shape of the blocks provide adequate building sites and the applicant considered safe pedestrian and bicyclist traffic, convenient access and traffic circulation.

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

B. Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or, if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.

Applicant Comments: Part IV, Page 2 and 3: Generally blocks are aligned with existing north-south street rights of way. No block length exceeds 1000'. Where matching the existing street pattern creates block lengths exceeding 500' a mid-block pedestrian/bicycle accessway is proposed. No block width between new streets exceeds 500. No collector or arterial streets are transportation system planned to serve the applicant's property or the vicinity.

Staff Findings: Based on the submitted site plans (attachment B), the length of the subdivision blocks ranges from approximately 371 feet to approximately 567 feet. The width of the subdivision blocks ranges from approximately 82 feet to approximately 200 feet.

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

C. Traffic circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary – 1/4 mile for pedestrians, and one mile for bicyclists.

Applicant Comments: Part IV, Page 3: The proposed subdivision layout provides connectivity to all existing street rights of way in order to facilitate the desired connectivity.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is

required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480.

D. *Connectivity. To achieve the objective in “C. Traffic Circulation” above, The City may require the following:*

- 1. *Stub-end streets. Where the potential exists for additional residential development on adjacent property. The City may require reserve strips and streets plugs to preserve the objectives of street extensions.***
- 2. *Accessways. Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.***

Applicant Comments: Part IV, Page 3: The applicant concurs and in preparing the accompanying Exhibits has attempted to locate street connectivity and pedestrian/bicycle accessways where appropriate. Please note, in Phase 4 the 46th Avenue right of way is not continuous to the southerly property line. This is because of the significant steep slopes along the southeast boundary of the property.

Staff Findings: Per the CEDD Engineering comments in Section II above: A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit ‘E-2’, east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan.

All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: the eastern end of C Street, the eastern end of A Street, the eastern end of Coulter Lane, and the southern end of 46th Avenue.

E. *Collector and arterial connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site’s arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.*

Applicant Comments: Part IV, Page 3: Not applicable.

Staff Findings: Based on the submitted site plans (attachment B), A Street, C Street, and Coulter Lane will connect to 43rd Avenue. 44th Avenue extends from A Street to Coulter Lane. 45th Avenue and 46th Avenue will be extended from the north property boundary to D Street. The applicant has proposed 7-foot-wide sidewalks and curbing throughout the subdivision design.

F. *Design standards. Pedestrian/bicycle accessways shall meet the following design standards:*

- 1. *Minimum dedicated width: 10 feet***
- 2. *Minimum improved width: 8 feet***
- 3. *The accessway shall be designed to prohibit vehicle traffic.***

Applicant Comments: Part IV, Page 3 and 4: The applicant concurs. The required accessway width is reflected on the Tentative Plat drawings. Compliance with the improvement standards will be assured under 17.58.070.A.

Staff Findings: No pedestrian or bicycle accessways are shown on the submitted site plans (attachment B).

17.58.060 IMPROVEMENT REQUIREMENTS - SUBDIVISION

A. Improvements. The following improvements shall be required for all subdivisions:

1. **Frontage improvements.** Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

Applicant Comments: Part IV, Page 4: Exhibits 'H', 'H-1', and 'H-2' establish the street frontage improvements proposed in this application and which meet this standard. Utilities will be constructed as indicated on the Grading and Utilities Plans, 'F' series Exhibits.

2. **Project streets.** Streets within the subdivision shall be constructed as required by City Engineering Standards.

Applicant Comments: Part IV, Page 4: The applicant concurs.

3. **Monuments.** Monuments shall be established as required by the Engineering Design Standards.

Applicant Comments: Part IV, Page 4: The applicant concurs, such monuments will be shown on the final subdivision plat.

4. **Surface drainage and stormwater system.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 4: The applicant concurs, a Conceptual Stormwater Drainage Facilities Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing stormwater facilities on the applicant's property.

5. **Sanitary sewers.** Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 4 and 5: The applicant concurs, a Conceptual Sanitary Sewer Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing sanitary sewer lines on the applicant's property.

6. **Water system.** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 5: The applicant concurs, a Conceptual Water System Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A.

7. **Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.

Applicant Comments: Part IV, Page 5: The applicant concurs where development occurs on both sides of each public street. Where development occurs on only one side of a new public street the off-side planter strip and sidewalk shall be the responsibility of the adjacent property owner under a future development application. Please see Exhibit 'H-2'.

8. **Street lights.** The installation of street lights is required at locations, and of a type required by City standards.

Applicant Comments: Part IV, Page 5: The applicant concurs.

9. **Street signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.

Applicant Comments: Part IV, Page 5 and 6: The applicant concurs.

10. **Other requirements.**

- a. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.
- b. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

Applicant Comments: Part IV, Page 6: The applicant concurs. The applicant proposes street tree planting as shown on Exhibit 'I'.

