

Subdivision

Submittal Date: September 2024

Submitted To: Sweet Home
Planning Department

Project Location: 4901 Highway 20
Sweet Home, OR 97386

Applicant(s): Sweet Home Residential, LLC

Applicant's Land Use Representative: Britany Randall of BRAND Land Use
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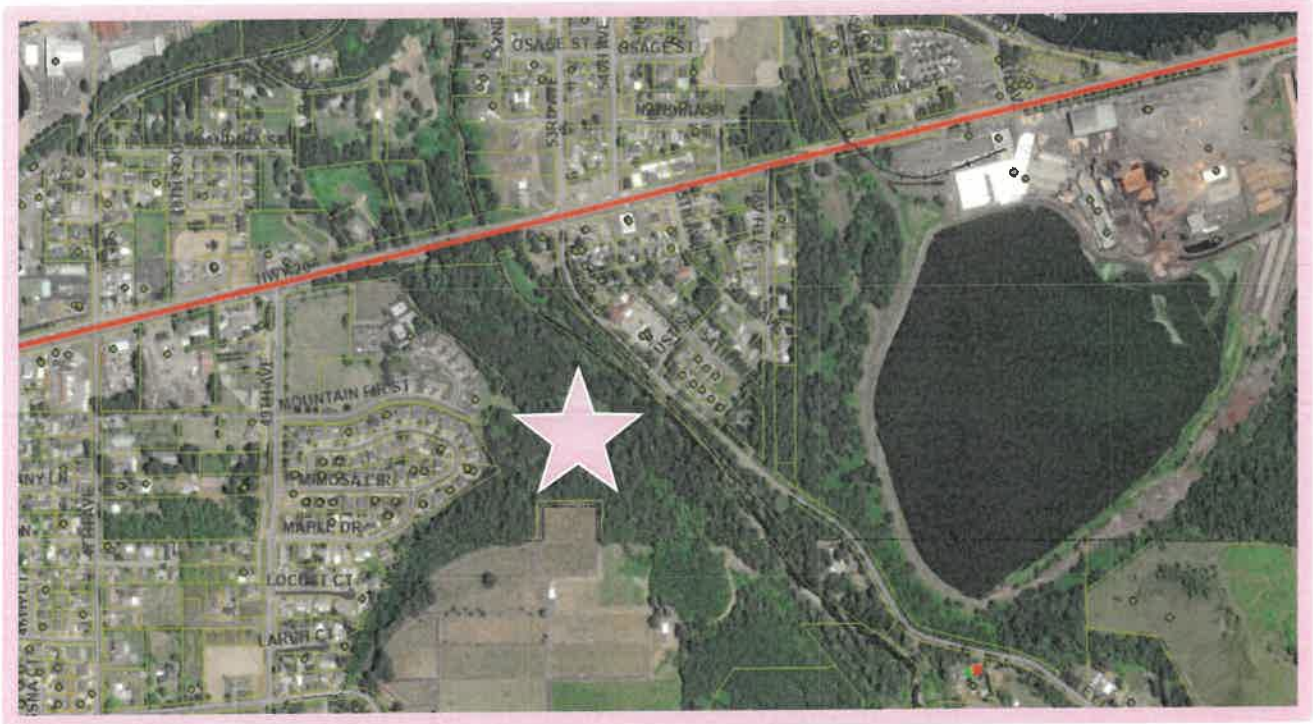
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Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant, Sweet Home Residential, LLC, is presenting a subdivision plan with six (6) lots and a remainder which will be further developed and divided in the future. This first phase is intended to prepare the new lots to be developed with housing, in line with the allowed densities of the Medium Density Residential Zone. The development site is located at 4901 highway 20, Sweet Home, OR 97386. The site can also be identified as Linn County Map and Tax Lot Numbers 13S01E27-C0-02500. The site is approximately 27.52 acres in size and zoned Medium Density Residential (R2) with a Natural Resources overlay.

Section 2: Findings Applicable to Subdivision

Chapter 17.12 – RESIDENTIAL MEDIUM-DENSITY ZONE (R-2)

Section 17.12.030 – SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-2 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.

