



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 8.27-acre property into eleven lots ranging from 11,124 to 5,655 square feet. Application SD21-03 is a modification to Phase II of subdivision Application SD20-02, approved December 7, 2020. The applicant's wetland consultant determined significant wetlands and a stream located onsite that could not be mitigated. Mountain River Subdivision Phase I was unaffected by this discovery, but Phase II was impacted by the wetland determinization and therefore must be modified from the original submittal. Phase II will create eleven lots. Five lots are intended for the construction of single-family dwellings, two lots shall be reserved for duplex developments, three lots shall contain four-plex's, and five six-plex's will be constructed on Lot #32 of the site map (attachment B).

The proposed subdivision is in the Residential High Density (R-2) Zone per Zone Map Amendment Application ZMA 20-01 approved by City Council Ordinance Bill No. 9 for 2020, Ordinance No. 1288, dated June 23, 2020.

APPLICANT AND

PROPERTY OWNER: Eric Lund c/o Mountain River Homes, LLC

FILE NUMBER: SD21-03

PROPERTY LOCATION: 4472 Highway 20, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 00200.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.16, 16.12, and 17.28.040 through 17.28.060.

HEARING DATE & TIME: October 21, 2021 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: October 14, 2021

I. PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting to subdivide an approximately 8.27-acre property into eleven lots ranging from 11,124 to 5,655 square feet. Application SD21-03 is a modification to Phase II of subdivision Application SD20-02, approved December 7, 2020. The applicant's wetland consultant determined significant wetlands and a stream located onsite that could not be mitigated. Mountain River Subdivision Phase I was unaffected by this discovery, but Phase II was impacted by the wetland determinization and therefore must be modified from the original submittal. Phase II will create eleven lots. Five lots are intended for the construction of single-family dwellings, two lots shall be reserved for duplex developments, three lots shall contain four-plex's, and five six-plex's will be constructed on Lot #32 of the site map (attachment B). The proposed subdivision is in the Residential High Density (R-2) Zone per Zone Map Amendment Application ZMA 20-01 approved by City Council Ordinance Bill No. 9 for 2020, Ordinance No. 1288, dated June 23, 2020.

The applicant provided a project description:

On December 7th, 2020, the City of Sweet Home Planning Commission approved a tentative subdivision application for the Mountain River Subdivision (Attachment B). As approved, this subdivision would have divided 8.76 acres into 46 lots for detached, single-family dwellings. However, before construction could begin, the applicant's wetland consultant determined significant wetlands and a stream are located on-site and could not be mitigated (Exhibit B). Mountain River Subdivision Phase One was unaffected by this discovery, but Phase Two was significantly impacted by these natural features. In an effort to reduce impacts to on-site wetlands, this modification will alter the lot layout in Phase Two. The approved Mountain River Subdivision Phase Two would have created twenty-five lots intended for detached, single-family homes. As modified, Phase Two will create eleven lots. Five lots within the boundaries of Phase Two are still intended for the construction of single-family dwellings. However, the remaining six lots are designed to support residential buildings of various densities. Near the intersection of 45th Avenue and Main Street, two lots will be reserved for duplex development and three lots will eventually contain fourplexes. Finally, five six-plexes will be constructed on the largest lot in the center of Phase Two. All proposed lots in this revised Phase Two layout will have frontage and access to the extension of 45th Avenue constructed during Phase One.

The proposed subdivision conforms to all applicable sections of the Sweet Home Municipal Code (SHMC) and, when necessary, City of Sweet Home's Comprehensive Plan. This application narrative provides

On-site conditions have changed slightly since the tentative subdivision application because Mountain River Subdivision Phase One is currently being constructed. Clearing and grading has occurred within the boundaries of Phase One, and public utilities are nearly complete at the time of this application. 45th Avenue and 44th Avenue still provide access to the subject property. There were no off-site improvements associated with the Mountain River Subdivision, so 45th Avenue is still consistent with City of Sweet Home local street standards and 44th Avenue and Osage Street remain unimproved. The proposed on-site extension of 45th Avenue is currently under construction. The drainage way flowing from Main Street alongside 45th Avenue was identified as a protected stream with significant wetlands near its banks. Primarily located within the Phase Two boundaries, this stream flows through a shallow ravine that leads to sloped drop-off near the property's northern boundary. Adjoining zones and land uses have not changed since the tentative subdivision plan application:

North: One undeveloped parcel zoned Recreational Commercial by the City of Sweet Home.

South: Apartments and Commercial uses zoned Highway Commercial by the City of Sweet Home.

East: Commercial uses and Manufactured home park zoned Highway Commercial by the City of Sweet Home.

West: Single-family dwellings zoned Residential Low-Density by the City of Sweet Home.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential High-Density (R-2)	High Density Residential
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Recreation Commercial (RC) Commercial Highway (C-2)	Planned Recreation Commercial General Industry
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Residential Low-Density (R-1) Commercial Highway (C-2)	High Density Residential Highway Commercial

Floodplain	Based on a review of the FEMA FIRM Maps; Panel 41043C0916G, 41043C0918G, 41043C0912G, and 41043C914G dated September 29, 2010, the subject property is located outside the 100 year floodplain and in an area of minimal flood hazard.
Wetlands:	<p>The subject property does not contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory (NWI) Map.</p> <p>Per comments from SD20-02: Department of State Lands determined that a jurisdictional waterway appears to exist on the lot. Based on review of documentation submitted, and after review of available information for the subject tax lot, a jurisdictional waterway appears to exist on the lot. Impacts (removal, fill or other ground alterations) to this waterway (unnamed perennial stream), equal to or greater than 50 cubic yards, would require a permit from DSL. There may also be jurisdictional wetlands on the lot. However, the presence and boundaries of wetlands cannot be determined from an offsite assessment. If future total impacts are expected to reach or exceed 50 cubic yards, it is recommended that you have the tax lot assessed for jurisdictional wetlands by a qualified wetland professional prior to earth disturbance activities. A wetland delineation report should then be submitted to DSL for review and approval prior to ground alterations. This response is advisory in nature and does not replace a delineation completed by a qualified wetland professional. Please contact Grey Wolf at grey.wolf@state.or.us with any questions regarding this Offsite Wetland Determination response.</p>
Access:	The subject property has frontage along Highway 20, 44 th Avenue, and 45 th avenue. The main entrance to the subdivision will be on 45 th Avenue.
Services:	City water and sewer are available at Highway 20 and 44 th Avenue. City water services are available at 45 th Avenue.

TIMELINES AND HEARING NOTICE:

Application Received:	August 2, 2021
Application Deemed Complete:	August 12, 2021
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	August 30, 2021
Notice Published in New Era Newspaper:	September 8, 2021
Date of Planning Commission Hearing:	October 21, 2021
120-Day Processing Deadlines:	December 10, 2021

Notice has been provided as required by the SHMC.

II. COMMENTS

Engineering Division:

Regarding the proposed modification to Phase 2 of Mountain River Subdivision, all lots will be served with the public mains and services being constructed with Phase 1. CEDD-ES have no issues with the changes.

Public Works

Public Works has no concerns with this request at this time.

Building Division:

The Building Program has no issues with this request for a subdivision.

Oregon Department Of State Lands:

After your WLUN #WN2020-0272, our staff did an offsite determination, WD2020-0516 for this site recommending that a delineation be completed and submitted. Subsequently delineation #WD2020-0621 was submitted and approved. Your office was copied on the approval letter. It will be helpful for you and others if the applicant overlaid the delineation map upon the site map. If the entire project can be completed with less than 50cy of ground disturbance then no state removal-fill permit is needed, however the Corps does not have this volume threshold and the applicant should check if the Corps will require permitting.

Sweet Home Fire District:

No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION CRITERIA

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

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

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

Applicant Comments: This application narrative and accompanying tentative plans include the information required by SHMC Chapter 16.16, Tentative Plan. Therefore, the proposed modification satisfies this criterion.

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application, and the applicant provided this information

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 Chapter 17.80 and 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

- 1. The front yard shall be a minimum of 20 feet. [SHMC 17.28.050(A)]**
- 2. Each side yard setback shall be a minimum of five feet; [SHMC 17.28.050(B)]**
- 3. The street yard setback shall be a minimum of 15 feet; [SHMC 17.28.050(C)]**
- 4. The rear yard setback shall be a minimum of ten feet; [SHMC 17.28.050(D)]**
- 5. Single-family attached dwellings: [SHMC 17.28.050(E)]**
 - a. Front shall be a minimum of 20 feet; [SHMC 17.28.050(E)(1)]**
 - b. The sides between units shall be zero feet; [SHMC 17.28.050(E)(2)]**
 - c. The sides on exterior boundaries shall be five feet; [SHMC 17.28.050(E)(3)]**
 - d. Street side shall be a minimum of 15 feet; and [SHMC 17.28.050(E)(4)]**
 - e. Rear shall be a minimum of ten feet. [SHMC 17.28.050(E)(5)]**
- 6. On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet. [SHMC 17.28.050(F)]**

Except as provided in, Sweet Home Municipal Code 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:

- 1. The minimum lot area for a multi-family dwelling shall be 2,500 square feet per dwelling unit; [SHMC 17.28.040(A)]**
 - 2. The minimum lot area for a two-family dwelling shall be 6,000 square feet; [SHMC 17.28.040(B)]**
 - 3. The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be 5,000 square feet; [SHMC 17.28.040(C)]**
 - 4. Single family attached dwellings shall have a minimum lot area of 2,500 square feet per dwelling unit; [SHMC 17.28.040(D)]**
 - 5. The minimum lot width at the front building line shall be as follows: [SHMC 17.28.040(E)]**
 - a. Seventy feet for a corner lot; [SHMC 17.28.040(E)(1)]**
 - b. Sixty feet for an interior lot; and [SHMC 17.28.040(E)(2)]**
 - c. Twenty five feet for a single-family attached dwelling lot. [SHMC 17.28.040(E)(3)]**
- D. Lot depth shall not exceed two and one-half times the average width. [SHMC 16.12.030(D)]**

Applicant Comments: The proposed modification's ability to comply with Titles 16 and 17 is demonstrated by the applicant's response to this criterion; however, streets (SHMC 16.12.020), water systems (SHMC 16.12.010), sanitary sewer systems (SHMC 16.12.045), and stormwater and surface drainage (SHMC 16.12.050) are all addressed in the applicant's response to other subdivision criteria. The modification's conformance with Comprehensive Plan policies is discussed in Section IV of this application narrative. Findings and conclusions from the above-cited sections are incorporated here by reference.

