



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST: The applicant is seeking a variance to allow a land division depth ratio greater than 3 times the width (3:1) required in SHMC 17.58.030(B). A 2021 wetland delineation completed by Turnstone Environment, shows approximately two thirds of the subject property is designated as a wetland. The proposed configuration has an average width of 76 feet and an average depth of 520 feet. This configuration would have an average length to width ratio of 6.8:1. When the unbuildable area is overlaid, the average length would be reduced by an average of 416 feet or less and thus would be in the 3:1 ratio. The subject property is zoned Residential Low Density (R-1). The Comprehensive Plan Designation is Low Density Residential (R-1).

Application VR24-02 is being filed simultaneously with Application P24-08. Application P24-08 is reliant on the approval of Application VR24-02.

- APPLICANT AND PROPERTY OWNER:** Uprise Investing LLC
- FILE NUMBER:** VR24-02
- PROPERTY LOCATION:** Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32AD Tax Lot 907.
- REVIEW AND DESIGN CRITERIA:** Sweet Home Municipal Code Section(s) 17.10, 17.58.030, 17.106, and 17.126.
- HEARING DATE & TIME:** December 19, 2024 at 6:30PM
- HEARING LOCATION:** City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386
- STAFF CONTACT:** Angela Clegg, Planning & Building Manager
 Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov
- REPORT DATE:** December 12, 2024

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory Map, however as shown on the site plan (attachment B) a wetland has been identified through a 2021 wetland delineation done by Turnstone Environmental.

Access: Based on the submitted site plans (Attachment B), proposed Parcel 2 abuts approximately 25 feet of Long Street via a flag strip (37th Court). Proposed Parcels 1 and 3 shall have access to Long Street via a private access easement from proposed Parcel 2.

Services: There are City water and sewer services in Long Street, and sewer services in the private access and utility easement.

Street: Proposed Parcel 2 abuts approximately 25 feet of Long Street. Proposed Parcels 1 and 3 have access to Long Street via an access and utility easement.

TIMELINES AND HEARING NOTICE:

Application Received: October 22, 2024

Application Deemed Complete: October 28, 2024

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: October 29, 2024

Notice Published in New Era Newspaper: November 6, 2024

Date of Planning Commission Hearing: December 19, 2024

120-Day Processing Deadlines: February 25, 2024

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

CEDD Engineering: No comments as of the issuance of this staff report.

**Blake Patterson
Public Works Division:** No comments from public works.

**Ray Grundy
Building Division:** No comments as of the issuance of this staff report.

**Sweet Home
Fire District:** No comments as of the issuance of this staff report.

Public Comments: Attachment D

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

The Planning Commission may allow a Variance from a requirement or standard of this Development Code after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance. [17.106.060(A)]**

Applicant's Comments: The applicant requests a variance to the width to depth ratio standard of SHMC 17.58.030(B) to allow the depth of Parcels 1 – 3 to be seven times the width. As shown in the property line adjustment map, the wetlands are present on the subject property which precludes further redevelopment of the site without approval of a wetland permit and payment of wetland mitigation credits. Parcel depth (when measured to the south of the access/utility easement) outside of wetland area ranges from 107-feet to 179-feet, which is less than the minimum width to depth ratio (1.4 to 2.4 times the width). (Attachment C, pages 11 and 12)

Staff Findings: Lot width and depth: The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions. [17.58.030(B)].

The proposed configuration has an average width of 76 feet and an average depth of 520 feet. This configuration would have an average length to width ratio of 6.8:1. When the wetland area is overlaid, the average length would be reduced by an average of 416 feet or less and thus would be in the 3:1 ratio.

Approval of Partition Application P24-08 is contingent on the approval of the variance proposed in this application.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.**

Applicant's Comments: Compliance with width to depth ratio standard of SHMC 17.58.030(B) would require the creation of public street and utility improvements and parcel/lot creation within a wetland. Approval of these improvements requires approval of a wetland permit and payment of wetland mitigation credits, which is not feasible at this time based on the project number of parcels/lots that could be created. (Attachment C, page 12)

Staff Findings: Staff finds that the variance is essential for the applicant to develop the property while preserving the wetlands. The proposed site plan divides the wetlands, allocates maintenance responsibilities, and ensures each parcel includes substantial green space.

- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.**

Applicant's Comments: Authorization of the requested variances will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. As outlined in the section above, all other city development code standards are either satisfied or will be satisfied through conditions of approval. (Attachment C, page 12)

Staff Findings: Staff finds that the variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity or district in which the property is located. The variance does not conflict with the objectives of any City plan or policy.

D. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

Applicant's Comments: The need for the variance from SHMC 17.58.030(B) is not self-imposed as the existing parcel exceeds the minimum width to depth ratio currently. (Attachment C, page 12)

Staff Findings: Staff finds that the variance is not self-imposed by the applicant. The existing lot, prior to the partition, exceeds the width to depth ratio. Additionally, the wetland was identified through a 2021 delineation provided by Turnstone Environment.

E. The variance requested is the minimum variance which would alleviate the identified hardship.

Applicant's Comments: The requested variance is the minimum necessary to alleviate the identified hardship; therefore, this criterion is met. (Attachment C, page 12)

Staff Findings: Staff finds that the requested variance is the minimum allowed for what the applicant is requesting.

F. All applicable building code requirements and engineering design standards shall be met.

Applicant's Comments: Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed parcels will allow for an adequate building envelope to comply with all applicable building code requirements and engineering design standards. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the proposed parcels. (Attachment C, page 13)

Staff Findings: No development is being proposed with this application. Staff Recommends a Condition of Approval that all building code requirements and engineering design standards be met at the time of development.

IV. STAFF RECOMMENDATION

Staff find that the applicant has requested the minimum variance necessary to alleviate the hardships presented by the applicant. Staff has recommended Conditions of Approval listed below.

V. CONCLUSIONS

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.).

Conditions of Approval:

1. Any future development shall comply with the City of Sweet Home building code requirements, engineering design standards and the development standards at the time of development.

VI. PLANNING COMMISSION ACTION

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

Appeal Period: Staff recommends that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the 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 shall 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 of the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application VR24-02 and thereby permit the variances for the subject lot located in Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AD Tax Lot 00907; 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 VR24-02 and thereby deny the request for variances for the subject lot located in Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AD Tax Lot 00907; adopting the following Finding of Fact (specify), 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VII. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Applicants Narrative
- D. Public Comments
- E. Draft Application P24-08

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:30 PM, Monday through Thursday, excluding holidays.