- F. Manufactured homes on individual lots, subject to provisions in Chapter 17.66.
- G. Home occupations, subject to the provisions of Chapter 17.68.
- H. Residential accessory structures, subject to the provisions in Chapter 17.70.
- I. Residential accessory dwelling, subject to the provisions in Chapter 17.72.
- J. Temporary uses, subject to provisions in Chapter 17.74.
- K. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Applicant’s Findings: *The applicant is seeking approval of a 6-lot subdivision with the remainder of the property being a remnant for future land division and development. The applicant understands a subdivision within the R-2 zone is a special use and is subject to the provisions of Chapter 17.58. This narrative includes responses to the applicable approval criteria demonstrating approvability of the request and meeting the applicant’s burden of proof.*

Section 17.12.050 – DENSITY REGULATIONS

- A. *Single family and manufactured homes, duplexes.* No more than one residential structure per lot or parcel, other than an approved residential accessory dwelling.

Applicant’s Findings: *The applicant’s proposal includes the creation of lots for the future development of residential structures. The proposed shape and size of the new lots will accommodate the required setbacks and desired residential structures all within the boundary of the newly created lots. This criterion will be met.*

- B. *Other residential development.* Maximum of 12.0 dwelling units per net acre.

Applicant’s Findings: *The future development of residential units will follow the density requirements of this section.*

Section 17.12.060 – DIMENSIONAL STANDARDS

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-2 zone:
- B. On a flag lot, the inset front yard setback shall be a minimum of ten feet.
- 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.

Applicant’s Findings: *This application does not include a request to develop the residential structures on each of the proposed lots. However, the proposed lots are of substantial width, depth, and lot area to develop the structures the applicant is planning in the future while meeting the setback requirements. None of the lots proposed are flag lots. These criteria, as applicable, are met.*

Chapter 17.28 – NATURAL RESOURCES OVERLAY ZONE (NRO)
Section 17.28.030 – ACTIVITIES SUBJECT TO REVIEW

In the NRO zone, the following actions are subject to review. These shall be processed as a Type I application and subject to the standards contained in this Chapter and applicable provisions of the underlying zone:

- A. New structural development.
- B. Exterior expansion of any building or structure.
- C. Increases in impervious surfaces or storage areas.
- D. Grading, excavation or fill.
- E. Removal of native vegetation.

Applicant's Findings: Upon approval of the subdivision, the applicant will seek permission to grade the side which will include excavating and filling to extend the utilities and streets within the subdivision. The applicant understands that because their site falls within the Natural Resource Overlay (NRO) zone, these activities are subject to additional review.

Section 17.28.040 – EXCEPTIONS IN THE RIPARIAN ZONE

The following activities may be excepted from the requirements of this Chapter, if administrative review finds that they meet the standards listed in this Chapter.

- A. Drainage facilities, utilities, and irrigation pumps.
- B. Unimproved streets, roads, driveways, or paths.
- C. Water-related and water-dependent uses.
- D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- E. Removal of non-native vegetation and replacement with native plant species.
- F. Alteration of the area by placement of structures or impervious surfaces within the Riparian Zone upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures; providing that, the alterations not exceed 50% of the width of the riparian area, measured from the upland edge of the Zone.

Applicant's Findings: The applicant understands riparian requirements in Sweet Home follow Goal 5 Safe Harbor requirements which means protection extends 50-feet from the top of bank of the waterway. The plans included for review identify the ordinary high water line and the FEMA floodway zone and demonstrate work limits will not extend into these areas.

Section 17.28.050 – AGENCY REVIEW

Decisions made by The City of Sweet Home under this Chapter do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question.

- A. It is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained.
- B. The City will notify the Division of State Lands for development permits and other land use decisions affecting inventoried wetlands.

Applicant's Findings: *The applicant understands the State of Oregon will be notified about the development proposed on the site and any clearances or permits from the state are the responsibility of the development team.*

Section 17.28.060 – GENERAL DEVELOPMENT STANDARDS

- A. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property.

Applicant's Findings: *The applicant understands the City of Sweet Home follows the safe harbor methodology for setbacks from significant riparian corridors and wetlands. The applicant has identified the ordinary high water line mark on the site plans provided with this application package. The limits of work take into account the 50-foot safe harbor setbacks to these areas.*

- B. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event.