Lots and Parcels (SHMC 16.12.030) & Lot Size and Width (SHMC 17.30.040): The proposed modification will create lots for single-family, duplexes, and multi-family units. As required by SHMC 16.12.030(C), these lots must comply with residential lot size and width standards in SHMC Title 17.

Minimum Lot Size: The proposed modification will create lots intended for future development of several residential dwelling types. Table 111-1, below, outlines each lot, its intended use, required minimum lot size, and proposed lot size. As demonstrated by this table, the proposed modification complies with this standard.

Proposed Lot Uses and Sizes

Lot Number	Dwelling Type	Minimum Lot Size	Proposed Lot Size
22	Duplex	6,000 sq. ft.	8,291sq. ft.
23	Multi-Family (4 Units)	10,000 sq. ft.	10,334 sq. ft.
24	Multi-Family (4 Units)	10,000 sq. ft.	12,749 sq. ft.
25	Duplex	6,000 sq. ft.	6,197 sq. ft.
26	Multi-Family (4 Units)	10,000 sq. ft.	12,559 sq. ft.
27	Single-Family	5,000 sq. ft.	6,468 sq. ft.
28	Single-Family	5,000 sq. ft.	7,421 sq. ft.
29	Single-Family	5,000 sq. ft.	7,322 sq. ft.
30	Single-Family	5,000 sq. ft.	5,655 sq. ft.
31	Single-Family	5,000 sq. ft.	6,124 sq. ft.
32	Multi-Family (30 Units)	75,000 sq. ft.	118,620 sq. ft.

Minimum Lot Width: Regardless of proposed residential density, SCHMC 17.28.040(E) provides two minimum lot width standards: seventy feet for a corner lot and sixty feet for an interior lot. With the exception of lot 22, all other lots are classified as interior lots and have a width of fifty feet. lot 22 has frontage on both 45th Avenue and Main Street, so it has a width of seventy feet (Please see Tentative Modification Plan Sheet 3.0). The proposed modification complies with this standard.

Easements (SHMC 16.12.035): The Mountain River Subdivision Phase One final plat will record ten-foot-wide franchise utility easement on both sides of 45th Avenue. like the approved tentative subdivision application, a drainage easement will be placed across the stream located in Phase Two. Additionally, an access and utility easement will be recorded across Lot 32 for the maintenance of a proposed sanitary sewer extension

Off-Street Parking Requirements (SHMC17.08.090): Compliance with off-street parking standards will be enforced during the building permit review process.

Access and Driveways (SHMC 17.08.100): The proposed modification includes two joint use driveways. Lots 26 and 32 will share a common driveway with access on 45th Avenue. Additionally, Lots 22, 23, and 24 will have access to 45th Avenue via the other joint use driveway. Specific design details of each driveway will be reviewed for conformance with SHMC 17.08.100 during the building permit process.

Uses Permitted Outright (SHMC 17.28.0201: The proposed modification will create lots intended for single-family dwellings, duplexes, and multi-family units. These uses are permitted outright under SHMC 17.28.020(A) through (C). Therefore, the proposed modification complies with this standard.

Staff Findings: Based on a review of the applicant's site plans (Attachment B), and the applicant's Residential Subdivision Application & Findings of Fact (attachment C), lot depth would not exceed two and one-half times the average width. There is a portion of each lot where the front building line would be at least 60 feet in width for an interior lot and 70 feet in width for a corner lot. No lot would be dimensioned to contain part of an existing or proposed street.

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)]**

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 45th Avenue and Ninebark Loop.

Based on staff's findings above, 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: The Mountain River Subdivision Phase One final plat will record ten-foot-wide franchise utility easement on both sides of 45th Avenue. like the approved tentative subdivision application, a drainage easement will be placed across the stream located in Phase Two. Additionally, an access and utility easement will be recorded across Lot 32 for the maintenance of a proposed sanitary sewer extension.

Staff Findings: The applicant has proposed a franchise utility easement, a drainage easement, and an access and utility easement. The applicant has not proposed a joint use driveway.

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.**

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

The application complies with these criteria.

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

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

Staff Findings: As depicted on Attachment B, the proposed parcels would have side lines that are at, or very close, to right angles to 45th Avenue and Ninebark Loop.

The application complies with these criteria.

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)]

Staff Findings: The applicant is proposing three flag lots, Lot 23, Lot 24, and Lot 25. As part of the ODOT access management program, driveways for Lots 22 and 23 shall be accessed from a public side street, not Highway 20.

The application complies with these criteria.

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

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

The application complies with these criteria.

3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]

Applicant Comments: All property included in this modification is under the same ownership, and there is no remainder of land to consider with this application. Therefore, the proposed modification satisfies this criterion.

Staff Findings: The applicant is proposing to create 46 residential lots, 1 open space tract, new streets and associated utilities. As reviewed in this staff report, the lots would meet the minimum

lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

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 subject property has access to 45th Avenue and all lots altered by this modification will have frontage on the newly constructed extension of 45th Avenue. With the exception of Tax Lot 201 on Linn County Assessor's Map No. 11s01e28D, all surrounding properties have already been developed and have established accesses to public streets. Mountain River Subdivision Phase One included the extension of 45th Avenue and Osage Street to and along Tax Lot 201's southern boundary. These street extensions ensured the one undeveloped lot adjacent to the proposed subdivision could still be developed in accordance with applicable city codes. It was concluded in SD20-02, "staff has not identified any features of the proposed subdivision that would inhibit development on adjoining property." The proposed modification does not alter the street layout near this property and does not prevent Tax lot 201 from accessing the proposed street extensions. Consequently, the proposed modification satisfies this criterion.

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

The application complies with this criterion.

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

Applicant Comments: The proposed modification will slightly alter the original street layout approved under the tentative subdivision application. Phase Two was previously served by an extension of internal local streets that would have terminated in a cul-de-sac near the northern property boundary. This modification will remove the cul-de-sac extension of Ninebark Loop, instead modified lots will all be provided access via 45th Avenue. No modifications to 45th Avenue's design are proposed.

Staff Findings: Staff finds that the modified street plan provides for circulation of traffic and meets street design standards of this title.

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: Public utilities are available to the subject property and are being extended throughout the subdivision during Phase One's construction. While several alterations to the utility layout have occurred during construction, this modification is not proposing to alter public utilities. Water: Just as in the approved tentative subdivision plan, the proposed development will connect to the eight-inch lines 44th Avenue and 45th Avenue. A new eight-inch is being constructed in the proposed street system. Sanitary Sewer: There is an existing eight-inch sanitary sewer line within the proposed subdivision boundaries. Sanitary sewer modifications were made and approved during construction. An eight- inch sanitary sewer line will be extended through the proposed street system, through proposed Lot 32, and connect to the existing system located in Tax Lot 213 on Linn County Assessor's Map No. 13s01e28D. Stormwater Drainage: Stormwater management facilities will be designed to support eventual development of the modified lots. The adequacy of these storm drainage systems will be analyzed during the preparation of construction documents.

Staff Findings: Staff finds that the modified location and design allows development to be conveniently served by public utilities.

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 special topographic conditions, floodplains, vegetation, or historic sites on the subject property. Wetlands are located on the subject property (Attachment B), hence this modification. Although the applicant intends to limit impacts to under SO cubic yards, if by chance impacts exceed this amount, the appropriate permits will be gathered prior to construction.

Staff Findings: Based on a review of the FEMA FIRM Maps; Panel 41043C0916G, 41043C0918G, 41043C0912G, and 41043C914G dated September 29, 2010, the subject property is not located within the 100-year floodplain and in an area of minimal flood hazard. The subject property does not contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory (NWI) Map.

Department of State Lands determined that a jurisdictional waterway appears to exist on the lot. If the entire project can be completed with less than 50cy of ground disturbance then no state removal-fill permit is needed, however the Corps does not have this volume threshold and the applicant should check if the Corps will require permitting.

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

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

Applicant Comments: The proposed modification will not alter the phase boundaries.

Staff Findings: The applicant originally proposed to develop this property in two phases. The modification did not alter the phasing. Phase 1 shall include 25 lots in the western section of the property, including Tract A. Phase 2 includes 21 lots in the eastern section of the property. Staff Recommends that the applicant specify a period of time for the completion of each phase.

