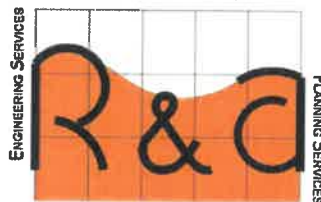


Live Oak
Subdivision Tentative Plan & Zoning Map Amendment
Application

Prepared for:
Cadwell Realty Group
C/O Jason Cadwell
226 NW Hickory Street
Albany, Oregon 97321

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 19, 2021

Project Summary

Request:	Application for approval of the tentative plat for the Live Oak Subdivision, an eight-lot residential development. Application for a Zoning Map Amendment to rezone the subject property from Residential Low-Density to Medium Density Residential.
Location:	Unassigned Linn County Assessor's Map No. 13s01e33A, Tax Lot 600
Applicant:	Jason Cadwell Cadwell Realty Group 226 NW Hickory Street Albany, Oregon 97321
Owner:	Linda S. Holley 607 7 th Avenue Sweet Home, Oregon 97386
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE Planner: Hayden Wooton dave@r-aengineering.com haydenw@r-aengineering.com

Exhibits:

A – Linn County Assessor's Map No. 13s01e33A
B – Aerial Photograph
C – City of Sweet Home Comprehensive Plan Map
D – City of Sweet Home Zoning Map
E – FIRM Panel No. 41043C0918G
F – National Wetland Inventory
G – Local Wetland Inventory

Plans:

Sheet 1.0 – Cover Sheet
Sheet 2.0 – Existing Conditions and Demolition Plan
Sheet 3.0 – Lot Layout
Sheet 4.0 – Utility Plan

I. Project Description

Cadwell Realty Group, the applicant, is proposing to subdivide 1.43 acres identified as Tax Lot 600 on Linn County Assessor's Map No. 13s01e33A into eight lots detached, single-family dwellings (Exhibit A). Presently, this property is an open grassy field with scattered shrubs and trees (Exhibit B). A 2,019-square-foot shed is located approximately 40 feet east of the western property line; although, this shed will be demolished with development of the site. Surrounding the shed is a gravel area intended to provide vehicle access from Live Oak Street to the structure.

This application will dedicate approximately 12,126 square feet as public right-of-way to extend Live Oak Street. Live Oak Street is currently a paved, two-lane road that terminates on the east and west boundaries of the subject property. However, these two sections of Live Oak Street were not constructed to the same standards. Marion Lake Estates Subdivision, west of the subject properties, dedicated a 50-foot-wide right-of-way and constructed a 31-foot-wide pavement section for vehicle traffic. Meanwhile, east of this project site, Foster View Estates Subdivision Phase II constructed a 28-foot-wide pavement section. The proposed subdivision will connect both sections of Live Oak Street to serve its proposed lots.

After dedication of right-of-way, the net land area of 50,164 feet will be divided into eight lots intended for the construction of detached, single-family homes. The resulting lots will vary in size, ranging from 5,277 square feet to 7,928 square feet, and be fairly rectangular in shape. These lots will be relatively level, as elevations on the property alternate between 627 feet and 628 feet above mean average sea elevation – with the exception of a small berm near the western property line where elevations increase slightly to 630 feet.

The proposed subdivision has been designed to comply with the standards set forth in the Medium Density Residential Zone (R3), because this subdivision is accompanied by an application for a Zoning Map Amendment to rezone the property from Residential Low-Density Zone (R1). As such, the subject property is currently zoned R1 despite its Comprehensive Plan Map Designation: Medium Density Residential (Exhibit C for City of Sweet Home Comprehensive Plan and Exhibit D for City of Sweet Home Zoning Map). All proposed improvements will be constructed in single phase of development.