Applicant's Findings: *The applicant has taken into account the 50-foot setback for structures from the ordinary high water in a two-year event. This application does not include the request to build the residential structures on lots 1-6 but does include a request to extend utilities to serve the new development and construct new internal roads.*

- C. For an exception to be allowed, the applicant shall comply with the following requirements:
 - 1. Demonstrate that no other practicable access to the buildable area exists.
 - 2. Design roads, driveways, and paths to be the minimum width necessary while allowing for safe passage of vehicles and/or pedestrians.
 - 3. Consider the need for future extensions of shared access, access easements or private streets to avoid subsequent encroachments into a significant natural resource.
 - 4. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
 - 5. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering a significant natural resource.

6. *Utilities and Drainage Facilities.* Public and private utilities or drainage facilities may be placed when it is shown that no other practicable alternative location exists. If a utility or drainage facility is allowed, the following standards shall apply:
 - a. Demonstrate that no other practicable access exists.
 - b. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into a significant natural resource.
 - c. Removal of trees and native vegetation shall be avoided unless absolutely necessary. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - d. The existing grade of the land shall be restored after construction.
 - e. No stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
7. Structures or other non-conforming alterations existing fully or partially within a significant Natural Resource may be expanded provided the expansion occurs outside of a significant natural resource. Substantial improvement of a non-conforming structure in a significant natural resource shall require compliance with the standards of this Chapter.
8. Existing lawn within a significant natural resource may be maintained, but not expanded within the limits of a significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

Applicant's Findings: *The applicant is choosing to meet the safe harbor setback requirements without exception as demonstrated by the plans included with this application submittal. These criteria are not applicable.*

D. *Vegetation Removal and Replacement.*

1. Removal of non-native vegetation and replacement with native plant species is permitted.
 2. The replacement vegetation shall at a minimum:
 - a. Cover the area from which vegetation was removed.
 - b. Maintain or exceed the density of the removed vegetation.
 - c. Maintain or improve the shade provided by the vegetation.
- E. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from a licensed professional, and the Community Development Director or designee.

Applicant's Findings: *Within the riparian setback the applicant proposes to retain all existing vegetation. Though invasive underbrush, such as blackberries, may be removed in the future to allow native vegetation to thrive and build mature sustainable habitats.*

- F. The control or removal of nuisance plants should primarily be by non-chemical means (e.g., hand-pulling).
1. If non-chemical means fail to adequately control nuisance plant populations, environmentally safe herbicides may be used.
 2. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used.
 3. Herbicide applications must be applied according to manufactured specifications.

Applicant's Findings: *The applicant understands if they do remove invasive, non-native vegetation, the method of removal must primarily be by non-chemical means to preserve the habitat within the area. The applicant also understands they must first try non-chemical applications and if chemical applications are required, the guidelines above must be followed.*

Chapter 17.40 – GENERAL PROVISIONS

Section 17.40.020 – APPLICATION OF STANDARDS

- A. **Application.** The standards set forth in this Article shall apply to partitions; subdivisions; developments; commercial and industrial projects; single family dwellings, duplexes and multi family dwellings.
- B. **Alternatives to standards.** The application of these standards to a particular development shall be modified as follows:
1. Development standards which are unique to a particular use, or special use, shall be set forth within the applicable zone or in this Chapter.
 2. Those development standards which are unique to a particular zone shall be set forth in the Chapter governing that zone.

Applicant's Findings: *The applicant is proposing a six lot subdivision, with a remainder lot for future division and development. Because this application includes a subdivision, these provisions are triggered.*

Chapter 17.42 – STREET STANDARDS

Section 17.42.030 – GENERAL PROVISIONS

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in The City of Sweet Home. Unless otherwise modified through provisions in this Chapter, all streets shall be designed in conformance with the specific requirements of The City's Transportation System Plan and most current Engineering Standards.

- A. **Street layout.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

Applicant's Findings: As demonstrated by the existing conditions plan included with this application submittal, the site has significant topography. The proposed street layout takes the existing site conditions into account as well as the existing development pattern of surrounding properties. Mountain Fir Street terminates at the westerly portion of the site. The applicant proposes to extend Mountain Fir Street through the proposed subdivision which would terminate into a newly proposed "Street A" oriented north and south with two cul-de-sacs. The proposal meets the Public Works Design standards for a local street in alignment with the currently adopted Transportation System Plan from 2005.