With the above conditions, 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: Any record of inability to provide service to additional children distributed between grades 1-12 is unknown to the applicant, nor is an inability to provide service anticipated. Therefore, this criterion does not apply to the proposed modification.

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.

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 8.27-acre property into eleven lots ranging from 11,124 to 5,655 square feet. Application SD21-03 is a modification to Phase II of subdivision Application SD20-02, approved December 7, 2020. The applicant's wetland consultant determined significant wetlands and a stream located onsite that could not be mitigated. Mountain River Subdivision Phase I was unaffected by this discovery, but Phase II was impacted by the wetland determinization and therefore must be modified from the original submittal. Phase II will create eleven lots. Five lots are intended for the construction of single-family dwellings, two lots shall be reserved for duplex developments, three lots shall contain four-plex's, and five six-plex's will be constructed on Lot #32 of the site map (attachment B). The proposed subdivision is in the Residential High Density (R-2) Zone per Zone Map Amendment Application ZMA 20-01 approved by City Council Ordinance Bill No. 9 for 2020, Ordinance No. 1288, dated June 23, 2020.

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 these criteria.

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 proposed a phased development. Staff recommends that a time for each phase be specified. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92. [SHMC 16.20.010(B)(1)]

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

IV. CONCLUSION AND RECOMMENDATION

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

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

Recommended Conditions If the Application is Approved:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration to subdivide an approximately 8.27-acre property into eleven lots ranging from 11,124 to 5,655 square feet. Application SD21-03 is a modification to Phase II of subdivision Application SD20-02, approved December 7, 2020. The applicant's wetland consultant determined significant wetlands and a stream located onsite that could not be mitigated. Mountain River Subdivision Phase I was unaffected by this discovery, but Phase II was impacted by the wetland determinization and therefore must be modified from the original submittal. Phase II will create eleven lots. Five lots are intended for the construction of single-family dwellings, two lots shall be reserved for duplex developments, three lots shall contain four-plex's, and five six-plex's will be constructed on Lot #32 of the site map (attachment B).
2. The applicant shall specify a period of time for the completion of each phase.
3. As part of the ODOT access management program, driveways for Lots 22 and 23 shall be accessed from a public side street, not Highway 20.
4. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential High Density (R-2) zone.
 - 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.

- b. Provision shall be made for water quality and retention storage areas designed and constructed to meet the standards set by the city.
5. 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.
6. 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.
7. 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.
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. 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's 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 SD21-03; 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 SD21-03; 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. Aerial Photograph of the Subject Property
- B. Tentative Subdivision Maps
- C. Application and Supporting Documentation Provided by the Applicant

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



SUBJECT PROPERTY

44TH AVE

HWY 20

44TH AVE

NONAME

45TH AVE



1 inch = 190 feet

Subject Property Map
SD21-03

Date: 8/30/21

SWEET HOME, OREGON



- ### 3.0 SITE PLAN

MOUNTAIN RIVER HOMES, LLC
 2010 AIAA

CIVIL ENGINEERING

C/O DAVID J. REECE, PE

TELEPHONE: 541-826-2428

CRAWFORD, DRUMMOND & ASSOCIATES, INC.
4055 W. AIRWAY RD.

EXISTING CONDITIONS SITE SURVEY DATA PROVIDED BY CRAWFORD, DORRILLIAND & ASSOCIATES, INC., 1600 ALTOUGH BL., SUITE 204, DALLAS, TEXAS 75207

COUNTY ASSESSOR'S MAP 12501E28D. UTILITY DATA WAS

SWEET HOME IN AN EMAIL FROM JOE GRAYBILL DATED OCTOBER, 7,

2020. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE

LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.

INSTALLATION

WALKE SISEM.

SANITARY SEWER IS BY THE CITY OF SWEET HOME

R2 - RESIDENTIAL HIGH DENSITY

SITE INFORMATION

ADDRESS: 4412 HIGHWAY 21

TAX LOT: 200
MAP: 12S01E28D

PARCEL NITE 8 27 AMBER

PARCEL SIZE: 0.27 ACRES

FLOOD PLAIN NOTE

THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER

41143008100, LAST REVISED SEPTEMBER 2014, 2010

RENEWS 12/31/22

MOUNTAIN RIVER HOMES, LLC
SWEET HOME, OR

PLAN REVISIONS		
No.	DATE	BY

SCALE	AS INDICATED
-------	--------------

PRELIMINARY - NOT FOR CONSTRUCTION



**Know what's below.
Call before you dig**



ATTENTION EXCAVATORS

OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OUR 952-001-4010 THROUGH OUR 952-001-4060. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS BUT NOT MORE THAN TEN BUSINESS DAYS BEFORE COMMENCING AN EXCAVATION.

CALL: 800-333-2244



SCALE: 1" = 60'



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

Application for a Land Division

Date Received: 08.02.21

Date Complete: 08.12.21

File Number: SD21-03

Subdivision/Replat Application Fee: \$1145.00

Partition Application Fee:

Receipt #:

Subdivision/Replat Hearing Date: 10.07.21

Applicant's Name:

Eric Lund c/o Mountain River Homes, LCC

Applicant's Address:

6321 Lake Pointe Way, Sweet Home, Oregon 97386

Applicant's Phone and e-mail:

Phone 541-223-3864 and Email eric@theadom-group.com

Subject Property Address:

4472 Highway 20, Sweet Home, Oregon 97386

Subject Property Assessor's Map and Tax Lot:

Linn County Assessor's Map No. 13e01e28D, Lot 200

Subject Property Size:

8.76 acres

Subject Property: Zoning Classification

Residential High Density

Comprehensive Plan Classification:

Application Submittal Requirements

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

Additional Submittal Requirements

The submittal checklist is a part of this application. It lists the required items that must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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

Applicant's Signature:

Date:

7/30/21

Property Owner's Signature:

Date:

7/30/21

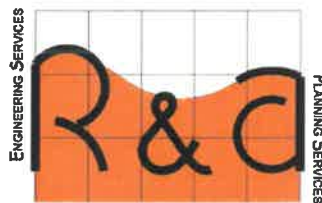
Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Mountain River Subdivision

Tentative Subdivision Plan Modification Application

Prepared for:
Mountain River Homes, LLC
C/O Eric Lund

Prepared by:



Reece & associates, inc.

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
541/926-2428
www.r-aengineering.com

July 30, 2021

Mountain River Subdivision Modification

Project Summary

Request:	Application to modify SD20-02, the approved tentative plan for Mountain River Subdivision.	
Location:	4472 Highway 20 Sweet Home, Oregon 97386 Linn County Assessor's Map No. 13s01e28D, Lot 200	
Applicant/Owner:	Eric Lund Mountain River Homes, LLC 6321 Lake Pointe Way Sweet Home, Oregon 97386 Phone: 541-223-3864 Email: eric@theaxion-group.com	
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE dave@r-aengineering.com	Planner: Hayden Wooton haydenw@r-aengineering.com

Exhibits

- A – SD20-02 Order & Decision
- B – Wetland Delineation
- C – Aerial Photograph
- D – City of Sweet Home Zoning Map

Plan Set

- Sheet 1.0 – Cover Sheet
- Sheet 2.0 – Existing Conditions
- Sheet 3.0 – Site Plan

I. Project Description

On December 7th, 2020, the City of Sweet Home Planning Commission approved a tentative subdivision application for the Mountain River Subdivision (Exhibit A). As approved, this subdivision would have divided 8.76 acres into 46 lots for detached, single-family dwellings. However, before construction could begin, the applicant's wetland consultant determined significant wetlands and a stream are located on-site and could not be mitigated (Exhibit B). Mountain River Subdivision Phase One was unaffected by this discovery, but Phase Two was significantly impacted by these natural features. In an effort to reduce impacts to on-site wetlands, this modification will alter the lot layout in Phase Two. The approved Mountain River Subdivision Phase Two would have created twenty-five lots intended for detached, single-family homes. As modified, Phase Two will create eleven lots. Five lots within the boundaries of Phase Two are still intended for the construction of single-family dwellings. However, the remaining six lots are designed to support residential buildings of various densities. Near the intersection of 45th Avenue and Main Street, two lots will be reserved for duplex development and three lots will eventually contain fourplexes. Finally, five six-plexes will be constructed on the largest lot in the center of Phase Two. All proposed lots in this revised Phase Two layout will have frontage and access to the extension of 45th Avenue constructed during Phase One.

The proposed subdivision conforms to all applicable sections of the Sweet Home Municipal Code (SHMC) and, when necessary, City of Sweet Home's Comprehensive Plan. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the SHMC. Applicable criteria of the SHMC will appear in *italics* followed by the applicants' responses in regular font.

II. Existing Conditions

On-site conditions have changed slightly since the tentative subdivision application because Mountain River Subdivision Phase One is currently being constructed. Clearing and grading has occurred within the boundaries of Phase One, and public utilities are nearly complete at the time of this application. 45th Avenue and 44th Avenue still provide access to the subject property. There were no off-site improvements associated with the Mountain River Subdivision, so 45th Avenue is still consistent with City of Sweet Home local street standards and 44th Avenue and Osage Street remain unimproved. The proposed on-site extension of 45th Avenue is currently under construction. The drainage way flowing from Main Street alongside 45th Avenue was identified as a protected stream with significant wetlands near its banks. Primarily located within the Phase Two boundaries, this stream flows through a shallow ravine that leads to sloped drop-off near the property's northern boundary. Adjoining zones and land uses have not changed since the tentative subdivision plan application (refer to Exhibit C for aerial photography and Exhibit D for City of Sweet Home zoning):

North: One undeveloped parcel zoned Recreational Commercial by the City of Sweet Home.