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

II. Review Criteria for Map Amendments (SHMC 17.12.025)

The applicant is proposing to rezone the subject property from R1 to R3 and as mandated by SHMC 17.12.025, "an amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:"

[SHMC 17.12.025.A] *The proposed amendment is consistent with the goals and policies of the comprehensive plan.*

The following text, goals, and policies of the City of Sweet Home's Comprehensive Plan are applicable to the proposed zone change:

[Chapter 8: Plan Management Text] *Making the Comprehensive Plan a basic part of the community's planning process and an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:*

- a. *To accurately reflect changes in the community.*
- b. *To ensure integration with other policies, Zoning Codes, and Subdivision Codes.*

In recent years, the density of development has increased in the subject property's surrounding area. The oldest subdivision adjacent to the subject property is the Marion Lake Estates (Filed 1997); it created 20 lots in the R1 zoning district. However, beginning in the late 1990s with Foster View Estates Subdivision Phase I, subdivisions were developed to standards of the R2 and R3 zoning districts. Most development north, east, and south of the subject property consists of these higher density subdivisions including Foster View Estates Phase II, The Landing Phase I, the 47th Addition, and as previously mentioned, Foster View Estates Phase I. This series of higher density development indicates the needs and desires of the neighborhood are changing, straying away from low-densities and opting into medium and high density.

Along with mirroring recent development trends, the proposed zone change will increase the compatibility between the Zoning Code and Comprehensive Plan. The subject property is zoned R1 but designated Medium Density Residential; this designation and zone combination will result in development not in harmony with the Comprehensive Plan's vision for this area. Therefore, the proposed zoning map amendment is necessary to ensure the Zoning Code directly enforces the intent of the Comprehensive Plan.

[Plan Amendment Policy No. 5] *Property owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist:*

- a. *There is a need for the proposed change.*
- b. *The identified need can be best served by granting the change requested.*
- c. *The proposed change complies with the Statewide Planning Goals.*
- d. *The proposed change complies with all other elements of the City's Comprehensive Plan.*

Residential Land Use Policy No. 1 states "Residential areas will offer a wide variety of housing types in locations best suited to each housing type." Currently, this policy is not well supported by Sweet Home's allotment of residential designations. A change is necessary to better comply with this policy. "Table 6: Comparison of Land Supply by Plan Designation and Land Need," below, outlines Sweet Home's residential land supply by Comprehensive Plan designation.

Table 6
Comparison of Land Supply by Plan Designation and Land Need

	Low Density	Medium Density	High Density	Total
Needed Acres	88	58	10	155
Existing Acres	700	109	166	974
Surplus	612	51	156	819

Source: FCONorthwest, 2001

As demonstrated by this Table, Sweet Home has a surplus of residentially designated property with a total of 974 acres of existing residentially land. However, it is unsupportive of Residential Land Use Policy No. 1 because it fails to provide a wide variety of housing types due to homogenous zoning. 700 acres are designated Low Density, while only 109 are designation Medium Density. It may seem the subject property already contributes to the Medium Density land supply due to its designation, but it is unable to develop at the density intended by its designation as a result of its R1 zoning. Therefore, it does not aid in the City's ability to provide a wide variety of housing types. Because the vast majority of properties are designated low-density, the proposed amendment to medium density will help balance the distribution of residential land and provide a wider variety of residential development.

[SHMC 17.12.025.B] *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.*

Many of the properties surrounding the subject property have already experienced residential development, often in a medium or high-density zone, and the properties not currently developed are zoned for residential development. Therefore, the proposed amendment is consistent with existing and potential development in the area.

North: One residential parcel zoned Low Density Residential and designated Medium Density Residential by the City of Sweet Home. This parcel also abuts the Foster View Estates Subdivision, which is zoned and designated High Density Residential by the City of Sweet Home.

South: Individual residential lots fronting Airport Road zoned Low Density Residential and designated Medium Density Residential by the City of Sweet Home. Across from these lots, south of Airport Road, are several properties zoned and designated Medium Density Residential by the City of Sweet Home.

East: Foster View Estates Phase Two, an expansion Foster View Estates, is zoned and designated Medium Density Residential by the City of Sweet Home.

West: Marion Lake Estates Subdivision is zoned Low Density Residential and designed Medium Density Residential by the City of Sweet Home.

The proposed amendment will result in development that is similar in both type and density with the existing neighborhood. Therefore, the proposed amendment satisfies this condition.

[SHMC 17.12.025.C] *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

Existing public water and sanitary sewer lines are located in Live Oak Street, which terminates at the subject property's east and west boundaries. Infrastructure necessary to serve development could be easily and efficiently extended. Therefore, the proposed amendment satisfies this criterion.