- B. *Continuation.* Development proposals shall provide for the continuation of all streets, bikeways and accessways within the development and to existing streets, bikeways, and accessways outside the development.

Applicant's Findings: The applicant's proposal meets this criterion because the subdivision includes the extension of Mountain Fir Street which currently terminates at the westerly property line of the subject site. The subdivision also includes a new street to serve all future development of the site. The proposed extension of Mountain Fir Street and newly proposed "Street A" will meet local street standards with sidewalks on both sides. Local streets do not require bicycle lanes in accordance with the Sweet Home Transportation System Plan.

- C. *Future street extensions.* When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, these facilities shall be platted to a boundary of the subdivision or development. Further, the street may be platted without a turnaround unless the Public Works Department or local Fire District finds a turnaround is necessary for reasons of traffic safety.

Applicant's Findings: As the existing conditions plan and proposed subdivision plans demonstrate, the site is bound on all sides by existing developed land, a waterbody, the urban growth boundary, and Highway 20. Due to the site being bound on all sides, future street extensions are not possible. The applicant is proposing an emergency access road for fire which leads from the northern cul-de-sac to Highway 20.

- D. *Dead end streets.* The following shall apply:
 - 1. Dead end streets can be allowed only when the extension of street is not possible due to one or more of the following reasons:
 - a. A natural feature, such as a wetland, stream or steep slope makes it impractical for the street to be extended.
 - b. An existing structure or use is located on an adjacent parcel within the alignment of the proposed street.
 - c. An existing deed restriction or covenant or political boundary does not allow the extension of the street.
 - d. The alignment is approved as part of a Planned Development.

2. Reserve strips and street plugs may be required to preserve the objectives of dead-end streets.

Applicant's Findings: *The applicant's proposed plans demonstrate the dead end streets proposed within the subdivision are appropriate due to the site being bound to the east by a waterbody (a), an existing use being Highway 20 to the north (b), and a political boundary being the urban growth boundary (c) to the south. For each of these reasons, the proposed cul-de-sacs are appropriate and the surrounding conditions meet these standards for a proposal of dead end streets.*

- E. **Alignment.** All streets other than local streets or cul-de-sacs, shall be in alignment with existing streets by continuation of the centerlines to the maximum extent feasible. The staggering of street alignments resulting in "T" intersections shall be avoided wherever practical. However, when not practical, the staggering of street alignments resulting in "T" intersections shall meet with the approval of the City Engineer and ensure compliance with accepted traffic safety standards.

Applicant's Findings: *For the reasons mentioned above including the site being bound to the east by a waterbody, an existing use being Highway 20 to the north, and a political boundary being the urban growth boundary to the south, the proposal includes two cul-de-sacs. The applicant's civil engineer has proposed Mountain Fir Street to reach its terminus into the "T" intersection of newly proposed "Street A". Because all streets are local streets and they are proposed to prescriptively meet local street standards, the applicant does not believe the proposal will cause traffic safety issues.*

- F. **Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 80 degrees shall require approval of the City Engineer. All tangent calculations and curb radii shall comply with Engineering Standards.

Applicant's Findings: *The applicant's proposal meets the city's desire for streets to intersect at right angles. This is demonstrated on the proposed plans included with this application submittal.*

- G. **Existing streets.** Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision, partitioning, or development.

Applicant's Findings: *There are not substandard streets abutting the site that the applicant is able to dedicate additional right-of-way for. The street extensions proposed meet the ROW standard widths for local streets. This criterion is not applicable.*

- H. **Half streets.** Half streets may be approved where essential to the reasonable development of an area and when The City finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half

street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Specific improvement requirements are contained in Chapter 17.42.050. Reserve strips and street plugs may be required to preserve the objectives of half-streets.

Applicant's Findings: *None of the streets proposed are half streets. This criterion is not applicable.*

- I. *Cul-de-sacs.* Cul-de-sacs are not encouraged and allowed only where no other reasonable alternative exists. Where permitted, a cul de sac shall have maximum lengths of 800 feet and terminate with a circular turn-around. Cul-de-sacs over 400 feet in length shall provide accessways to provide connectivity to adjacent streets and uses, unless physical constraints preclude a pedestrian/bicycle accessway. The Fire Code may establish additional standards.