South: Apartments and Commercial uses zoned Highway Commercial by the City of Sweet Home.

East: Commercial uses and Manufactured home park zoned Highway Commercial by the City of Sweet Home.

West: Single-family dwellings zoned Residential Low-Density by the City of Sweet Home.

III. Land Division Criteria

Modifications to an approved tentative subdivision plans are processed through the Tentative Subdivision application procedure outlined in SHMC Chapter 16.16. Therefore, the following section provides detailed findings of fact demonstrating compliance with the applicable decision criteria set forth in SHMC 16.16.040(A) through (I).

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

This application narrative and accompanying tentative plans include the information required by SHMC Chapter 16.16, Tentative Plan. Therefore, the proposed modification satisfies this criterion.

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

The proposed modification's ability to comply with Titles 16 and 17 is demonstrated by the applicant's response to this criterion; however, streets (SHMC 16.12.020), water systems (SHMC 16.12.010), sanitary sewer systems (SHMC 16.12.045), and stormwater and surface drainage (SHMC 16.12.050) are all addressed in the applicant's response to other subdivision criteria. The modification's conformance with Comprehensive Plan policies is discussed in Section IV of this application narrative. Findings and conclusions from the above-cited sections are incorporated here by reference.

Lots and Parcels (SHMC 16.12.030) & Lot Size and Width (SHMC 17.30.040): The proposed modification will create lots for single-family, duplexes, and multi-family units. As required by SHMC 16.12.030(C), these lots must comply with residential lot size and width standards in SHMC Title 17.

Minimum Lot Size: The proposed modification will create lots intended for future development of several residential dwelling types. Table III-1, below, outlines each lot, its intended use, required minimum lot size, and proposed lot size. As demonstrated by this table, the proposed modification complies with this standard.

Proposed Lot Uses and Sizes			
Lot Number	Dwelling Type	Minimum Lot Size	Proposed Lot Size
22	Duplex	6,000 sq. ft.	8,291 sq. ft.
23	Multi-Family (4 Units)	10,000 sq. ft.	10,334 sq. ft.
24	Multi-Family (4 Units)	10,000 sq. ft.	12,749 sq. ft.
25	Duplex	6,000 sq. ft.	6,197 sq. ft.
26	Multi-Family (4 Units)	10,000 sq. ft.	12,559 sq. ft.
27	Single-Family	5,000 sq. ft.	6,468 sq. ft.
28	Single-Family	5,000 sq. ft.	7,421 sq. ft.
29	Single-Family	5,000 sq. ft.	7,322 sq. ft.
30	Single-Family	5,000 sq. ft.	5,655 sq. ft.
31	Single-Family	5,000 sq. ft.	6,124 sq. ft.
32	Multi-Family (30 Units)	75,000 sq. ft.	118,620 sq. ft.

Minimum Lot Width: Regardless of proposed residential density, SCHMC 17.28.040(E) provides two minimum lot width standards: seventy feet for a corner lot and sixty feet for

an interior lot. With the exception of Lot 22, all other lots are classified as interior lots and have a width of fifty feet. Lot 22 has frontage on both 45th Avenue and Main Street, so it has a width of seventy feet (Please see Tentative Modification Plan Sheet 3.0). The proposed modification complies with this standard.

Easements (SHMC 16.12.035): The Mountain River Subdivision Phase One final plat will record ten-foot-wide franchise utility easement on both sides of 45th Avenue. Like the approved tentative subdivision application, a drainage easement will be placed across the stream located in Phase Two. Additionally, an access and utility easement will be recorded across Lot 32 for the maintenance of a proposed sanitary sewer extension.

Off-Street Parking Requirements (SHMC 17.08.090): Compliance with off-street parking standards will be enforced during the building permit review process.

Access and Driveways (SHMC 17.08.100): The proposed modification includes two joint use driveways. Lots 26 and 32 will share a common driveway with access on 45th Avenue. Additionally, Lots 22, 23, and 24 will have access to 45th Avenue via the other joint use driveway. Specific design details of each driveway will be reviewed for conformance with SHMC 17.08.100 during the building permit process.

Uses Permitted Outright (SHMC 17.28.020): The proposed modification will create lots intended for single-family dwellings, duplexes, and multi-family units. These uses are permitted outright under SHMC 17.28.020(A) through (C). Therefore, the proposed modification complies with this standard.

(C) Development of any remainder of the property under the same ownership can be accomplished in accordance with all applicable city codes.

All property included in this modification is under the same ownership, and there is no remainder of land to consider with this application. Therefore, the proposed modification satisfies this criterion.

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

The subject property has access to 45th Avenue and all lots altered by this modification will have frontage on the newly constructed extension of 45th Avenue. With the exception of Tax Lot 201 on Linn County Assessor's Map No. 11s01e28D, all surrounding properties have already been developed and have established accesses to public streets. Mountain River Subdivision Phase One included the extension of 45th Avenue and Osage Street to and along Tax Lot 201's southern boundary. These street extensions ensured the one undeveloped lot adjacent to the proposed subdivision could still be developed in accordance with applicable city codes. It was concluded in SD20-02, "staff has not identified any features of the proposed subdivision that would inhibit development on adjoining property." The proposed modification does not alter the street layout near this property and does not prevent Tax lot 201 from accessing the proposed street extensions. Consequently, the proposed modification satisfies this criterion.

(E) The proposed street plan provides for the circulation of traffic and meets the street design standards of this title.

The proposed modification will slightly alter the original street layout approved under the tentative subdivision application. Phase Two was previously served by an extension of internal local streets that would have terminated in a cul-de-sac near the northern property boundary. This modification will remove the cul-de-sac extension of Ninebark Loop, instead modified lots will all be provided access via 45th Avenue. No modifications to 45th Avenue's design are proposed.

(F) The location and design allows development to be conveniently served by public utilities.

Public utilities are available to the subject property and are being extended throughout the subdivision during Phase One's construction. While several alterations to the utility layout have occurred during construction, this modification is not proposing to alter public utilities.

Water: Just as in the approved tentative subdivision plan, the proposed development will connect to the eight-inch lines 44th Avenue and 45th Avenue. A new eight-inch is being constructed in the proposed street system.

Sanitary Sewer: There is an existing eight-inch sanitary sewer line within the proposed subdivision boundaries. Sanitary sewer modifications were made and approved during construction. An eight-inch sanitary sewer line will be extended through the proposed street system, through proposed Lot 32, and connect to the existing system located in Tax Lot 213 on Linn County Assessor's Map No. 13s01e28D.

Stormwater Drainage: Stormwater management facilities will be designed to support eventual development of the modified lots. The adequacy of these storm drainage systems will be analyzed during the preparation of construction documents.

(G) 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.

There are no special topographic conditions, floodplains, vegetation, or historic sites on the subject property. Wetlands are located on the subject property (Exhibit B), hence this modification. Although the applicant intends to limit impacts to under 50 cubic yards, if by chance impacts exceed this amount, the appropriate permits will be gathered prior to construction.

(H) 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.

The proposed modification will not alter the phase boundaries.

(I) 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; and (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 ORS 197.505 to 197.540. (4) This section does not confer any power to the school district to declare a building moratorium.

Any record of inability to provide service to additional children distributed between grades 1-12 is unknown to the applicant, nor is an inability to provide service anticipated. Therefore, this criterion does not apply to the proposed modification.

VI. Sweet Home Comprehensive Plan

Subdivision criterion SHMC 16.16.040(B) requires the Mountain River Subdivision to meet the applicable design and development standards of the Sweet Home Comprehensive Plan. This section of the application narrative provides detailed findings of fact that demonstrate compliance with the applicable policies of Comprehensive Plan.

General Development Policies

Policy #2: The City of Sweet Home will encourage development contiguous to existing public services and transportation improvements. This type of development pattern shall be prompted as it will maintain public facility costs at the lowest possible level and provide the opportunity to coordinate development with the provision of services.

Public utilities and transportation improvements are located near the subject property or are being constructed with subdivision boundaries. Extension of public utilities is limited to internal systems; no off-site improvements were necessary to provide adequate utilities connections to the proposed site.

Policy #10: All new subdivisions will be provided with water, City sewer and storm drains, paved streets, curbs, sidewalks and gutters, in advance of, or in conjunction with, new development. Installation of all the above facilities will be a condition of subdivision approval and at the expense of the developer.

The approved tentative subdivision plan included the construction of public water, sanitary sewer, stormwater drainage, paved streets, curbs, gutters, and sidewalks. Installation of all listed improvements will be a condition of subdivision approval and at the expense of the developer.

Policy #11: Electric power, telephone, and cable distribution and service lines will be located underground in new developments. Effort will be made to place existing utility lines underground in established areas.

The approved tentative subdivision and this modification include electric power, telephone, and cable services underground.

Policy #12: Emergency vehicle and equipment access will be provided during any new development.

The approved tentative subdivision plan includes two points of emergency vehicle and equipment access: 45th Avenue and an improved emergency access easement. 45th Avenue will be an improved local street wide enough to provide adequate emergency vehicle access and the access easement will be improved per International Fire Code. This modification will not alter emergency vehicle access.