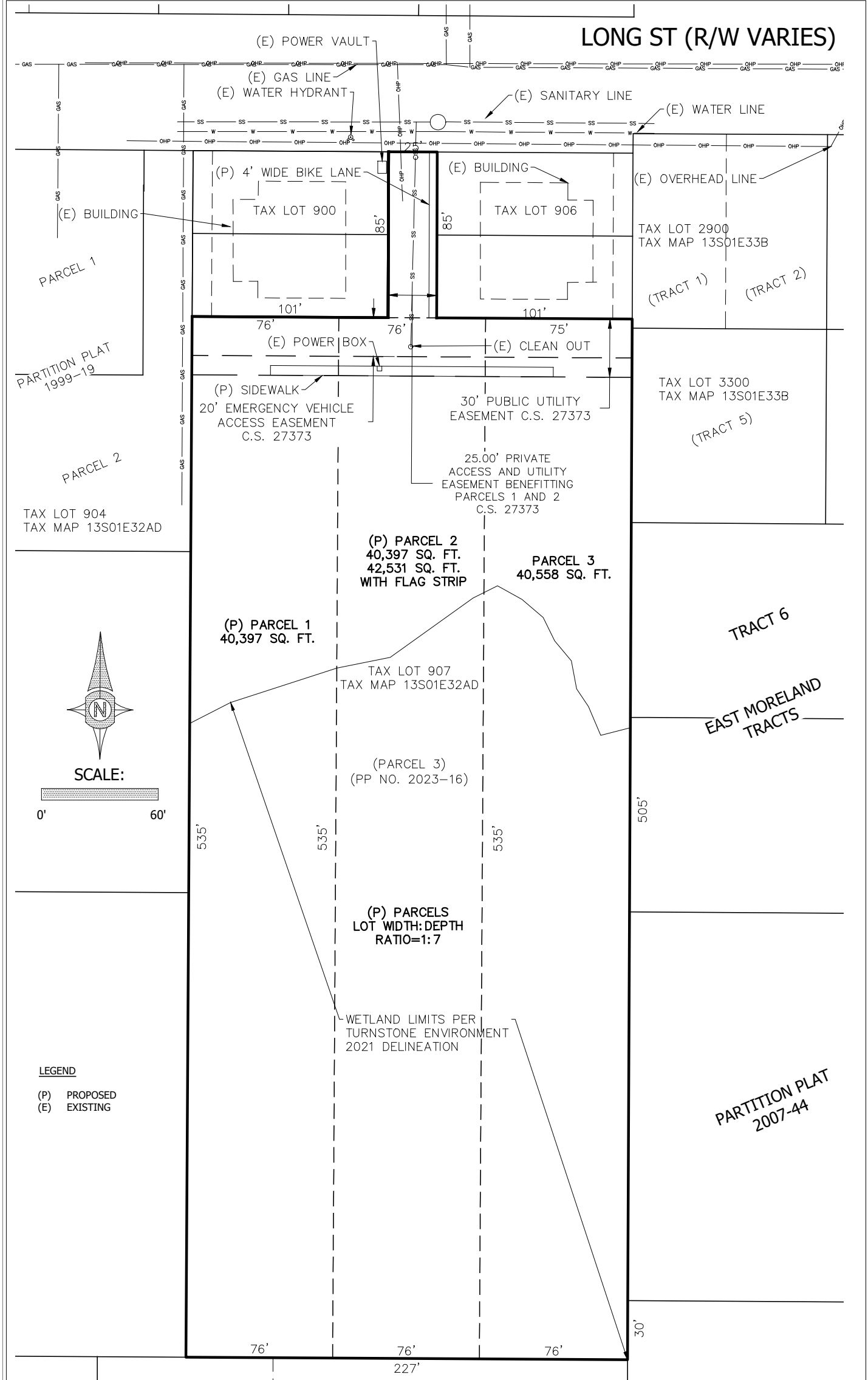


1 inch = 177 feet

SUBJECT PROPERTY MAP
3711 LONG STREET
P24-08 & VR 24-02

Date: 10/28/24

LONG ST (R/W VARIES)



LEGEND
(P) PROPOSED
(E) EXISTING

SHEET 1
of 1
SCALE: AS NOTED



Date 09/24/2024
Project 20-021 A TEAM
Drawn by GSR
Checked by KWL

TENTATIVE PARTITION PLAT
UPRISE INVESTING LLC
1198 37TH CT
SWEET HOME, OR

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

TENTATIVE PARTITION PLAT & VARIANCE APPLICATIONS

Submitted to: City of Sweet Home
Planning Division
3225 Main Street
Sweet Home, OR 97386

Applicants/Property Owners: Uprise Investing LLC
2680 Progress Way
Woodburn, OR 97071
(503) 341-0940 / ateamoffices@gmail.com

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 3711, 3713, 3719, 3721 Long Street, Sweet Home, OR 97386

Linn County Assessor's Map No.: 13S-01E-32AD Tax Lot 907

Site Size: ±2.83-acres

Existing Land Use: Residential

Comprehensive Plan Designation: Low Density Residential

Zone Designation: Low Density Residential (R1)

Surrounding Zoning: North: R1
South: R1
East: R1
West: R1

Surrounding Uses: North: Residential Dwelling
South: Residential Dwelling
East: Residential Dwelling
West: Residential Dwelling



I. Executive Summary

The applicant Uprise Investing LLC seeks approval of the following two applications:

1. A Tentative Partition Plat to divide a single ±2.83-acre parcel into three parcels: Parcel 1 - 0-.93-acres; Parcel 2 – 0.98-acres; Parcel 3 – 0.93-acres.
2. A variance to width to depth ratio standard of SHMC 17.58.030(B) to allow the depth of Parcels 1 – 3 to be seven times the width due to the presence of on-site wetlands.

The subject property has the following assigned addresses: 3711, 3713, 3719, 3721 Long Street; and is identified as Linn County Tax Assessor’s Map No. 13S-01E-32AD Tax Lot 907.

This written narrative and associated documentation included in the application materials establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the city to approve the application.