Applicant's Findings: *Newly proposed "Street A" runs north and south with both extensions terminating into cul-de-sacs. Neither street extension exceeds 400 feet in length. Along the northerly cul-de-sac, the subdivision includes an emergency access stubbing from the end of the cul-de-sac to Highway 20. The applicant has demonstrated through previous findings and on the plans provided that cul-de-sacs are the only option to safely serve the proposed subdivision and future land divisions.*

- J. *Street names.* Street names and numbers shall conform to regulations contained in the Sweet Home Municipal Code Chapter 12.20.

Applicant's Findings: *At the time the applicant names the newly proposed street, the naming convention will be followed.*

- K. *Grades and curves.* Grades shall conform with City of Sweet Home Engineering Standards.

Applicant's Findings: *The applicant's civil engineer utilized the city's design standards when designing the proposed internal street system. Street design details are included with this application submittal for the city's review. Additional construction detail will be prepared and submitted to the city at the time of construction permit request.*

- L. *Marginal access streets.* If a development abuts or contains an existing or proposed arterial street, The City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Applicant's Findings: *The conditions described in this criterion do not exist within the subject site, making this criterion inapplicable to the proposed subdivision application.*

M. *Lots abutting a partial street.* Development of property abutting an existing public street which does not meet the minimum right-of-way standards, shall include sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right of way width.

Applicant's Findings: *There are not substandard streets abutting the site that the applicant is able to dedicate additional right-of-way for. The street extensions proposed meet the ROW standard widths for local streets. This criterion is not applicable.*

N. *Unimproved street.* Development of property adjacent to an unimproved right-of-way shall require the installation of an improved surface to meet fire code requirements and the submittal of a development agreement to participate in future street improvements, conforming to the regulations in SHMC 17.58.050(B)(2).

Applicant's Findings: *The subject site does not include unimproved streets. The applicant is proposing to extend Mountain Fir Street and construct a newly proposed local street to serve the proposed subdivision. This criterion is not applicable.*

Section 17.42.080 – SIDEWALKS

Public sidewalk improvements are required for all property development in The City of Sweet Home and along Arterial and Collector streets. Sidewalks may be deferred by The City where future road or utility improvements will occur and on property in the rural fringe of The City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by The City or is obligated to pay their fair share if sidewalks are installed by The City at a later date.

A. Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the Public Works Department determines that full right-of-way acquisition is impractical.

Applicant's Findings: *In accordance with the city's transportation system plan, local streets are required to include 5-foot sidewalks on both sides of the street within the 50-foot right-of-way. The applicant is proposing street extensions throughout the proposed subdivision which meets the city standard. This criterion is met.*

B. Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.

Applicant's Findings: *The site plan included with this application demonstrates the sidewalks will align with the existing sidewalk along Mountain Fir Street. This criterion is met by the proposal.*

C. Sidewalks width and location, including placement of any landscape strip, shall comply with City of Sweet Home Engineering Standards.

Applicant's Findings: *In accordance with the city's transportation system plan, local streets are required to include 5-foot sidewalks on both sides of the street within the 50-foot right-of-way. The applicant is proposing street extensions throughout the proposed subdivision which meets the city standard. This criterion is met.*

- D. Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the front yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.

Applicant's Findings: *The applicant understands planter strips and the remaining right-of-way must be landscaped and maintained as part of the front yards abutting properties. Furthermore, the applicant understands the maintenance of these areas are the responsibility of abutting property owners. This criterion will be met.*

- E. *Mid-block crosswalks.* The City may require mid-block crosswalks for long blocks or to provide access to schools, parks, shopping centers, public transportation stops or other community services.

Applicant's Findings: *The newly proposed internal street system includes sidewalks throughout the development which will result in a complete and safe pedestrian network. It is not anticipated mid-block crosswalks will be a requirement.*

- F. Internal pedestrian circulation and accessways shall be provided within all commercial, multifamily and planned developments.