[SHMC 17.12.025.D] *The proposed amendment to the comprehensive plan map is consistent with Oregon's Statewide Planning Goals.*

The subject property is designated Medium Density, and the proposed rezone will change the zoning district to R3. Therefore, no amendment to the comprehensive plan map is proposed. The proposed zone will be consistent with the existing comprehensive plan map designation.

III. Tentative Subdivision Plan Review Criteria (SHMC 16.16.040)

This section provides findings of fact demonstrating compliance with decision criteria set forth in subsections 16.16.040(A)-(I) because, as required in SHMC 16.16.040, "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."

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

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

[SHMC 16.16.040.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 Live Oak Subdivision'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), stormwater and surface drainage (SHMC 16.12.050) are all addressed in other subdivision criteria responses. Meanwhile, the project'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 herein by reference.

Lots and Parcels (SHMC 16.12.030) & Lot Size and Width (SHMC 17.30.040): The proposed subdivision will create lots intended for future development of detached, single-family dwellings. As required by SHMC 16.12.030(C), these lots will comply with residential lot size and width standards in Sweet Home Municipal Code Title 17.

Minimum Lot Size: In the R-3 zoning district, the minimum lot area for a single-family dwelling is 5,000 square feet. The smallest proposed lot is 5,277 square feet. Consequently, all the proposed lots are larger than the minimum lot size.

Minimum Lot Width: SHMC 17.28.040(E) states the appropriate width is sixty feet for an interior lot, and all proposed lots will be considered interior lots. The proposed widths range between 60 feet to 68 feet. Therefore, the proposed subdivision complies with these standards.

Easements (SHMC 16.12.035): With the exception of franchise utility easements, no easements are proposed in this tentative subdivision plan.

Off-Street Parking Requirements (SHMC 17.08.090): Compliance with off-street parking standards will be reviewed under an application for a building permit.

Access and Driveways (SHMC 17.08.100): Access to public right-of-way is subject to issuance of a Public Works Permit, so all proposed accessways will be reviewed for compliance with SHMC 17.08.100 upon construction of proposed improvements.

Uses Permitted Outright (SHMC 17.30.020): The proposed subdivision will create lots intended for future development of detached, single-family dwellings in the R3 zone. As described in SHMC 17.30.020(a), any use permitted outright in the R1 will also be considered permitted outright in the R3 zone. Single-family dwellings are an outright permitted use in the R3 zone per SHMC 17.24.020(a). Therefore, the proposed subdivision complies with this standard.

[SHMC 16.16.040.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 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.

[SHMC 16.16.040.D] *Adjoining land can be developed or is provided access that will allow its development in accordance with applicable city codes.*

At the time of this application, only one adjoining lot has not been developed. This lot, Tax Lot 503 on Linn County Assessor's Map No. 13s01e33A, has frontage on Manzanita Street and 45th Avenue. Therefore, it can be developed in accordance with this Code, and the proposed subdivision satisfies this criterion.

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

The proposed subdivision will be served by an extension of Live Oak Street, a local street that terminates on the subdivision's east and west boundaries. This subdivision will increase the circulation of traffic by constructing a street connection between two previously dead-end streets.

The Marion Lake Estates Subdivision dedicated a 50-foot right-of-way and constructed a 31-foot curb-to-curb width, a five-foot-wide sidewalk on both sides, and a four-foot landscape area on both sides. Meanwhile, the developers of Foster View Estates Subdivision constructed a 28-foot curb-to-curb width, a five-foot wide sidewalk on both sides, and no landscape strips within a 40-foot-wide right-of-way. The proposed street extension will continue the street section from the Marion Lake Estates Subdivision. However, the curb-to-curb width and landscape strip will narrow towards the eastern portion of the project to create a smooth connection to the other section of Live Oak Street. To the extent possible, while still providing smooth transitions, the proposed subdivision will construct a street that meets the design standards of SHMC Title 16. Therefore, the proposed subdivision satisfies this criterion.

[SHMC 16.16.040.F] *The location and design allows development to be conveniently served by public utilities.*

Public utilities are available to the subject property and will be extended through the proposed Live Oak Street connection to serve the proposed lots.