II. Analysis of Development Code Criteria

1. Partitions are subject to provisions in Chapter 17.58.
2. Per SHMC 17.98.020, preliminary partition plats are reviewed in accordance with a Type II review procedure.
3. The application submittal requirements for a preliminary subdivision plat application are found under Section 17.98.040 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

III. 17.98.050 Decision Criteria

Section 17.98.050 of the Sweet Home Municipal Code (SHMC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion A

Each parcel shall satisfy the dimensional standards of the applicable zone unless a variance from these standards is approved.

1. This application is for a Tentative Partition Plat to divide a single ±2.83-acre parcel into three parcels: Parcel 1 - 0-.93-acres; Parcel 2 – 0.98-acres; Parcel 3 – 0.93-acres.
2. The subject property has the following assigned addresses: 3711, 3713, 3719, 3721 Long Street; and is identified as Linn County Tax Assessor’s Map No. 13S-01E-32AD Tax Lot 907.
3. The subject property is in the Low Density Residential (R1) zoning district.
4. The subject property is currently unimproved.



According to SHMC 17.10.010, the R-1 District is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots.

5. Development is not proposed in association with the partition application. Per SHMC 17.10.020, Permitted Uses, the following residential uses are permitted in the R-1 zone as outright permitted uses: single-family detached and duplex.
6. Per SHMC 18.10.030 Special Uses, partitions are subject to provisions in Chapter 17.58. This narrative includes a plan set and written narrative addressing the partition review criteria.
7. Per SHMC 17.10.050 Density Regulations, states that no more than one dwelling per lot or parcel with a maximum 5.4 dwelling unit per net acre. Duplexes count as one dwelling unit for purposes of density calculation.

Per SHMC 17.04.020, net acreage is defined as follows: *Net density is calculated on the total acres, minus any floodplain, dedicated right-of-way, or other proposed or required dedications or allocations of land to uses other than the allowed residential units, except garages and other typical residential accessory uses.*

The net acreage of the subject property is 2.63-acres, which equates to maximum density of 14 dwelling units.

8. A comparison of the dimensional standards of SHMC 17.12.060 and the proposed are as shown in the table below:

Minimum Lot Area & Width		
	Standard	Proposed
Single Family and Duplex	5,000 sf	Parcel 1 - 0-.93-acres; Parcel 2 – 0.98-acres; Parcel 3 – 0.93-acres.
Minimum Width at building line	70 feet	Parcel 1 – 76-feet; Parcel 2 – 76-feet; Parcel 3 – 75-feet
Minimum Setbacks		
Front Yard	15 feet	N/A
Garage	20 feet to the entrance	N/A
Side Yard (Interior)	5 feet / 12-feet both sides combined	N/A
Side Yard (Street)	15 feet	N/A
Rear Yard	15 feet	N/A
Maximum Structure Height		
Primary Building	30 feet	N/A
Accessory Building	20 feet (roof apex)	N/A



Maximum Lot Coverage		
Residential	40%	N/A

9. SHMC 17.42.120(A), states, “the easement containing the private access easement shall be excluded from the lot or parcel size calculation.”

The net area of the proposed Parcels is as follows: Parcel 1 – 0.88-acres; Parcel 2 – 0.88-acres; Parcel 3 – 0.89-acres.

10. SHMC 17.42.120(C), states, “where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line.

The parcel width of the proposed Parcels is as follows: Parcel 1 – 76-feet; Parcel 2 – 76-feet; Parcel 3 – 75-feet. The parcel depth of the proposed Parcels when measured from the access/utility easement is the same for all parcels.: Parcel 1 – 505-feet; Parcel 2 –505-feet; Parcel 3 – 505-feet.

11. Per SHMC 17.12.070, development standards, all development in the R-1 zone must comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. *Off-street parking. All single-family homes and duplexes shall require a garage or carport; and in addition, provided two hard surface parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.50.*

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

- B. *Signs shall conform to the standards contained in Chapter 17.50.*

No signs are proposed in association with this partition.

- C. *Fencing. Fence shall conform to provisions contained in Chapter 17.52*

Fencing is not proposed in association with this partition.

- D. *Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.56.*

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

- E. *Other. A property owner is advised other regulations may apply for property in an identified natural resources area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).*

The subject property is not located within a special flood hazard area nor is it listed on national or local historic registry.



Criterion B

The parcels shall meet the Development Standards for Land Division of Chapter 17.58.

12. Per SHMC 17.58.010 Purpose, the purpose of this Chapter is to provide for the orderly, safe, and efficient division of land within The City.
13. Per SHMC 17.58.020 Scope, A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.

The proposal includes a 3-parcel partition and therefore subject to the standard provided below.

14. Per SHMC 17.58.030 Standards for Lots or Parcels, the following standards apply to all partitions and subdivisions:

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

The net area of the proposed Parcels is as follows: Parcel 1 – 0.88-acres; Parcel 2 – 0.88-acres; Parcel 3 – 0.89-acres.

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

The parcel width of the proposed Parcels is as follows: Parcel 1 – 76-feet; Parcel 2 – 76-feet; Parcel 3 – 75-feet. Three times the width of the proposed parcels is 228-feet to 225-feet. The parcel depth of the proposed Parcels when measured from the access/utility easement is the same for all parcels.: Parcel 1 – 505-feet; Parcel 2 – 505-feet; Parcel 3 – 505-feet. Findings from Section IV (Variance Decision Criteria) below are included herein by reference.

- C. *Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is: 1. Infeasible due to parcel shape, terrain, or location of existing structures; 2. Unnecessary to provide for the future development of adjoining property. 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.*

Parcel 2 is proposed to have flag access to Long Street. Proposed Parcels 1 and 3 are proposed to have access by easement to Long Street



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

Parcel 2 is proposed to be a flag lot. Proposed Parcels 1 and 3 will obtain access to Long Street via a shared private access easement. The access easement width is proposed to be 25-foot-wide with likely development greater than 150 feet. Therefore, a fire hammerhead style turnaround is proposed within a record emergency access easement.

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

No through lots are proposed with this partition.

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

All lot lines run as far as practicable at right angles to Long Street.

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

As shown on the tentative partition plat, all proposed parcels will have access to public utilities via a shared utility easement.