Applicant's Findings: *This application is for a residential subdivision; this criterion is not applicable.*

Chapter 17.46 – STORM DRAINAGE AND GRADING

Section 17.46.020 – SCOPE

The provisions of this Chapter shall apply to all partitions, subdivisions, multi family developments, commercial developments and industrial development; and to the reconstruction or expansion of such developments.

Applicant's Findings: *The applicant is proposing a five lot subdivision with a remainder lot which will be developed further in the future. The subdivision proposal triggers the applicability of this section.*

Section 17.46.030 – PLAN FOR STORM DRAINAGE AND EROSION CONTROL

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. This plan shall contain at a minimum:

- A. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- B. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for The City to review the adequacy of the storm drainage plans.
- C. Calculations used by the engineer in sizing storm drainage facilities.

Applicant’s Findings: *The applicant has hired a licensed civil engineer to design the storm drainage system and grade the site. The plans included with this application submittal include preliminary utility plans and preliminary grading plans for review and approval by the city. The development team understands plans submitted at this stage are preliminary and final designs will be provided with construction permits as this project moves into the next phase. The plans included provide the minimum information required by this section.*

Section 17.46.050 – GRADING

- A. Grading Permits are required for the following activities and shall be subject to City of Sweet Home Public Works Standards.
 - 1. Grading in excess of 50 cubic yards;
 - 2. Grading potentially impacting, Riparian Areas, Drainage ways, Flood Hazard Areas or Greenways;
 - 3. Grading that could possibly impact adjacent properties;
 - 4. Grading proposed over public storm drains, sanitary sewers or water lines;
 - 5. Grading requiring tree removal;
 - 6. Other areas with potential impacts as determined by The City as part of a land use review;
 - 7. Land partitions and subdivisions.
- B. If the approved grading activity is associated with a building permit, a final grading inspection shall be required prior to issuance of certificate of occupancy.

Applicant’s Findings: *The applicant understands they will need to obtain a grading permit due to the amount of disturbance required to install the utilities and proposed street extensions. These installations alone trigger the requirement with additional grading being required to prep lots 1 through 5 for future development of residential structures. This criterion will be met.*

Chapter 17.48 – UTILITY LINES AND FACILITIES

Section 17.48.030 – PUBLIC FACILITY IMPROVEMENTS

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.

Applicant's Findings: *The applicant's civil engineer has prepared preliminary plans for review by the city. The engineer has demonstrated compliance with the City of Sweet Home Engineering Standards. Because these plans are preliminary, if the Director of Public Works (or their designee) requests a modification, those can be discussed and made as needed. This criterion is met.*

Chapter 17.56 – YARD AND LOT STANDARDS

Section 17.56.010 – NEW BUILDINGS SHALL BE ON A LOT

Every building erected shall be located on a lot as herein defined.

Applicant's Findings: *The proposed lots have a shadow plan provided of the desired future development. The shadow plan demonstrates the proposed lot width, depth, and area is adequate to serve the proposed future development. This criterion will be met at the time of construction.*

Section 17.56.060 – VISION CLEARANCE

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following:

- A. **Measurement.** A clear vision area at an intersection shall be the triangular area established according to the following procedure:
 1. A line extending a certain number of feet from the intersection along a public street right-of-way;
 2. A line extending a certain number of feet from the intersection along the intersecting access;
 3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in 1. and 2., above.

Applicant's Findings: *The applicant understands the method required for measuring the vision clearance triangle and followed these procedures to ensure compliance with this section.*

- B. **Street-driveway.** The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the driveway.

Applicant's Findings: *The application materials do not specifically delineate the vision clearance triangles applicable to the future driveways which will be constructed on each of the lots. However, the applicant does demonstrate a 20-foot setback from the street will be met to each new structure. Furthermore, the applicant will consider the vision clearance areas when installing vaults, light poles, mailboxes, and landscaping to ensure the safe passage of all modes of transportation in accordance with the provisions of this section.*

- C. *Street-alley.* The clear vision area for street-alley intersections shall be 10 feet along the alley from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the alley.

Applicant's Findings: *The proposal does not propose alleys for access and there are no existing alleys, this criterion is not applicable.*

- D. *Street-private access easement.* The clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the access easement.

Applicant's Findings: *No private access easements are proposed, this criterion is not applicable.*

- E. *Corner lots (street-street intersection).* The clear vision area for corner lots shall be 20 feet along the right-of-way of each intersecting street.