Water: An eight-inch waterline is located in both adjacent Live Oak Street stubs. This waterline will be extended through the subdivision.

Sanitary Sewer: An eight-inch sanitary sewer line is located in both adjacent Live Oak Street stubs. This sanitary sewer will be extended to each lot of the subdivision.

Stormwater Drainage: Runoff will be collected by stormwater management facilities located in the planter strip between the curb and sidewalk. The adequacy of these storm drainage systems will be analyzed during the preparation of construction documents.

[SHMC 16.16.040.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.*

The special features listed in this criterion are located within the boundaries of this subdivision (Exhibit E for FIRM Panel No. 41043C0918G, Exhibit F for National Wetlands Inventory, and Exhibit G for Local Wetlands Inventory). Therefore, this criterion does not apply to the proposed subdivision.

[SHMC 16.16.040.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 subdivision will be constructed in one phase of development. Therefore, this criterion does not apply to the proposed subdivision.

[SHMC 16.16.040.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 subdivision.

IV. City of Sweet Home Comprehensive Plan

Subdivision criterion SHMC 16.16.040(B) requires a tentative subdivision application to comply with the applicable goals and policies of the Sweet Home Comprehensive Plan. This section of the application narrative provides detailed findings of fact that demonstrate conformance with the applicable goals and policies of Comprehensive Plan.

General Development Policies

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.

As demonstrated by Sheet 2, Existing Conditions, public utilities and transportation improvements are located near or within the subdivision boundaries. No off-site improvements were necessary to provide adequate utility connections to the proposed site.

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 proposed subdivision includes the construction of public water, sanitary sewer, stormwater drainage, paved streets, curbs, sidewalks, gutters, and landscape strips. Installation of all listed improvements will be a condition of subdivision approval and at the expense of the developer.

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 proposed subdivision will construct electric power, telephone, and cable services underground.

Emergency vehicle and equipment access will be provided during any new development.

Emergency vehicle and equipment access will be provided via Live Oak Street, a public local street.

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. The proposed Live Oak Street connection continues the existing street alignment. No cul-de-sacs or hammerheads are proposed in this subdivision. As demonstrated by this application narrative, 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 Live Oak Street. All proposed lots comply with the standards prescribed in the R3 zoning district.

Residential Land Use Policies

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 subdivision criterion in Section III of this application narrative. Findings and conclusions from the above-cited section are incorporated herein by reference.

In medium-density residential areas, single-family dwellings and two-family dwellings on corner lots would be consistent with the prevailing character of developed areas and compatible with adjoining land

use in undeveloped areas. In these areas, the maximum net density shall not exceed nine dwelling units per acre.

The proposed subdivision will create eight lots on 1.43 acres of property. Consequently, the proposed subdivision does not exceed the maximum density set forth by this policy.

Transportation Policies

As a general guideline, all streets shall carry volumes and speeds at the appropriate range for all street classifications as described the Functional Classifications Guidelines.

The Transportation System Plan does not identify a collector or arterial street within the proposed subdivision boundary. Consequently, all proposed streets will be local streets intended to serve the internal circulation of the subdivision. The permitted speed was selected to comply with standards provides in SHMC 16.12.020.

The roadway design standards in the Transportation System Plan shall be implemented in the land development and land divisions ordinances for the development of future roadways facilities.

Roadway design standards in the Transportation System Plan are implemented using SHMC 16.12.020. The applicant has previously demonstrated compliance with these standards in Section IV of this application narrative. Findings and conclusions from the above-cited section are incorporated herein by reference.

V. 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 design of this subdivision. Therefore, we respectfully request approval of this application for a tentative subdivision plan and zoning map amendment.