15. According to SHMC 17.58.050 Improvement Requirements – Partitions, the following improvements will be applied as conditions of approval:

- A. *Private Access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.*
- B. *Public Facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.*
- C. *Street Frontage Improvements. The following improvements shall be required:*



1. *Consistent with the adopted transportation plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.*
 2. *If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a non-remonstrance agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.*
 3. *If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:*
 - a. *Public streets upon which the property fronts to public standards, including surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a non-remonstrance agreement consistent with item (B)(2), above.*
 - b. *Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.*
 - c. *The installation of storm sewers, sanitary sewers, water lines and other utilities.*
- D. *Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.*

Criterion C

Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.

16. SHMC 17.42.120 Setbacks states, "the line fronting along a private street or private access easement shall be considered a property line. Setbacks to the garage and home shall be measured from this easement line."

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.



17. According to SHMC 17.12.060, the minimum setbacks for the R-1 zone are as follows: 15-foot front building/20-foot front vehicle entrance; 5-foot/15-feet combined interior side, 15-foot street side, and 15-foot rear yard.

Development is not proposed in association with this partition. Compliance with this standard will be reviewed at the time of development.

Criterion D

Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44.

18. SHMC 17.40.030 states, “standards for the provision and utilization of public facilities or services available within The City of Sweet Home shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by The City.”

19. According to Table 17.40-1, single family and duplex development require the following improvements:

<i>Land Use</i>	<i>Fire Hydrant</i>	<i>Street Improvement</i>	<i>Water Hookup</i>	<i>Sewer Hookup</i>	<i>Storm Drain</i>	<i>Streetlights</i>	<i>Bike and Ped.</i>
<i>Single Family Home, Duplex</i>	<i>No, unless required by Fire Code</i>	<i>C-2</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>	<i>C-2</i>

Street Improvements for Single Family Dwellings, Duplex Dwellings and Partitions:

- 1. New single-family dwellings and duplex dwellings on an existing parcel less than 2.0 acres in size and fronting an existing street which does have a full street improvement including sidewalks, as required in the City’s Street design standards and Chapter 17.42.040, shall dedicate the needed right-of-way and shall install the full improvement along a parcel’s frontage.*
- 2. If there is no adjacent improvement, a right-of-way permit fee, in accordance with the City’s adopted connection fees, will be required in lieu of constructing the improvement.*



3. *If a street extension to serve the residence is necessary, the owner must provide the necessary right-of-way dedication and street improvement to city street standards along the full frontage of the parcel.*
 4. *A partition to parcels of 2.0 acres or larger does not require street improvements. A partition to parcels smaller than 2.0 acres requires street improvements.*
20. The subject property is ±2.38-acres and abuts a street that is not fully improved. Improvements include a 70-foot right-of-way, a paved travel lane in either direction, and drainage ditches on either side of the roadway. A waiver of remonstrance for future street improvements has been signed by the property owner and filed with the City of Sweet Home.
 21. Per Figure 2.2 of the Sweet Home Transportation Plan (TSP), Long Street is classified as a minor arterial street.
 22. According to SHMC, 17.42.040, minor arterial street is required to have the following: 70-foot maximum right-of-way width, 40-foot maximum curb-to-curb width, 7-foot minimum travel lane width, two 6-foot-wide bike lanes, 8-foot maximum parking lane width, 7-foot minimum sidewalk width with shared driveway access.
 23. Per SHMC 17.42.110, private access easement must conform to the following standards:
 - A. *Width. Where permitted, the access easement shall comply with the following standards:*
 1. *Minimum easement width: 20 feet*
 2. *Minimum paved width: For private access of 150' or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' – 16 feet.*
 3. *Maximum length: 200 feet*
 4. *No more than 2 single-family detached dwellings or 2 duplexes shall have their sole access to the easement. Easements serving more than 2 homes, or 2 duplexes shall comply with the provisions for a Residential Neighborhood Street*
 - B. *Surface Improvement. The surface width noted in A.1. above shall be improved with either asphalt or concrete for the entire length of the private access easement.*
 - C. *Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners' association, or similar instrument acceptable to The City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.*
 - D. *Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the requirements of the Sweet Home Fire District.*



- E. *Fire Lanes. All private access easements shall be designated as fire lanes and signed for "no parking." All private access easements and joint use driveways shall comply with International Fire Code.*
 - F. *Easement Required. Where The City approves a private access easement or 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*
24. Parcel 2 is proposed to have flag access to Long Street. Proposed Parcels 1 and 3 are proposed to have access by easement to Long Street. As shown on the tentative partition plat and Linn County Survey No. 27373, there is an existing 25-foot-wide private access and utility easement benefitting Parcels 1 and 2 of Partition Plat No. 2023-16 and a 20-foot-wide emergency vehicle access easement benefitting Parcels 1 – 3 of Partition Plat 2023-16 and proposed Parcels 1 – 3.
 25. The proposed shared access easement will be designed to a residential neighborhood street standard consisting of a 25-foot-wide right-of-way with 20-foot-wide curb-to-curb width, and a 7-foot-wide travel lane in either direction.
 26. Per SHMC 17.46.020, the provision of Chapter 17.26 applies to all partitions, subdivisions, multi-family developments, commercial developments, and industrial development, and to the reconstruction or expansion of such developments.
 27. SHMC 17.46.030 states, “no construction of any facilities in a development included in Chapter 17.90 shall be permitted until a storm drainage and erosion control plan, designed in accordance with The City’s Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by The City.”
 28. No development is proposed with this partition. Any required storm drainage and erosion plans will be reviewed and approved in association with a site or building permit.
 29. The standards per Chapter 17.48 Utility lines and facilities are as follows:
 - A. *Design and Location. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.*
 - B. *Private Utilities. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.*



- C. *Water Service Required. All development which has a need for public water shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.*
- D. *Sanitary Sewer Required. All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.*
- E. *Streetlights. When required, the installation of streetlights shall be pursuant to the requirements of The City Engineering Standards and the requirements of the utility company serving the development.*
- F. *Easements, General. Easements shall be provided along property lines as deemed necessary by The City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.*

30. As shown on the tentative partition plat, an easement for private utilities extensions will be recorded upon or in association with the final plat.

31. Per SHMC 17.48.030, “all public facility improvements shall be designed and constructed in compliance with adopted City of Sweet Home Engineering Standards. The Director of Public Works (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered pursuant to provisions in this Development Code.”

32. As shown in the tentative partition plat, easements for private utilities extensions and access will be recorded upon or in association with the final plat.