Applicant's Findings: *Lot 3 is the only corner lot currently proposed within the subdivision. At the time of building permit submittal for the new building, the applicant will demonstrate compliance with the corner lot vision clearance triangle of 20-feet along the right of way at the intersection of Mountain Fir Street and newly proposed "Street A".*

- F. *Prohibited development.* A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:
1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
 2. Telephone, power, and cable television poles; and
 3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

Applicant's Findings: *The applicant understands vision clearance areas must be void of any planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb. The requirements of vision clearance will be met.*

- G. *Exemption.* Clear vision areas shall not be required at intersections containing traffic signals.

Applicant's Findings: *The newly proposed intersection within the subdivision will not be controlled with a traffic signal, this exemption is not applicable.*

Chapter 17.58 – LAND DIVISIONS
Section 17.58.020 – SCOPE

The provisions of this Chapter shall apply to all partitions and subdivisions within The City of Sweet Home. The following shall determine the appropriate process and design standards:

- A. *Partition.* 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.
- B. *Subdivision.* A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.
- C. *Serial partition.* If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original, the request shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

Applicant's Findings: *The applicant is seeking approval to divide the subject property into five lots with a remainder (six lots), with the remainder being reserved for future land division. This application is for a subdivision. The applicant has demonstrated compliance with the applicable provisions within this narrative.*

Section 17.58.030 – STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

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

Applicant's Findings: *As shown on the plans provided, Lot 1 is proposed to be 24,606 square feet, Lot 2 is proposed to be 26,806 square feet, Lot 3 is proposed to be 9,722 square feet, Lot 4 is proposed to be 14,303 square feet, Lot 5 is proposed to be 22,568 square feet, and the remainder lot is proposed to be 1,216,112 square feet. The underlying zoning of the site is R-2. In accordance with 17.12.060 Dimensional Standards, 2,500 square feet per dwelling is the minimum lot area required. The proposed lots exceed the minimum requirement, in most cases by 50 percent in order to account for the topography of the sites and still provide usable open space.*

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

Applicant's Findings: In accordance with the R-2 zone, corner lots require a minimum 70-foot width and other lots require a minimum 60-foot width. The proposed corner lot (3) provides a 60-foot depth and 50-foot width. Although smaller than the requirement, the average widths within the subdivision greatly exceeds the minimum and the applicant has demonstrated the proposed structure can be placed on Lot 3 while still meeting the required setbacks. However, if averaging widths is not acceptable to the city, the applicant can revise the width of Lot 3.

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

Applicant's Findings: Each of the newly proposed lots will have access to the newly constructed public streets within the subdivision meeting this criterion.

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

Applicant's Findings: None of the lots proposed are flag lots. This criterion is not applicable.

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

Applicant's Findings: Through lots are not proposed. This criterion is not applicable.

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

Applicant's Findings: Sheet C-9, included with this application submittal demonstrates the lots proposed under this application and shadows in the potential for future division of the remaining property. As demonstrated, as far as practicable, the side lot lines run at right angles to the public street proposed to serve the subdivision. The only exception to this is where the street curves and there the cul-de-sac meets the future proposed lots. This criterion is met.

- 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 Findings: *The applicant's licensed surveyor will provide all required easements on the final plat prior to recordation in accordance with ORS and City of Sweet Home standards. This criterion will be met.*

Section 17.58.040 – ADDITIONAL STANDARDS FOR SUBDIVISIONS

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

Applicant's Findings: *The plans included with this application submittal demonstrate future constructability of each proposed lot. The applicant proposes lots of adequate width, depth, and square footage to accommodate the residential structures they desire to build. Additionally, vision clearance requirements are met by the proposal and the applicant has taken into account site distance when demonstrating proposed driveway locations as the site has significant topography. Due to constraints listed previously in this narrative and shown on the plans, the applicant is limited to providing two cul-de-sacs at both the north and south terminus of newly proposed "Street A". The cul-de-sacs allow vehicles to turn around without backing up, preventing instances of vehicular and pedestrian conflicts. This criterion is met.*