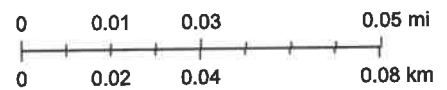
Exhibit B - Aerial Photograph



1/29/2021, 9:45:04 AM

1:2,257

-  Elevation Certificates
-  LOMAs
-  Railways
-  Highways
-  Roads
-  City Limits
-  Tax Lots
-  County Boundary

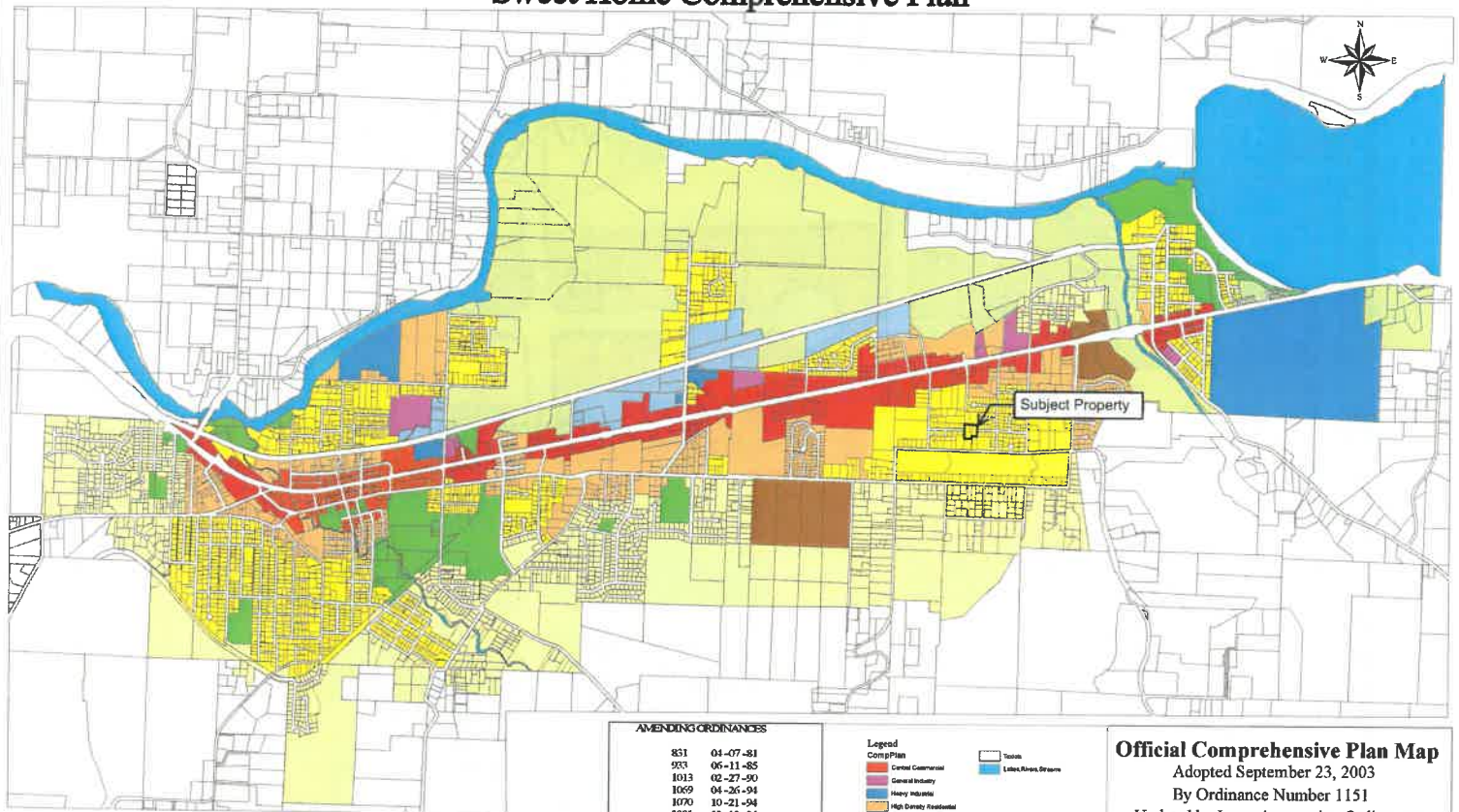


Linn County GIS

Map created using the Linn County Oregon web mapping application

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the

Sweet Home Comprehensive Plan



AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	05-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-99
1151	09-23-03
1197	12-11-07

Legend

Central Commercial	Trails
General Industrial	Water/Airways/Drains
Heavy Industrial	
High Density Residential	
Highway Commercial	
Light Industrial	
Low Density Residential	
Medium Density Residential	
Mixed Use Residential	
Neighborhood Commercial	
Public	