Policy #14: In designing new subdivisions: (1) Consideration shall be given to connectivity of streets, particularly streets classified as either arterial or collector. (2) New streets will align with existing streets, avoiding jogs when possible. (3) Cul-de-sacs and "hammerhead" streets may be allowed where existing development, steep slopes, open space, or natural features prevent connections. (4) New streets must be designed to City standards, as approved as part of the development plan. (5) Street grades will not exceed

City standards, unless prevented from meeting the standards by topographical constraints. (6) Creation of parcels not accessible to an existing or potential street should be avoided. (7) Lots created should meet the minimum City standards for the appropriate designation and be of a usable shape.

There are no arterial or collector streets within or adjacent to the boundaries of this subdivision. This modification proposes to remove the cul-de-sac initially approved by the tentative subdivision plan. As demonstrated by the original tentative subdivision approval, the new street complies with city standards and street grades do not exceed city standards. All parcels will have access to the newly constructed portion of 45th Avenue. All proposed lots comply with the standards prescribed in the R2 zoning district.

Residential Land Use Policies

Policy #3: The City encourages flexibility in design to promote safety, livability, and preservation of natural features.

The proposed modification decreases potential impacts to the natural drainage way and ravine within the subdivision boundaries. Preservation of these features and compliance with applicable development code standards will result in a subdivision that promotes safety and livability.

Policy #4: Sweet Home establishes density recommendations in the Plan in order to maintain proper relationships between proposed public facilities services, and population distribution.

The approved tentative subdivision and subsequent modification, as demonstrated by this application narrative, will create lots that comply with the dimension standards set forth in the Sweet Home Municipal Code for the R2 zone. By complying with these standards, the proposed modification supports the density goals for this area.

Policy #9: Development of residential local streets, whenever possible, will increase connectivity within and between neighborhoods.

This policy is implemented through SHMC 16.16.040(E). The applicant has already demonstrated compliance with this criterion during the tentative subdivision application, and this modification does not impact connectivity to adjacent streets.

Policy #10: The maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for unit type.

The proposed modification will create eleven lots for 51 residential units on 4.59 gross acres. The proposed subdivision does not exceed the maximum density set forth by this policy.

VII. Conclusion

This application narrative and the attached plans demonstrate that all applicable provisions of the City of Sweet Home Municipal Code and Comprehensive Plan have been satisfied by the revised design of Mountain River Subdivision Phase Two. Therefore, we respectfully request approval of this application for modification of the Mountain River Subdivision tentative plan.



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

**OFFICIAL NOTICE OF A PLANNING COMMISSION DECISION
ON A LAND USE APPLICATION**

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The applicant is requesting to subdivide an approximately 8.76-acre property into forty-six lots ranging from 5,006 to 13,644 square feet. The proposed subdivision's average lot size is 6,221 square feet. The applicant will complete the subdivision in two phases of development. Approximately 1.71 acres shall be dedicated as public right-of-way for new local streets to serve the proposed subdivision. An additional 0.41 acres will be reserved as Tracts for stormwater detention facilities.

The proposed subdivision is in the Residential High Density (R-2) Zone per Zone Map Amendment Application ZMA 20-01 approved by City Council Ordinance Bill No. 9 for 2020, Ordinance No. 1288, dated June 23, 2020.

APPLICANT AND

PROPERTY OWNER: Eric Lund c/o Mountain River Homes, LLC

FILE NUMBER: SD20-02

PROPERTY LOCATION: 4472 Highway 20, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 00200.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.16, 16.12, and 17.28.040 through 17.28.060.

STAFF CONTACT:

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on December 7, 2020. At the hearing the Planning Commission reviewed application SD20-02. The Planning Commission deliberated on this matter at their December 7, 2020 meeting and passed a motion to approve the application with the addition of Conditions of Approval. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the December 7, 2020 public hearing. The Planning Commission considered the information in the record and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the December 7, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section IV of the Staff Report, and those are included as Exhibit A to this Order. The Planning Commission voted to delete Conditions of Approval 10, expand Condition of Approval 4 and add Condition of Approval 14 (14 shall become Condition of Approval 13 after Condition of Approval 10 is deleted).

- III. **DECISION:** Approved with Conditions. The Planning Commission held a public hearing at their meeting on December 7, 2020 to consider the request identified as application SD20-02. The Planning Commission deliberated on this matter, and approved application SD20-02 with the conditions listed below.

Conditions of Approval:

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 is to subdivide an approximately 8.76-acre property into forty-six lots ranging from 5,006 to 13,644 square feet. The proposed subdivision's average lot size is 6,221 square feet. The applicant will complete the subdivision in two phases of development. Approximately 1.71 acres shall be dedicated as public right-of-way for new local streets to serve the proposed subdivision. An additional 0.41 acres will be reserved as Tracts for stormwater detention facilities.
2. The applicant shall specify a period of time for the completion of each phase.
3. The applicant shall dedicate, as public right-of-way to the City of Sweet Home, the one-foot wide reserve strip across the end of 45th Avenue.
4. As part of the ODOT access management program, driveways for Lots 23 and 24 shall be accessed from the local 45th Avenue public side street, not Highway 20. The applicant shall replace the unused driveway apron portion along the Highway 20 sidewalk east of 45th Avenue with standard curb and level sidewalk per ODOT Construction Standards. The applicant will also coordinate with the ODOT ADA Ramp Project design and reconstruct the 45th Avenue NE Corner Ramp.
5. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential High Density (R-2) zone.
6. The applicant shall follow the City of Sweet Home criteria for street naming. The street name "Lund St" would require a variance to deviate from the naming standard established in SHMC 12.20.030(C), "With the south city limits as a base line, all streets running generally east and west shall be called "streets" and shall be assigned names of locally familiar trees and shrubs and shall be alphabetically arranged from south to north, e.g. "Alder Street", "Birch Street", etc."
7. The applicant shall make public the drainage channel that crosses the property from Main Street northwards. The applicant shall include a stormwater detention facility. SHMC 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. [SHMC 16.12.050]
 - 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.
 - b. Provision shall be made for water quality and retention storage areas designed and constructed to meet the standards set by the city.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. The applicant shall add sidewalks on the southern portion of the easement connecting to 44th Avenue along lots #9 and #10. The sidewalk linking 44th Avenue to the 45th Avenue intersection shall be curbside along the south Fire Lane curb; therefore, the access easement will need to be widened by five feet to a total of 27 feet instead of 22 feet.

PLANNING COMMISSION DECISION: December 7, 2020

DECISION MAILED: December 22, 2020

APPEAL DEADLINE: January 3, 2021 at 5:00 PM.

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.


Jeff Parker, Planning Commission Chair


Date


Blair Larsen, CEDD Director


Date

Exhibit A to Order of Conditional Approval for SD20-02

Findings of Fact Presented in Sections III of the Staff Report presented to the Planning Commission for SD20-01:

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 narrative and accompanying tentative plan set include the information required by Chapter 16.16, Tentative Plan. Therefore, the proposed subdivision satisfies this criterion.

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application, and the applicant provided this information

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 Chapter 17.80 and 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

- 1. The front yard shall be a minimum of 20 feet. [SHMC 17.28.050(A)]**
- 2. Each side yard setback shall be a minimum of five feet; [SHMC 17.28.050(B)]**
- 3. The street yard setback shall be a minimum of 15 feet; [SHMC 17.28.050(C)]**
- 4. The rear yard setback shall be a minimum of ten feet; [SHMC 17.28.050(D)]**
- 5. Single-family attached dwellings: [SHMC 17.28.050(E)]**
 - a. Front shall be a minimum of 20 feet; [SHMC 17.28.050(E)(1)]**
 - b. The sides between units shall be zero feet; [SHMC 17.28.050(E)(2)]**
 - c. The sides on exterior boundaries shall be five feet; [SHMC 17.28.050(E)(3)]**
 - d. Street side shall be a minimum of 15 feet; and [SHMC 17.28.050(E)(4)]**

- e. Rear shall be a minimum of ten feet. [SHMC 17.28.050(E)(5)]
- 6. On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet. [SHMC 17.28.050(F)]

Except as provided in, Sweet Home Municipal Code 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:

- 1. The minimum lot area for a multi-family dwelling shall be 2,500 square feet per dwelling unit; [SHMC 17.28.040(A)]
 - 2. The minimum lot area for a two-family dwelling shall be 6,000 square feet; [SHMC 17.28.040(B)]
 - 3. The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be 5,000 square feet; [SHMC 17.28.040(C)]
 - 4. Single family attached dwellings shall have a minimum lot area of 2,500 square feet per dwelling unit; [SHMC 17.28.040(D)]
 - 5. The minimum lot width at the front building line shall be as follows: [SHMC 17.28.040(E)]
 - a. Seventy feet for a corner lot; [SHMC 17.28.040(E)(1)]
 - b. Sixty feet for an interior lot; and [SHMC 17.28.040(E)(2)]
 - c. Twenty five feet for a single-family attached dwelling lot. [SHMC 17.28.040(E)(3)]
- D. Lot depth shall not exceed two and one-half times the average width. [SHMC 16.12.030(D)]

Applicant Comments: The proposed subdivision's ability to comply with the applicable standards set forth in Sweet Home Municipal Code Titles 16 and 17 is discussed under Sections IV and V of this application narrative, respectively. Furthermore, a demonstration of the subdivision's ability to support Comprehensive Plan policies is provided in Section VI of this application narrative. Findings and conclusions from the above-cited sections are incorporated herein by reference. Therefore, the proposed subdivision satisfies this criterion.