IV. 17.110.050 Decision Criteria

Section 17.106.060 of the Sweet Home Municipal Code (SHMC) includes the following review criteria that must be met for a variance to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion A

The variance is necessary because the subject Development Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

33. The applicant requests a variance to the width to depth ratio standard of SHMC 17.58.030(B) to allow the depth of Parcels 1 – 3 to be seven times the width.



34. As shown in the property line adjustment map, the wetlands are present on the subject property which precludes further redevelopment of the site without approval of a wetland permit and payment of wetland mitigation credits. The
35. Parcel depth (when measured to the south of the access/utility easement) outside of wetland area ranges from 107-feet to 179-feet, which is less than the minimum width to depth ratio (1.4 to 2.4 times the width).

Criterion B

Such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district. An economic hardship shall not be the basis for a variance request.

36. Compliance with width to depth ratio standard of SHMC 17.58.030(B) would require the creation of public street and utility improvements and parcel/lot creation within a wetland. Approval of these improvements requires approval of a wetland permit and payment of wetland mitigation credits, which is not feasible at this time based on the project number of parcels/lots that could be created.

Criterion C

The authorization of such a variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

37. Authorization of the requested variances will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. As outlined in the section above, all other city development code standards are either satisfied or will be satisfied through conditions of approval.

Criterion D

The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant).

38. The need for the variance from SHMC 17.58.030(B) is not self-imposed as the existing parcel exceeds the minimum width to depth ratio currently.

Criterion E

The variance requested is the minimum variance which would alleviate the identified hardship.

39. The requested variance is the minimum necessary to alleviate the identified hardship; therefore, this criterion is met.



Criterion F

All applicable building code requirements and engineering design standards shall be met.

40. Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed parcels will allow for an adequate building envelope to comply with all applicable building code requirements and engineering design standards. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the proposed parcels.

V. OVERALL CONCLUSION

Based on the analysis in this report, the proposed preliminary partition plat and variance applications meets all the applicable review criteria as outlined above.

VI. ATTACHMENTS

A. Tentative Partition Plat



Received 12.11.24
AC



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

NOTICE OF PENDING ADMINISTRATIVE DECISION AND REQUEST FOR COMMENT

The Sweet Home Community and Economic Development Department received an application for a Partition, and the Community and Economic Development Director will decide on this request soon. The Department is now seeking your comments and suggestions.

REQUEST: The applicant is requesting to partition an approximately 123,486 square foot (2.83 acres) lot into three parcels per Sweet Home Municipal Code 17.98. Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a shared access and utility easement. Proposed Parcel 3 shall be 40,558 square feet. The proposed partition site plan shows a lot depth to width ration greater than 3:1 [SHMC 17.58.030(B)]. A variance application is required for the approval of the proposed site plan. The subject property is in the Residential Low Density (R-1) zone.

Application P24-08 is being filed simultaneously with variance application VR24-02. Approval of application P24-08 is reliant on the approval of application VR24-02.

APPLICANT AND PROPERTY OWNER:

Uprise Investing LLC

FILE NUMBER:

P24-08

PROPERTY LOCATION:

3711 Long Street, Sweet Home, OR, 97386; Identified on Linn County Assessor's Map as 13S01E32AD Tax Lot 0097

REVIEW AND DESIGN CRITERIA:

Sweet Home Municipal Code (SHMC) Sections: 17.10, 17.58.030, 17.58.050, 17.58.070, 17.98.010-17.98.060, and 17.124

STAFF CONTACT:

Angela Clegg, Planning & Building Manager
Phone (541) 818-8029, Email: aclegg@sweethomeor.gov

DATE MAILED:

October 28, 2024

Comments must be received no later than: 5:00 PM on December 11, 2024. Written comments may be submitted to the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386 or to the staff contact listed above. Please include reference to the file number in the subject line of your comments. Notice of the decision on this application will only be mailed to the applicant, property owner, those who provided written comments on the proposal, and those who requested a copy of the decision.

The failure of an issue to be raised in writing within the specified time frame, 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 and 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 will be available for inspection at no cost when it is complete, and a copy will be provided at reasonable cost. You may contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 818-8028.

Comments:

When property owner first bought property they put loads of dirt in front of wetland zone, and cause more water coming onto our property. Wrote 10 concerns, now they want to build more and cause more water issues to buy property! There is so much wildlife on that property. We have deer, fox, racoon, possum, turkey, quail, and even a falcon that comes to visit. Building more is going to eliminate these animals, from their safe zone. (Natural Habitat)!



City of Sweet Home

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

In the matter of the
Partition requested by
Uprise Investing LLC

) Partition
) File No. P24-08
)

NOTICE OF ADMINISTRATIVE DECISION ON A LAND PARTITION APPLICATION

FINDINGS OF FACT

SUMMARY

1. The applicant is requesting to partition an approximately 123,486 square foot (2.83 acres) lot into three parcels per Sweet Home Municipal Code 17.98. Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a shared access and utility easement. Proposed Parcel 3 shall be 40,558 square feet. The subject property is in the Residential Low Density (R-1) zone.
2. There are City water and sewer services in Long Street, and sewer services in the private access and utility easement (37th Court). Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area. The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory Map, however as shown on the site plan (attachment B) a wetland has been identified through a 2021 wetland delineation done by Turnstone Environmental.
3. Public Notice and Comments: Public Notices were distributed in accordance with Chapter 17.124.010(D, E). A comment was received on December 11, 2024, included as Attachment D.
4. The Planning Commission approved Variance Application VR24-02 on _____, 2024.
5. The Planning and Building Manager deliberated on this matter and passed a motion to approve the application on _____, 2024. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.

APPEAL PROCEDURE

17.124.010(H): Appeals and reconsideration. All Type II land use decisions may be appealed to the Planning Commission. The appeal shall be submitted within 12 days of the date the decision is mailed.

17.124.010(I): Planning commission hearing and notice of appeal. If a Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission. The

Planning Commission shall conduct the hearing consistent with procedures set forth in Chapter 17.130. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the original decision. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 17.126.01.

17.124.010(J) Planning commission action. The Planning Commission action on a Type II appeal shall be in the form of a decision. Within five working days of the Planning Commission decision, the applicant and all individuals who participated in the public hearing or requested notice of the decision, shall be mailed written notice of the decision. The notice shall specify findings justifying the decision to approve or deny the request and any conditions of approval.