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Created By:

City of Sweet Home
Community Development

541-367-8113

Revised by SV 1/09/09

Official Comprehensive Plan Map

Adopted September 23, 2003

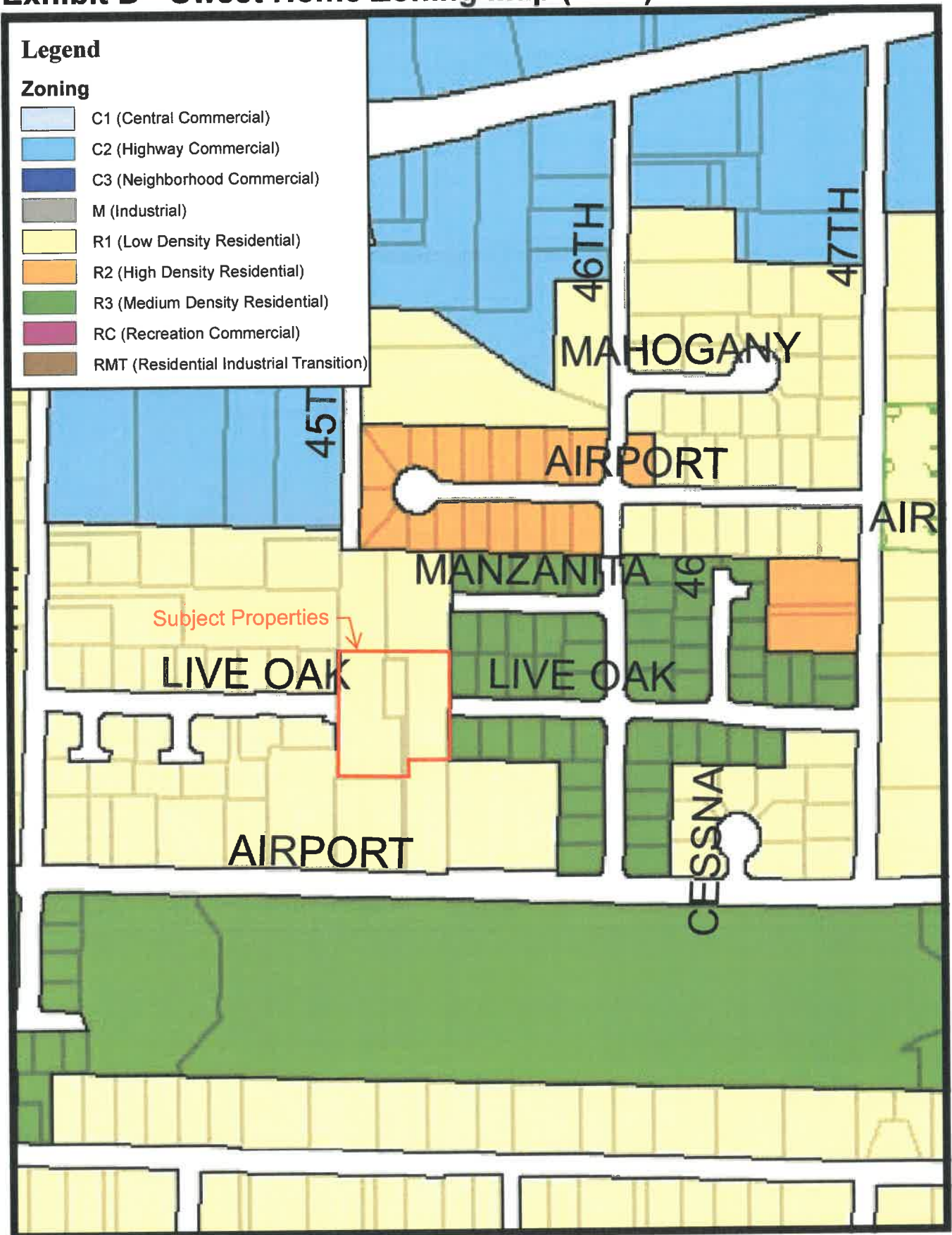
By Ordinance Number 1151

Updated by Later Annexation Ordinances

0 0.5 1 Miles

1 inch equals 0.32 miles

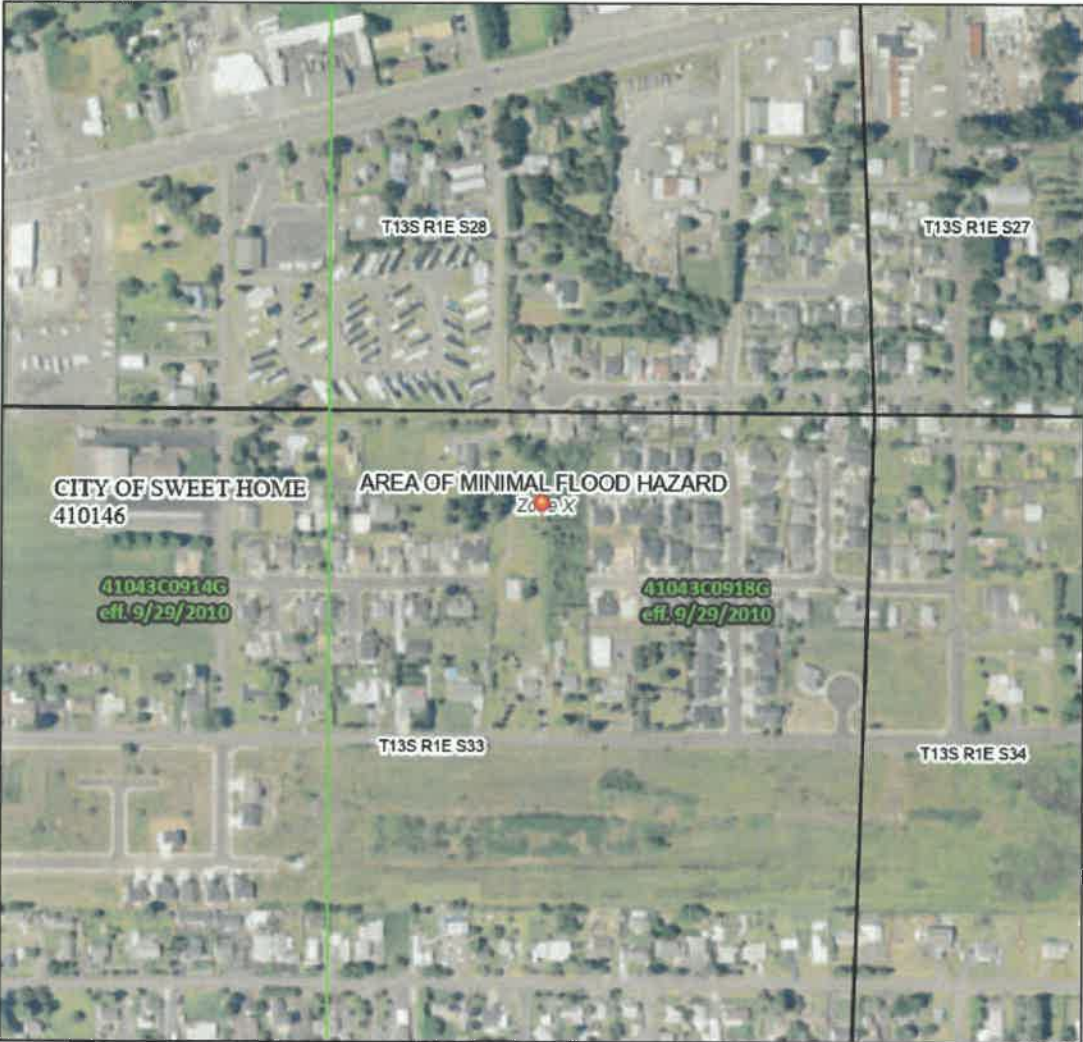
Exhibit D - Sweet Home Zoning Map (2015)



National Flood Hazard Layer FIRMMette



122°41'26"W 44°24'20"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee, See Notes, Zone X

Area with Flood Risk due to Levee Zone D

OTHER AREAS

NO SCREEN Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

OTHER FEATURES

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

MAP PANELS

Digital Data Available

No Digital Data Available

Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/17/2021 at 1:39 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



February 3, 2021

Wetlands

- | | | |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