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

Applicant's Findings: *The applicant's site could be considered an infill site because it is bound by development or areas which cannot be crossed on all sides. The site is bound to the east by a waterbody, an existing use being Highway 20 to the north, and a political boundary being the urban growth boundary to the south, the proposal includes two cul-de-sacs. The applicant's civil engineer has proposed Mountain Fir Street to reach its terminus into the "T" intersection of newly proposed "Street A". Because all streets are local streets and they are proposed to prescriptively meet local street standards, the applicant does not believe the proposal will cause traffic safety issues. The extension of Mountain Fir Drive will exceed the desired block length of 500 feet but does not exceed the maximum of 1,000 feet. The applicant has proposed an intersection with a new street at the earliest point on the site possible given the shape, size, topography, and surrounding conditions of the subject property.*

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

Applicant’s Findings: Due to constraints listed previously in this narrative and shown on the plans, the applicant is limited to providing two cul-de-sacs at both the north and south terminus of newly proposed “Street A”. The cul-de-sacs allow vehicles to turn around without backing up, preventing instances of vehicular and pedestrian conflicts. The applicant’s site could be considered an infill site because it is bound by development or areas which cannot be crossed on all sides. The site is bound to the east by a waterbody, an existing use being Highway 20 to the north, and a political boundary being the urban growth boundary to the south, the proposal includes two cul-de-sacs. The applicant’s civil engineer has proposed Mountain Fir Street to reach its terminus into the “T” intersection of newly proposed “Street A”. Because all streets are local streets and they are proposed to prescriptively meet local street standards, the applicant does not believe the proposal will cause traffic safety issues.

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

Applicant’s Findings: The applicant provides cul-de-sacs to serve the site and does not anticipate the city will be required to implement the techniques listed above.

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

Applicant’s Findings: The streets within the subdivision are local streets. This criterion does not apply.

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

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

Applicant's Findings: *The streets within the subdivision are local streets. This criterion does not apply.*

Section 17.58.060 – IMPROVEMENT REQUIREMENTS – SUBDIVISION

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

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

Applicant's Findings: *The applicant is proposing to extend Mountain Fir Street into the subdivision and also construct a new north/south oriented street. The applicant proposes full street improvements to accommodate the currently proposed lots 1 through 5 and all future division and development of the remainder of the site.*

2. *Project streets.* Streets within the subdivision shall be constructed as required by City Engineering Standards.
3. *Monuments.* Monuments shall be established as required by the Engineering Design Standards.
4. *Surface drainage and stormwater system.* Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.
5. *Sanitary sewers.* Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with

the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

6. *Water system.* Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.
7. *Sidewalks.* Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.
8. *Street lights.* The installation of street lights is required at locations, and of a type required by City standards.
9. *Street signs.* The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.
10. *Other requirements.*
 - a. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.
 - b. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

Applicant's Findings: *Newly proposed streets have been designed by the applicant's civil engineer who utilized the city's Public Works Design Standards. The plans included in this application submittal include details demonstrating each of these required elements is met.*

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

Applicant's Findings: The applicant understands their improvements must meet the city's design standards. The plans demonstrate improvements proposed meet the applicable standards and the applicant intends to install the proposed improvement prior to final plat of the proposed subdivision.

Chapter 17.110 – SUBDIVISIONS AND PLANNED DEVELOPMENTS

Section 17.110.050 – DECISION CRITERIA – SUBDIVISION

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

Applicant's Findings: The applicant has provided responses to the applicable dimensional standards of the underlying R-2 zone of the subject property. The findings demonstrate compliance with the applicable criteria.

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

Applicant's Findings: Page 16 of this narrative provides findings to the applicable standards for land division of Chapter 17.58. This criterion is met.

- C. Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.

Applicant's Findings: There are no existing buildings within the subdivision area. This criterion is not applicable.

- D. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, consideration will be given to extending appropriate access to those properties in accordance with adopted City policy.

Applicant's Findings: The applicant's civil engineer has demonstrated the proposal includes extending city services throughout the newly proposed streets in order to serve lots 1 through 5 but will also serve any future division or development on the remainder lot. The proposal meets this criterion.

Section 3: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof required by the Sweet Home Development Code and demonstrated how the proposed tentative subdivision plan not only satisfies all applicable criteria but would also be a benefit to the community by providing diverse and needed housing types within the area.