17.124.010(K) Appeals. All appeals of Type II land use decisions of the Planning Commission may be appealed to the City Council. The appeal shall be submitted within 12 days of the date the decision is mailed on forms provided by The City.

17.124.010(L) City council hearing and notice of appeal. If the Planning Commission decision on a Type II decision is appealed, City staff shall schedule a hearing before the City Council. The City Council shall conduct the hearing consistent with procedures set forth in Chapter 17.132. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the Planning Commission decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 17.126.01.

17.124.010(M) Notice of city council decision. Within five working days of the final City Council decision, the applicant and those who attended the hearing or requested notice, shall be mailed written notice of the City Council decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

17.124.010(N): Appeal of city council decision. All appeals heard by the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.

The fee for appeal of this decision would be \$610.00.

CHARACTERISTICS OF PROPERTY

1. **Location:** The property is located south of Long Street, north of Kalmia Street, east of 37th Avenue and west of 38th Avenue. Identified on Linn County Assessor's Map as 13S01E32AD Tax Lot 0097. The property prior to the partition is approximately 21,813 square feet.
2. **Zoning and Plan Designation:** The subject property is zoned Residential Low Density (R-1) Zone. The 2022 Comprehensive Plan land use classification for the subject property is Low Density Residential. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a

density which warrants provision of public water and sewer facilities. [SHMC 17.10.010].

3. **Site Description:** Prior to the partition the property contains approximately 123,486 square feet. Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a flag strip. Proposed Parcel 3 shall be 40,558 square feet. The subject property is a vacant lot. The site has a wetland identified in 2021 by Turnstone Environmental.

CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for a partition was reviewed by the Planning and Building Manager based on the applicable criteria in the attached Staff Report below.

CONCLUSION:

The Planning and Building Manager finds that the criteria presented in the staff report have been met.

Conditions of Approval:

1. The final configuration of proposed Parcels 1, 2, and 3 shall substantially conform to the plot plan reviewed in this application (see Attachment B). Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a flag strip. Proposed Parcel 3 shall be 40,558 square feet.
2. Variance Application VR24-02 shall be approved by the Planning Commission prior to the approval of Partition application P24-08.
3. The applicant shall demonstrate that the buildings will meet Oregon residential specialty code.
4. The applicant shall provide separate utility connections for each dwelling.
5. The applicant shall sign a development agreement with the City of Sweet Home prior to the recording of the final plat.
6. During the review of partition proposals, The City shall require, as a condition of approval, the following improvements [SHMC 17.58.050]:
 - A. Private access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.
 - B. *Street frontage improvements.* The following improvements shall be required:
 1. Consistent with the adopted transportations plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.
 2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a development agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.
 3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water

lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a development agreement consistent with item (B)(2), above.

- b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.
 - C. Public facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.
 - D. Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.
7. All development shall comply with the applicable Sweet Home Engineering Standards and Sweet Home Development Standards at the time of development.
8. A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application. The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees. No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition. [SHMC 17.98.060)
9. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

ORDER

Based on the Findings and Conclusions above, the Planning and Building Manager approved with conditions, the partition request for the Uprise Investing LLC property located at 3711 Long Street, Sweet Home, Oregon, Map 32AD, Tax Lot 907.

DECISION DATE: _____, 2024

MAILING DATE: _____, 2024

APPEAL DEADLINE: _____, 2024

Angela Clegg, Planning & Building Manager

Date

The decision made by the Manager is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline (12 days from the date the decision is mailed). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Division, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission 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) 818-8029.

The 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 is available for inspection at no cost and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 818-8029

SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION STAFF REPORT

REQUEST: The applicant is requesting to partition an approximately 123,486 square foot (2.83 acres) lot into three parcels per Sweet Home Municipal Code 17.98. Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a shared access and utility easement. Proposed Parcel 3 shall be 40,558 square feet. The proposed partition site plan shows a lot depth to width ratio greater than 3:1 [SHMC 17.58.030(B)]. A variance application is required for the approval of the proposed site plan. The subject property is in the Residential Low Density (R-1) zone.

Application P24-08 is being filed simultaneously with variance application VR24-02. Approval of application P24-08 is reliant on the approval of application VR24-02.

APPLICANT AND

PROPERTY OWNER: Uprise Investing LLC

FILE NUMBER: P24-08

PROPERTY LOCATION: 3711 Long Street, Sweet Home, OR, 97386; Identified on Linn County Assessor's Map as 13S01E32AD Tax Lot 0097

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections: 17.10, 17.58.030, 17.58.050, 17.58.070, 17.98.010-17.98.060, and 17.124

STAFF CONTACT: Angela Clegg. Phone: (541) 818-8029
Email: aclegg@sweethomeor.gov

I. PROJECT AND PROPERTY DESCRIPTION

Zoning and Comprehensive Plan Designations:

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

Property Information:

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0914G, dated September 29, 2010, the subject property is not the special flood hazard area.

Wetlands: The subject property does not show wetlands/waterways on the properties that are depicted on the Sweet Home Local Wetlands Inventory Map, however as shown on the site plan (Attachment B) a wetland has been identified through a 2021 wetland delineation done by Turnstone Environmental.

Access: Based on the submitted site plans (Attachment B), proposed Parcel 2 abuts approximately 25 feet of Long Street via a flag strip (37th Court). Proposed Parcels 1 and 3 shall have access to Long Street via a private access easement from proposed Parcel 2.

Sidewalks: There are no existing sidewalks on this section of Long Street.

Services: There are City water and sewer services in Long Street, and sewer services in the private access and utility easement.

Street: Proposed Parcel 2 abuts approximately 25 feet of Long Street. Proposed Parcels 1 and 3 have access to Long Street via an access and utility easement.

Notice and Timelines

Application Received:	October 22, 2024
Application Deemed Complete:	October 28, 2024
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	October 29, 2024
Notice Published in New Era Newspaper:	November 6, 2024
120 Day Processing Deadline:	February 25, 2024

II. COMMENTS RECEIVED

CEDD Engineering: No comments as of the issuance of this staff report.

Blake Patterson Public Works Eng: No comments from public works.

Building Division: No comments as of the issuance of this staff report.

Sweet Home Fire District: No comments as of the issuance of this staff report.

III. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a land partition is subject to the review criteria listed in Sweet Home Municipal Code Sections 17.10, 17.58.030, 17.58.050, 17.58.070, 17.98.010-17.98.060, and 17.124.