The proposed subdivision will create residential lots. As required by SHMC 16.12.030(C), those lots will comply with residential lot size and width standards in Sweet Home Municipal Code Title 17. Because the property is zoned R-2, the subdivision specifically has to comply with standards provided in SHMC 17.28.040. Compliance with these standards is demonstrated in Section V of this application narrative.

The proposed subdivision will create lots intended for future development of detached, single-family dwellings. In the R-2 zone the minimum lot area for a single-family dwelling is 5,000 square feet. The smallest proposed lot is 5,033 square feet. Consequently, all the proposed lots are larger than the minimum lot size.

SHMC 17.28.040(E) provides two minimum lot width standards: seventy feet for a corner lot and sixty feet for an interior lot. The proposed interior lot width ranges between 60 feet to 110 feet. While the proposed corner lot width ranges between 70 feet to 106 feet. Therefore, the proposed subdivision complies with these standards.

Staff Findings: Based on a review of the applicant's site plans (Attachment B), and the applicant's Residential Subdivision Application & Findings of Fact (attachment C), lot depth would not exceed two and one-half times the average width. There is a portion of each lot where the front building line would be at least 60 feet in width for an interior lot and 70 feet in width for a corner lot. No lot would be dimensioned to contain part of an existing or proposed street.

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)]**

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 45th Avenue and Lund Street.

Based on staff's findings above, 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: Because 45th Avenue will serve as the primary point of ingress and egress; it is necessary to provide a secondary access point for emergency vehicles. In response to International Fire Code, a twenty-two-foot emergency access easement will be recorded across Lots Eleven and Twelve. Within this easement a twenty-foot-wide paved surface will be constructed to provide an adequate secondary access point.

Staff Findings: Per the staff engineer's comment in Section II, a segment of fire lane easement will loop westward to link with 44th Avenue at the Osage Street intersection. Lot #10 has an easement along the northern edge for a 22ft wide fire lane. In this location the City would recommend connecting Osage St on the alignment of the old road of Osage Street. The Transportation System Plan Table 4.3 has maximum parameters for local street and curb-to-curb widths so that smaller sizes can be accommodated. There is also a request from the neighboring property owner for consideration of an option of access along this street area for lot development on the upper elevation portion of the property immediately north.

Per the Public works comment in Section II, the intersection of Lund Street and 45th Avenue indicates a stub out for future street extension going northwards. Public Works finds that it is better for road connectivity to extend the road west to make a connection with Osage Street at 44th Avenue. Sweet Home has poor east-west connectivity, particularly on the north side of Main Street, and connecting to Osage Street would provide a more cohesive local neighborhood network. This was also the original alignment of Osage Street prior to its vacation as indicated on County Survey 3643 (attached), and the old roadbed is still there. In this scenario the 22-foot access way would become public right-of-way with half street development. The other half street to be developed by the adjacent property owner upon development of their property. The plans indicate lot 10 fronting 44th Avenue with half street improvements. However, approximately the first 250 feet of 44th Avenue from Main Street is a gravel road, and the remaining approximately 300' is totally unimproved and consists of soil and grass. Public Works mows it to maintain access to our water mains. Because it is passable, it is reasonable to

anticipate that the resident of Lot 10 will use 44th Avenue for access since it is their shortest distance to Main Street. Therefore, Public Works recommends the Commission require the applicant to construct at least a gravel lane down 44th Avenue. This gravel access should be constructed as a roadbed to provide for future street development and should also meet fire access standards.

The applicant has not proposed a joint use driveway.

With the above conditions, 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.

Staff Findings: On page 8 of the applicant summary, submitted October 30, 2020, states that the proposed subdivision creates two through lots. The applicant revised the site plans on November 6, 2020 removing the through lots. Per the revised site plans, no through lots are proposed.

The application complies with these criteria.

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

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

Staff Findings: As depicted on Attachment B, the proposed parcels would have side lines that are at, or very close, to right angles to 45th Avenue and Lund Street.

The application complies with these criteria.

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)]

Staff Findings: The applicant is proposing three flag lots, Lot 6, Lot 23, and Lot 24. Lot 23 and 24 were through lots on the site plan that was submitted on October 30, 2020 and then changed to flag lots on the revised site plans submitted November 6, 2020. As part of the ODOT access management program, driveways for Lots 23 and 24 shall be accessed from a public side street, not Highway 20.

The application complies with these criteria.

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

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

The application complies with these criteria.

3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]

Applicant Comments: All property included in this subdivision is under the same ownership, and there is no remainder of land to consider with this application. Therefore, the proposed subdivision satisfies this criterion.

Staff Findings: The applicant is proposing to create 46 residential lots, 1 open space tract, new streets and associated utilities. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

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 subject property has access to 45th Avenue and all proposed lots will have frontage and access on newly constructed internal local streets, with the exception of lot 11. This lot will have frontage and access on 44th Avenue. North: Immediately north of the subject property is tax lot 201 on Linn County Assessor's Map No. 11s01e28D. Lot 201 has approximately twenty-five feet of frontage along the intersection of Osage Street and 44th Avenue. The proposed subdivision will construct a local street which will terminate at the northern property line. If lot 201 ever develops, that development will have the opportunity to connect to and extend a fully improved local street. While the proposed subdivision will limit lot 201's ability to construct a full local street at Osage Street, it will provide a better access alternative for this property. This new access will allow lot 201 to develop in accordance with applicable city codes. South: Located between Main Street and the subject property tax lots 210, 211, and 1000 on Linn County Assessor's Map No. 11s01e28D, are directly south of the proposed subdivision. All three of these lots have been developed. Lots 210 and 211 have frontage and a shared access on 45th Avenue. Lot 1000 has frontage and access on Main Street. The proposed subdivision will not alter any of these access points. East: Tax Lots 207 and 900 on Linn County Assessor's Map No. 11s01e28D, are located along the proposed subdivision's eastern property line. Lot 207 has access and frontage on Main Street; it is developed with a single commercial structure. Lot 900 is accessed via lot 207 and appears to be storage for the commercial structure. As such, these lots are under continuous ownership. The proposed subdivision will not alter those accesses. West: Linn County Assessor's Map No. 11s01e28D, Lot 1001, is immediately west of the subject property. Already developed, lot 1001 has frontage and access on Main Street and 44th Avenue. The proposed subdivision will not alter these existing access points. Therefore, the proposed subdivision satisfies this criterion.

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

The application complies with this criterion.

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

Applicant Comments: The proposed subdivision will be served by an extension of 45th Avenue, which is classified as a local street and currently dead ends at the subject property's southern boundary. City of Sweet Home's Transportation System Plan, Figure 4.2, does not require the construction of arterial or collector streets within or along the subdivision boundaries. Furthermore, the Transportation System Plan does not require specific alignments for the local streets adjacent or within this property. Mountain River Subdivision will primarily be served by a

continuation of 45th Avenue constructed to local street standards. This extension of 45th Avenue will be looped to increase circulation throughout the proposed internal street network. As demonstrated by Section IV of this application narrative, the proposed local streets comply with applicable standards located in SHMC 16.12.020. Additionally, the subject property has approximately 101.5 feet of frontage along 44th Avenue. The proposed subdivision will construct half-street improvements along its frontage. Because 45th Avenue will serve as the primary point of ingress and egress, it is necessary to provide a secondary access point for emergency vehicles. In response to International Fire Code, a twenty-two-foot emergency access easement will be recorded across Lots Eleven and Twelve. Within this easement a twenty-foot-wide paved surface will be constructed to provide an adequate secondary access point. Therefore, the proposed subdivision satisfies this criterion.

Staff Findings: Per the staff engineer's comments in Section II above, There is a 1-foot wide reserve strip across the end of 45th Avenue owned by Seal Rock Holdings LLC that will need to be dedicated to the public right-of-way of the City of Sweet Home. The existing 45th Avenue has a 50ft wide right-of-way, with the submitted plan showing a reduction in curb width to the 21ft width of the rest of the project. The submitted plan shows a potential extension of the streets northward to the neighboring property, however the land north of the roadway drops approximately 50ft in 150ft (being generous), resulting in a slope about 33-35%. The City street grade maximum is 12% which would require a length of 400+ft for a road grade to the lower level. It would be better to consider looping the street without extending to the property line. Lot #10 has an easement along the northern edge for a 22ft wide fire lane. In this location the City would recommend connecting Osage St on the alignment of the old road of Osage Street. The Transportation System Plan Table 4.3 has maximum parameters for local street and curb-to-curb widths so that smaller sizes can be accommodated. There is also a request from the neighboring property owner for consideration of an option of access along this street area for lot development on the upper elevation portion of the property immediately north. Most of the streets in the development will be 40 feet wide right-of-way with 21 feet of curb-to-curb width. Public parking on both sides of the street will be too narrow for vehicle passage. One side of the street will need be designated a Fire Lane curb with no parking signage. This applies to the cul-de-sac street segment also. Which side will be restricted is up to the owners coordinating with the Fire District. CEDD-IS recommends the connection to 44th Avenue be a public street. Coordination with adjacent owners is an option for the developers. The subdivision 21 feet curb-to-curb width will need at least one side designated as a fire lane.