- B. **Completion of improvements.** All improvements required under this Chapter shall be completed to City standards, or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

Applicant Comments: Part IV, Page 6: The applicant concurs.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480. A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit 'E-2', east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan. All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: eastern end of 'C' Street, eastern end of 'A' Street, eastern end of Coulter Lane, and southern end of 46th Avenue.

Streetlights will need to be installed at the appropriate locations. All new streetlights in subdivisions shall be aluminum material with an anchor pier. The light fixture itself shall be a LED luminaire and shall conform to Oregon PUC rules.

Per the Public Works Engineering comments in Section II above: The waterline on 43rd Avenue will allow the proposed tie-in shown in the design. The waterline entering the subdivision from the 43rd Avenue 16-inch water main tap will need to be an 8-inch c900 PVC line. The 8-inch PVC waterline serving the subdivision will need to be looped and tied back into our existing 8-inch ductile iron water main on 46th Avenue. The design calls for a sanitary sewer tie-in on 43rd Avenue, into an existing 10-inch line, however, the existing sewer line on 43rd Avenue is only an 8-inch concrete line. The design also shows the existing sewer on Coulter Lane being a 6-inch concrete line, and it is an 8-inch concrete line. The existing sewer line size on Coulter Lane will be sufficient, but the 43rd Avenue 8-inch line will need to be upsized to a 10-inch 30/34 PVC from the A Street tie-in, north to Long Street, where it will tie into our existing 12-inch line. Where subdivision storm water system outlets into the 43rd Avenue ditch, we would need to see an engineered storm water development report that shows pre and post development run-off rates, to ensure the existing 43rd Avenue ditch has appropriate capacity.

Staff shall recommend a conditional of approval that the applicant comply with all improvement requirements listed in SHMC 17.58.060.

17.110.040 SUBMITTAL REQUIREMENTS

The following submittal requirements shall apply to all Preliminary Plat applications for subdivisions or Planned Development.

- A. All applications shall be submitted on forms provided by The City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria.**
- B. Applicants for subdivisions shall submit one 11" x 17" copy of the preliminary plan along with one digital copy. The preliminary plan shall include the following:**
 - 1. General Information.** The following general information shall be shown on the tentative plan:
 - a. Vicinity map showing all streets, property lines, streams, flood plain and other pertinent data to locate the proposal.**
 - b. North arrow and scale of drawing.**
 - c. Tax map and tax lot number or tax account of the subject property.**
 - d. Dimensions and size in square feet or acres of the subject property.**
 - e. Name of the Subdivision or Planned Development.**
 - 2. Existing conditions.**
 - a. Location of all existing easements within the property.**

- b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.
 - c. The location and direction of water courses or drainage swales on the subject property.
 - d. Existing use of the property, including location of existing structures. It should be noted whether the existing structures are to remain or be removed from the property.
 - e. Direction of drainage and approximate grade of abutting streets.
 - f. Proposed streets, approximate grade, and radius of curves.
 - g. Any other legal access to the subdivision other than a public street.
 - h. Contour lines related to an established bench mark on City datum, having the following minimum intervals:
 - 1) Areas with less than 5% slope: One-foot contours
 - 2) Areas with slope between 5% and 10%: Two-foot contours.
 - 3) Areas with slope greater than 10%: Five-foot contours.
3. **Proposed plan.**
- a. Locations, approximate dimensions and area in square feet of all proposed lots. All lots shall be numbered consecutively.
 - b. Location, width and purpose of any proposed easements.
 - c. All areas to be offered for public dedication.
 - d. If any portion of the property is not proposed to be included in the subdivision or any public dedication, that portion shall be identified as a remnant parcel. A draft subdivision or development plan shall be included showing how the proposed subdivision will provide needed access and utilities to serve future development of the remnant parcel.
 - e. Proposed phasing.

Staff Findings: The applicant submitted Application SD23-01 on December 12, 2023. Staff deemed the application complete on December 20, 2023.

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). Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.

2. The applicant shall comply with all requirements identified by the CEDD Engineering and Public Works Engineering Department comments in Section II above.
3. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46.
4. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48.
5. The applicant shall comply with all Street Standard requirements in SHMC 17.42.
6. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential Low Density (R-1) Zone.
7. In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:
 - A. *City approval required.* Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
 - B. *Notification.* Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
 - C. *Inspections.* Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.
 - D. *Installation of utilities.* All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
 - E. *As-built drawings.* A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements. [SHMC 17.58.070]
8. Within two years of the Final Decision, a final approved plat (or first phase) shall be recorded with the County. If the first phase final plat is not recorded within two years, the preliminary approval shall lapse and a new application shall be required. All phases of an approved plat shall be recorded within 10 years of the final date of decision. [SHMC 17.110.080(A)]
9. *Effective date for final plat approval.* The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County. Approved final plats shall become void one year after final City approval if they are not recorded. [SHMC 17.110.080(G)]
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 SD23-01; including the conditions of approval listed in Section IV of the Staff Report; adopting the findings of fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application SD23-01; including adopting findings (specify), the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Application, Narrative, Tentative Subdivision Maps, Wetland Delineation Report
- C. Application PLA23-05 – for informational purposes only

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.