The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied per SHMC Section 17.98.060(B). Staff Findings of Fact and analysis are as follows.

17.58.030 STANDARDS FOR LOTS OR PARCELS
The following standards shall apply to all partitions and subdivisions.

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

minimum lot size provision of this Development Code.

Applicants Comment: The net area of the proposed Parcels is as follows: Parcel 1 – 0.88-acres; Parcel 2 – 0.88-acres; Parcel 3 – 0.89-acres. (Attachment C, page 5)

Staff Findings: The minimum lot area in the R-1 Zone is 7,000 square feet for a single-family dwelling and duplex

Based on the submitted site plan (Attachment B), the lot area, prior to the partition, is approximately 123,486 square feet. After the partition, proposed Parcel 1 shall be approximately 40,397 square feet, proposed Parcel 2 shall be approximately 42,531 square feet, including a flag strip, and proposed Parcel 3 shall be 40,558 square feet.

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

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

Applicants Comment: The parcel width of the proposed Parcels is as follows: Parcel 1 – 76-feet; Parcel 2 – 76-feet; Parcel 3 – 75-feet. Three times the width of the proposed parcels is 228-feet to 225-feet. The parcel depth of the proposed Parcels when measured from the access/utility easement is the same for all parcels.: Parcel 1 – 505-feet; Parcel 2 –505-feet; Parcel 3 – 505-feet. (Attachment C, page 5)

Staff Findings: Based on the submitted site plan (Attachment B), The width of proposed Parcel 1 shall be approximately 76 feet, and the depth of proposed Parcel 1 shall be approximately 535 feet. The buildable width of proposed Parcel 2 (excluding the flag strip) shall be approximately 76 feet, and the buildable depth of proposed Parcel 2 shall be approximately 535 feet. The width of proposed Parcel 3 shall be approximately 75 feet, and the average depth of proposed Parcel 3 shall be 520 feet. The maximum depth for each lot shall not exceed 225 feet without a variance.

Staff recommends a condition of approval requiring the approval of Variance application VR24-02 prior to the approval of Partition application P24-08. Variance application VR24-02 is being filed simultaneously and is a Type III application requiring a Planning Commission decision.

With the above condition, staff find that the application complies with these criteria

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

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

Applicants Comment: Parcel 2 is proposed to have flag access to Long Street. Proposed Parcels 1 and 3 are proposed to have access by easement to Long Street. (Attachment C, page 5)

Staff Findings: Based on the submitted site plan (Attachment B), proposed Parcel 2 abuts approximately 25 feet of Long Street via a flag strip (37th Court). Proposed Parcels 1 and 3 shall have access to Long Street via a private access easement from proposed Parcel 2.

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

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

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

Applicants Comment: Parcel 2 is proposed to be a flag lot. Proposed Parcels 1 and 3 will obtain access to Long Street via a shared private access easement. The access easement width is proposed to be 25-foot-wide with likely development greater than 150 feet. Therefore, a fire hammerhead style turnaround is proposed within a record emergency access easement. (Attachment C, page 6)

Staff Findings: Proposed Parcel 2 shall be a flag lot with a private access easement to Parcels 1 and 3. The width of the flag strip is 25 feet

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

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

Applicants Comment: No through lots are proposed with this partition. (Attachment C, page 6)

Staff Findings: The applicant is not proposing a through lot.

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

Applicants Comment: All lot lines run as far as practicable at right angles to Long Street. (Attachment C, page 6)

Staff Findings: Based on the submitted site plan (Attachment B), proposed Parcels 1, 2 and 3 shall have side lot lines that run at right angles, as far as practicable, to Long Street.

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

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

Applicants Comment: As shown on the tentative partition plat, all proposed parcels will have access to public utilities via a shared utility easement. (Attachment C, page 6)

Staff Findings: Based on the submitted site plan (Attachment B), there is a 30-foot public utility easement in the northern portion of each parcel and a 25-foot private access and utility easement from Long Street to Parcel 2 via the flag strip.

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

17.58.050 IMPROVEMENT REQUIREMENTS – PARTITION

During the review of partition proposals, The City shall require, as a condition of approval, the

following improvements:

A. Private access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.

Staff Findings: Proposed Parcel 2 abuts approximately 25 feet of Long Street via a flag strip (37th Court). Proposed Parcels 1 and 3 shall have access to Long Street via a private access easement from proposed Parcel 2. The access easement shall comply with the following standards: 20-foot minimum easement width, 12-foot minimum paved width for private access of 150 feet or less, 200-foot maximum length, and easements serving 2-3 homes or 2-3 duplexes shall comply with the provisions for Residential Neighborhood Street standards [SHMC 17.42.040].

Based on the submitted site plan (Attachment B), the private easement width shall be 25 feet, and the easement length shall be 85 feet. Staff recommends a condition of approval requiring the applicant to comply with the neighborhood street standards listed in SHMC 17.42.040.

With the above conditions, staff find that the application complies with these criteria.

B. Street frontage improvements. The following improvements shall be required:

- 1. Consistent with the adopted transportation plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.**
- 2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a development agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.**
- 3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:**
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a development agreement consistent with item (B)(2), above.**
 - b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.**
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.**

Staff Findings: The applicant shall file a development agreement with the City of Sweet Home prior to the recording of the final plat. Staff recommends a condition of approval that all development comply with all applicable standards of SHMC 17.10.070, 17.42 and 17.58.050 at the time of development.

With the above conditions, staff find that the application complies with these criteria.

C. Public facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.

Staff Findings: City sewer and water services are located in Long Street, and City sewer services are located in the private access and utility easement.

Staff recommends a condition of approval requiring the applicant to comply with the Sweet Home Engineering Standards as well as provide separate utility connections to each dwelling unit.

With the above conditions, Staff find that the application complies with these criteria.

D. Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.

Staff Findings: The applicant shall file a development agreement with the City of Sweet Home prior to the recording of the final plat. Staff recommends a condition of approval that all development comply with all applicable standards of SHMC 17.10.070, 17.42 and 17.58.050 at the time of development.

With the above conditions, staff find that the application complies with these criteria.