Per the public work's comments in section II above, plans indicate 21 feet curb to curb width. This is extremely narrow and does not meet current street standards. A minimum curb to curb width of 28 feet and a right-of-way width of 47 feet is required to meet the standards of Transportation System Plan Table 4.3. Table 4.3 also sets 30 feet and 50 feet as the standard curb to curb and right-of-way widths, respectively. The existing stub out of 45th Avenue and all other modern subdivisions with public streets meet these standards. Public Works finds no topographic constraints to justify a variance from these standards, and therefore at least 28 feet curb to curb width and 46 feet right-of-way width is required. If for some reason the Commission finds that it is impossible for the development to meet these standards, then Public Works would prefer to waive the 3-foot planter strips in favor of preserving the curb to curb width. Parking restriction on one or both sides will likely be required through the double-S curve on Lund Street. The intersection of Lund Street and 45th Avenue indicates a stub out for future street extension going northwards. Public Works finds is that it is better for road connectivity to extend the road west to make a connection with Osage Street at 44th Avenue. Sweet Home has poor east-west connectivity, particularly on the north side of Main Street, and connecting to Osage Street would provide a more cohesive local neighborhood network. This was also the original alignment of Osage Street prior to its vacation as indicated on County Survey 3643 (attached), and the old roadbed is still there. In this scenario the 22-foot access way would become public right-of-way with half street development. The other half street to be developed by the adjacent property owner upon development of their property. The applicant should make

all reasonable attempts to work collaboratively with Santiam River Development Co LLC to make sure that the street alignment is equally desirable to both developments. The City will facilitate such discussions upon request. Public Works recommends requiring the westward Osage Street connection with half street improvements unless Santiam River Development Co LLC provides testimony that a different configuration would better serve both developers. The plans indicate lot 10 fronting 44th Avenue with half street improvements. However, approximately the first 250 feet of 44th Avenue from Main Street is a gravel road, and the remaining approximately 300' is totally unimproved and consists of soil and grass. Public Works mows it to maintain access to our water mains. Because it is passable, it is reasonable to anticipate that the resident of Lot 10 will use 44th Avenue for access since it is their shortest distance to Main Street. Therefore, Public Works recommends the Commission require the applicant to construct at least a gravel lane down 44th Avenue. This gravel access should be constructed as a roadbed to provide for future street development and should also meet fire access standards.

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: Public utilities are available to the subject property and will be extended throughout the subdivision to serve development. Therefore, the proposed subdivision satisfies this criterion. Water: There are several waterlines adjoining the proposed subdivision. The subdivision's internal water system will connect to an existing eight-inch waterline in 44th Avenue and a six-inch line under 45th Avenue. This will create a looped water system. Sanitary Sewer: There is an existing eight-inch sanitary sewer line within the proposed subdivision boundaries. Sanitary sewer services will be extended from two points near manholes located in proposed lots 15 and 18. Stormwater Drainage: Stormwater runoff will be collected by an existing drainage way and a series of new stormwater lines. The new lines and existing drainage way will route runoff to a stormwater management tract located in the northern portion of the property.

Staff Findings: Per the staff engineer's comments in Section II above, water is available at the end of 45th Avenue, and at the corner of 44th Avenue and Osage Street. The proposed plan shows a connection through the development with the western portion being in a fire lane easement. This connection will connect to only the 8-inch watermain in 44th Avenue. Sanitary sewer has connections along the southern boundary by the adjacent apartments.

Per the public work's comments in Section II above, water availability to this development is very good. The exact water locations will be reviewed during construction permitting. Sewer mains should be in the public street to the maximum extent practical. The sewer main indicated in an easement on lots 6-9 should be relocated to Lund Street. The sewer network as indicated is also double connected. The project engineer shall work with Public Works to redevelop this utility plan for construction permitting.

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

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

Applicant Comments: The subject property does not contain any special features identified by this criterion (Exhibit D for floodplains and Exhibit E for wetlands). Therefore, the proposed subdivision satisfies this criterion.

Staff Findings: Based on a review of the FEMA FIRM Maps; Panel 41043C0916G, 41043C0918G, 41043C0912G, and 41043C914G dated September 29, 2010, the subject property is not located within the 100-year floodplain and in an area of minimal flood hazard. The subject property does not contain wetlands that are inventoried on the Sweet Home Local

Wetlands Inventory and the National Wetlands Inventory (NWI) Map. Department of State Lands determined that a jurisdictional waterway appears to exist on the lot.

Based on review of mapping submitted, and after review of available information for the subject tax lot, the proposed project (Mountain River Subdivision: 46 residential lots, 1 open space tract, new streets, associated utilities) appears that it will impact jurisdictional wetlands of the state (including a compensatory mitigation wetland site). Per the DSL comments in Section II above, based on review of documentation submitted, and after review of available information for the subject tax lot, a jurisdictional waterway appears to exist on the lot. Impacts (removal, fill or other ground alterations) to this waterway (unnamed perennial stream), equal to or greater than 50 cubic yards, would require a permit from DSL. There may also be jurisdictional wetlands on the lot. However, the presence and boundaries of wetlands cannot be determined from an offsite assessment. If future total impacts are expected to reach or exceed 50 cubic yards, it is recommended that you have the tax lot assessed for jurisdictional wetlands by a qualified wetland professional prior to earth disturbance activities. A wetland delineation report should then be submitted to DSL for review and approval prior to ground alterations. This response is advisory in nature and does not replace a delineation completed by a qualified wetland professional.

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

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

Applicant Comments: The proposed subdivision will be constructed in two phases of development. Required street and utility improvements will be constructed as necessary to ensure each phase can stand alone. To the extent reasonable, the proposed subdivision satisfies this criterion.

Staff Findings: The applicant has proposed to develop this property in two phases. Phase 1 shall include 25 lots in the western section of the property, including Tract A. Phase 2 includes 21 lots in the eastern section of the property. Staff Recommends that the applicant specify a period of time for the completion of each phase.

With the above conditions, 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: Any record of inability to provide service additional children distributed between grades 1-12 is unknown to the applicant, nor is an inability to provide service anticipated. Therefore, this criterion does not apply to the proposed subdivision.

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.

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 8.76-acre property into forty-six lots ranging from 5,006 to 13,644 square feet. The proposed subdivision's average lot size is 6,221 square feet. The applicant will complete the subdivision in two phases of development. Approximately 1.71 acres shall be dedicated as public right-of-way for new local streets to serve the proposed subdivision. An additional 0.41 acres will be reserved as Tracts for stormwater detention facilities. The proposed subdivision is in the Residential High Density (R-2) Zone per Zone Map Amendment Application ZMA 20-01 approved by City Council Ordinance Bill No. 9 for 2020, Ordinance No. 1288, dated June 23, 2020.

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 these criteria.

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 proposed a phased development. Staff recommends that a time for each phase be specified. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

- D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92. [SHMC 16.20.010(B)(1)]**

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



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

March 17, 2021

Attn: Eric Lund
39627 Mt. Hope Dr.
Lebanon, Oregon 97355

Kate Brown
Governor

Shemia Fagan
Secretary of State

Re: **WD # 2020-0621 Approved**
Wetland Delineation Report for Mountain River
Linn County; T13S R1E S28D TL 200
Sweet Home Local Wetlands Inventory, Wetland SSR-ID

Tobias Read
State Treasurer

Dear Mr. Lund:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott & Associates for the site referenced above. Based upon the information presented in the report, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, 2 wetlands (Wetland 1 and 2, totaling approximately 0.02 acres) and 2 unnamed waterways (Stream 1 and 2) were identified. The wetlands and the waterways are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Linn County, Matt Unitis, at (503) 986-5262.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Kim Biafora, Schott & Associates
City of Sweet Home Planning Department (Maps enclosed for updating LWI)
Katharine Mott, Corps of Engineers
Charles Redon, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Exhibit B
Page 2 of 2

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF of the completed cover form and report may be e-mailed to: Wetland_Delineation@dsl.state.or.us For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website

Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:

Eric Lund
39627 Mt. Hope Dr.
Lebanon, Oregon 97355

Business phone # (541) 223-3864

Mobile phone # (optional)

E-mail: eric@theaxiom-group.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: **Eric Lund**

Signature: 

Date: 11/17/2020

Special instructions regarding site access:

Project and Site Information

Project Name: Mountain River

Latitude: 45.229016

Longitude: -123.222242

decimal degree - centroid of site or start & end points of linear project

Proposed Use:
residential subdivision

Tax Map # 13S01E28D

Tax Lot(s) 200

Tax Map #

Tax Lot(s)

Project Street Address (or other descriptive location):
4472 Hwy 20

Township 13S Range 1E Section 28D QQ SE/SW

Use separate sheet for additional tax and location information

City: Sweet Home

County: Linn

Waterway: Stream 1 , Stream 2 River Mile: 0.5

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Kim Biafora, Schott & Associates
21018 NE Hwy 99E
Aurora, OR 97002

Phone # (503) 678-6007

Mobile phone # (if applicable)

E-mail: kim@schottandassociates.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: *Kim Biafora*

Date: 11/17/2020

Primary Contact for report review and site access is ☐ Consultant ☒ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present?

☒ Yes ☐ No

Study Area size: 8.72

Total Wetland Acreage: 0.0200

Check Applicable Boxes Below

☐ R-F permit application submitted

☐ Fee payment submitted \$ _____

☐ Mitigation bank site

☐ Fee (\$100) for resubmittal of rejected report

☐ Industrial Land Certification Program Site

☐ Request for Reissuance. See eligibility criteria. (no fee)

☐ Wetland restoration/enhancement project (not mitigation)

DSL # _____ Expiration date _____

☐ Previous delineation/application on parcel
If known, previous DSL # _____

☒ LWI shows wetlands or waters on parcel

Wetland ID code SSR-ID

For Office Use Only

DSL Reviewer: MU

Fee Paid Date: ____ / ____ / ____

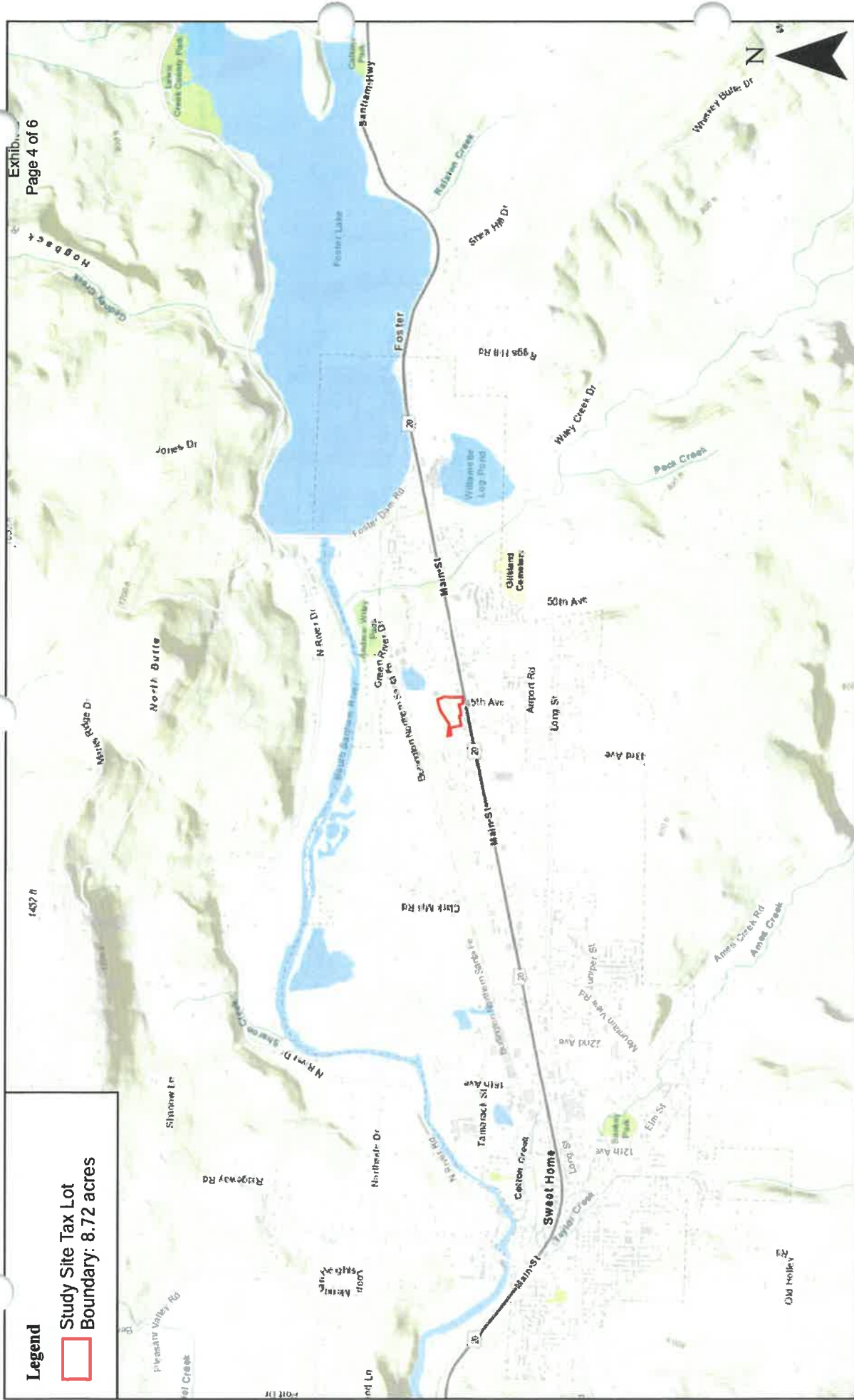
DSL WD # 2020-0621

Date Delineation Received: 11 / 17 / 20

Scanned: ☐

Electronic: ☒

DSL App.# _____

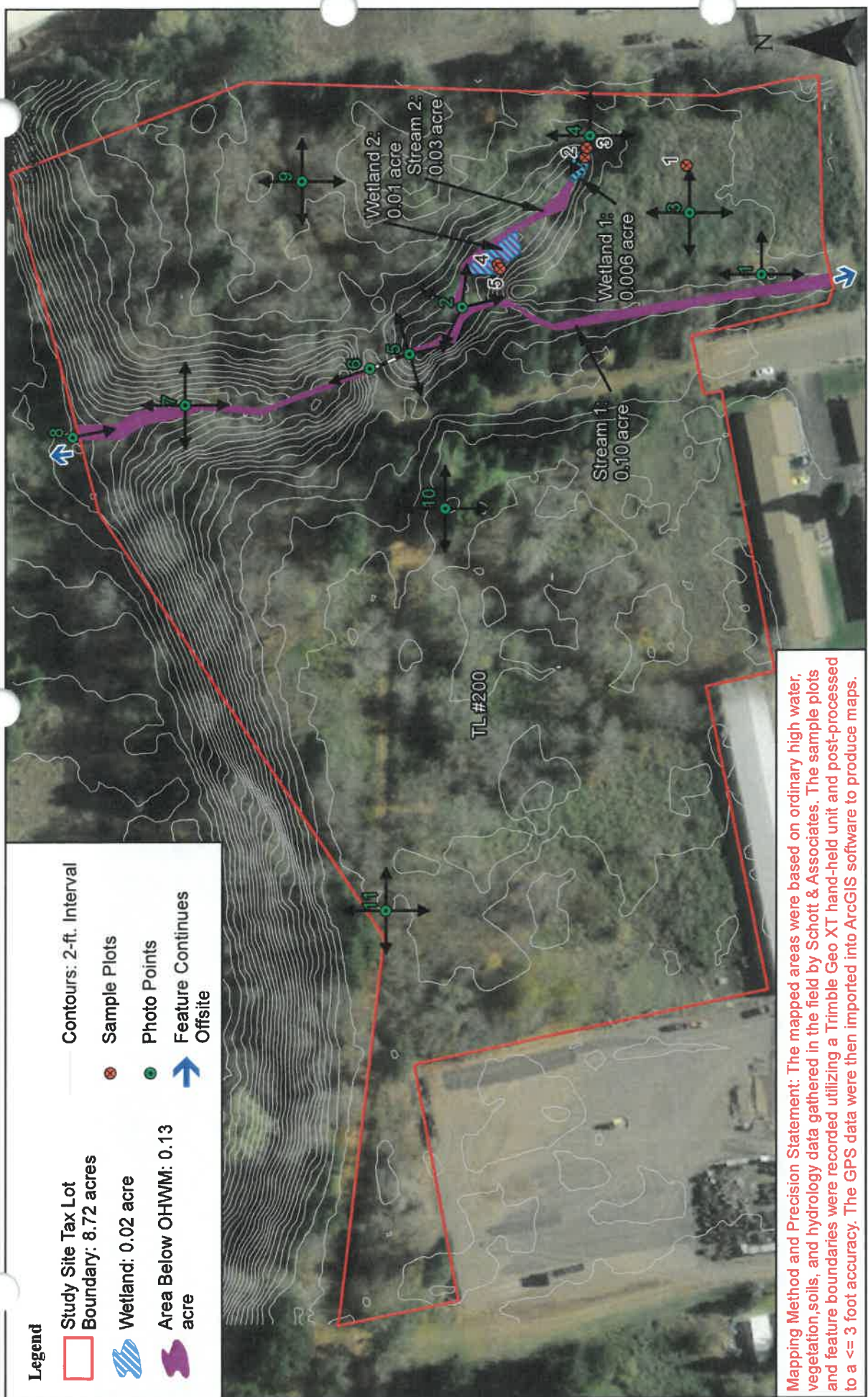


Date: 11/13/2020

Data Source: ESRI, 2020;
 Linn County GIS Dept., 2020

Figure 1. Location Map

Mountain River Project Site: S&A #2825



Legend

- Study Site Tax Lot Boundary: 8.72 acres
- Wetland: 0.02 acre
- Area Below OHWM: 0.13 acre
- Contours: 2-ft. Interval
- Sample Plots
- Photo Points
- Feature Continues Offsite

Mapping Method and Precision Statement: The mapped areas were based on ordinary high water, vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and feature boundaries were recorded utilizing a Trimble Geo XT hand-held unit and post-processed to a <= 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

Figure 6. Wetland Delineation Map

Mountain River Project Site: S&A #2825

0 50 100 200 Feet

Date: 11/17/2020

Data Source: ESRI, 2020; Linn County GIS Dept., 2020; DOGAMI, 2010

DSL WD # 2020-0621
Approval Issued 3/17/2021
Approval Expires 3/17/2026

SCHOTT & ASSOCIATES, Inc.