17.98.040 SUBMITTAL REQUIREMENTS

- A. The applicant shall prepare and submit a preliminary plan and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The applicant shall submit one 11" x 17" copy of the preliminary plan along with one digital copy. The plan shall include the following information:***
- 1. General Information. The following general information shall be shown on the tentative plan:***
 - a. Vicinity map showing all streets, property lines, streams, and other pertinent data to locate the proposal.***
 - b. North arrow and scale of drawing.***
 - c. Tax map and tax lot number or tax account of the subject property.***
 - d. Dimensions and size in square feet or acres of the subject property and of all proposed parcels.***
 - 2. Existing Conditions:***
 - a. Location of all existing easements within the property.***
 - b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.***
 - c. The location and direction of water courses or drainage swales on the subject property.***
 - d. Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.***
 - 3. Proposed Plan:***
 - a. Locations, approximate dimensions and area in square feet of all proposed parcels. All parcels shall be numbered consecutively.***
 - b. Location, width and purpose of any proposed easements.***
- B. At the discretion of the City, specific requirements may be waived provided there is sufficient information to allow processing of an application.***

Staff Findings: The applicant submitted a tentative partition map on October 22, 2024, with the applicable criteria listed above.

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

17.98.050 DECISION CRITERIA: Approval of a partition shall be subject to the following decision criteria:

A. Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved [SHMC 17.98.050(A)].

17.10.060 DIMENSIONAL STANDARDS:

A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone [SHMC 17.10.060 (A)]:

- 1. Minimum Lot Area and Width:**
 - a. Single Family Dwelling, Manufactured Home: 7,000 square feet.**
 - b. Duplex: 7,000 square feet.**
 - c. Other Uses: Sufficient to meet setbacks and development requirements**
 - d. Minimum Width at Building Line – 70 feet.**
- 2. Minimum Setbacks:**
 - a. Front Yard: 15 feet.**
 - b. Garage or Carport: 20 feet to entrance.**
 - c. Side Yard (Interior): 5 feet minimum any side, 12 feet both sides combined.**
 - d. Side Yard Street: 15 feet.**
 - e. Rear Yard: 15 feet.**
- 3. Maximum Structure Height:**
 - a. Primary Building: 30 feet.**
 - b. Accessory Building: 20 feet (roof apex).**
- 4. Maximum Lot Coverage: 40%**

Applicants Comment: See Attachment C, pages 2-4.

Staff Findings: The proposed parcels are in the Residential Low Density (R-1) Zone. Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including the flag strip, and proposed Parcel 3 shall be 40,558 square feet.

Staff recommends a condition of approval that the applicant comply with all applicable dimensional standards of the Residential Low Density Zone at the time of development.

With the above conditions, staff find that the application complies with these criteria.

B. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.

Staff Findings: Proposed Parcel 2 includes a flag strip that also serves as a private access and utility easement to proposed Parcels 1 and 3.

Staff recommends a condition of approval that the applicant comply with all applicable dimensional standards of the Residential Low Density Zone at the time of development.

With the above conditions, staff find that the application complies with these criteria.

C. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

Staff Findings: The applicant has not proposed an accessory structure or dwelling. Staff recommends a condition of approval that the applicant comply with all applicable dimensional standards of the Residential Low Zone at the time of development.

With the above conditions, staff find that the application complies with these criteria.

B. The parcels shall meet the Development Standards for Land Division of Chapter 17.58 [SHMC 17.98.050(B)].

17.58.030 STANDARDS FOR LOTS OR PARCELS: The following standards shall apply to all partitions and subdivisions.

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.***
- B. Lot width and depth. The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.***
- C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is:***
 - 1. Infeasible due to parcel shape, terrain, or location of existing structures;***
 - 2. Unnecessary to provide for the future development of adjoining property.***
 - 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.***
- D. Flag lots. Flag lots shall be subject to the following development standards:***
 - 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.***
 - 2. The access strip shall not be included in the lot area calculation.***
 - 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.***
- E. Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.***
- F. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.***
- G. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.***

Applicant's Comment: See attachment C, pages 5-7.

Staff Findings: The findings for SHMC 17.58.030, Standards for Lots and Parcels, are in Section III, Pages 7-9.

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

C. Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved [17.98.050(C)].

Applicant's Comment: See attachment C, pages 7-8.

Staff Findings: The subject property is a vacant lot.

D. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44 [SHMC 17.98.050(D) and SHMC 17.72.040(E)(4)].

Applicant's Comments: See attachment C, pages 8-11.

Staff Findings: City sewer and water services are located in Long Street, and City sewer services are located in the private access and utility easement.

Staff recommends a condition of approval requiring the applicant to comply with the Sweet Home Engineering Standards as well as provide separate utility connections to each dwelling unit.

With the above conditions, Staff find that the application complies with these criteria.

IV. CONCLUSIONS

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.).

Conditions of Approval:

1. The final configuration of proposed Parcels 1, 2, and 3 shall substantially conform to the plot plan reviewed in this application (see Attachment B). Proposed Parcel 1 shall be approximately 40,397 square feet. Proposed Parcel 2 shall be approximately 42,531 square feet, including a flag strip. Proposed Parcel 3 shall be 40,558 square feet.
2. Variance Application VR24-02 shall be approved by the Planning Commission prior to the approval of Partition application P24-08.
3. The applicant shall demonstrate that the buildings will meet Oregon residential specialty code.
4. The applicant shall provide separate utility connections for each dwelling.
5. The applicant shall sign a development agreement with the City of Sweet Home prior to the recording of the final plat.
6. During the review of partition proposals, The City shall require, as a condition of approval, the following improvements [SHMC 17.58.050]:
 - A. Private access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.
 - B. Street *frontage improvements*. The following improvements shall be required:
 1. Consistent with the adopted transportations plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.
 2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a development agreement with

The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.

3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a development agreement consistent with item (B)(2), above.
 - b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.
 - C. Public facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.
 - D. Completion requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.
7. All development shall comply with the applicable Sweet Home Engineering Standards and Sweet Home Development Standards at the time of development.
 8. A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application. The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees. No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition. [SHMC 17.98.060]
 9. Development of the subject parcels shall comply with all applicable local, state, and federal requirements.

V. ATTACHMENTS

- A. Subject Property Map
- B. Proposed Site Map
- C. Application Narrative
- D. Public Comment

The full record is available for review at the City of Sweet Home Community and Economic

Development Division Office located at City Hall, 3225 Main Street through Friday, excluding holidays.