



Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting to subdivide an approximately 1,198,771 square foot (27.52 acres) property into 5 lots plus a remainder lot. 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 subject property is located at 4901 Hwy 20 and is identified by Linn County Tax Assessor’s Map No. 13S01E27C Tax Lot 2500. Lot sizes would range in size from 9,722 square feet to 26,806 square feet. The remainder lot shall be approximately 1,216,112 square feet (per Sheet C-9). All lots would be eligible to be developed with the permitted uses in the Residential Medium Density Zone (R-2) [SHMC 17.12.020].

- APPLICANT:** BRAND Land Use, LLC – Brittany Randall
- PROPERTY OWNER:** Sweet Home Residential LLC
- FILE NUMBER:** SD24-02
- PROPERTY LOCATION:** 4901 Hwy 20, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E27C Tax Lot 02500.
- REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.12, 17.28, 17.42, 17.58.030, 17.58.040, 17.58.060, 17.58.070, 17.110.040, 17.110.050, 17.110.070, 17.110.080 and 17.126.
- HEARING DATE & TIME:** **November 21, 2024, at 6:30 PM**
- HEARING LOCATION:** City Hall Council Chambers, 3225 Main Street, Sweet Home, Oregon 97386
- STAFF CONTACT:** Angela Clegg, Planning & Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov
- REPORT DATE:** November 14, 2024
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I. PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting to subdivide an approximately 1,198,771 square foot (27.52 acres) property into 5 lots plus a remainder lot. 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. Lot sizes would range in size from 9,722 square feet to 26,806 square feet. The remainder lot shall be approximately 1,216,112 square feet. The subject property is located at 4901 Hwy 20 and is identified by Linn County Tax Assessor’s Map No. 13S01E27C Tax Lot 2500.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Mixed Use Employment
Property North	Residential Low Density (R-1) Highway Commercial (C-2) Recreation Commercial (RC)	Mixed Use Employment Mixed Use
Property East	Residential Low Density (R-1) Highway Commercial (C-2)	Highway Commercial Medium Density Residential General Industry
Property South	Linn County	Linn County
Property West	Residential Low Density (R-1) Residential Medium Density (R-2) Highway Commercial (C-2)	High Density Residential Mixed Use

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0918G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.

Wetlands: The subject property does show local wetlands/waterways on the property.

Wiley Creek abuts the far east boundary of the subject property. Listed on the Sweet Home Wetlands Inventory Map as WC-3A

The Sweet Home GIS wetland layer shows a significant wetland in the Wiley Creek Basin. The Sweet Home GIS floodway layer shows a 100-year floodway approximately 200 feet across Wiley Creek (approximately 100 feet from center stream on each side). The Sweet Home GIS overlay layer shows the subject property is in the Natural Resource Overlay Zone and subject to the requirements in SHMC 17.28.

This property has an active wetland delineation on it (DSL file WD2022-0548), which expires 4/10/28. Based on review of the submitted site plans, this phase of proposed construction may have impacts to "Wetland 3". However, even if impacts to wetlands are avoided in this phase, the design appears to "lock in" a construction design that will lead to direct impacts of wetlands/waters in a future phase. Ultimately, the overall project may require a permit application for wetland removal-fill.

Access: The subject property has direct access from Mountain Fir Street and emergency access to Highway 20 via a future easement.

Services: City water and sewer are available in Mountain Fir Street and Highway 20.

Street: Mountain Fir Street will be extended and connect to 'Street A' (see Attachment B). Street A shall be renamed prior to development.

TIMELINES AND HEARING NOTICE:

Application Received: October 16, 2024

Application Deemed Complete: October 17, 2024

Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: October 21, 2024

Notice Published in New Era Newspaper: October 30, 2024

Date of Planning Commission Hearing: November 21, 2024

120-Day Processing Deadlines: February 14, 2025

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
Engineering:**

I will need to see more information on the tie in location for the force main coming from the proposed lift station.

Gravity sewer mains inside subdivision are recommended to be 8" PVC D3034 material, with no less than .4% of slope on any run, and cut-in wye fitting connections for all lateral service lines.

8" PVC-C900 water line with saddle taps for all service lines will be required, with a fire hydrant needed in the NW cul-de-sac due to distance from any existing, or proposed hydrants, as well as proximity to the proposed lift station.

**Ray Grundy
Building Division:**

Building has no comments or concerns at this time.

**Sweet Home Fire
District:**

No comments as of the issuance of this staff report.

Public Comments: Attachment D.

III. REVIEW AND DECISION CRITERIA

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

17.110.040 SUBMITTAL REQUIREMENTS

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

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

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

Applicants Comments: See Attachment C, Page 3. 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. 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. The future development of residential units will follow the density requirements of this section. 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. [SHMC 17.12].

Staff Findings: The applicant submitted Application SD24-02 on October 16, 2024. Staff reviewed the submittal and deemed the application complete on October 17, 2024.

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 Comments: See Attachment C, Page 22. 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.

Staff Findings: The proposed subdivision is zoned Residential Medium Density (R-2). The density regulations for a residential development for single family and manufactured homes, and duplexes are no more than one residential structure per lot or parcel, other than an approved residential accessory dwelling. Density for other residential development is a maximum of 12.0 dwelling units per net acre. Duplexes shall count as one dwelling unit for purposes of density calculation. The minimum lot area for a single-family dwelling, manufactured home or duplex is 5,000 square feet. The minimum lot area for an attached dwelling is 2,000 square feet. The minimum lot area for multifamily is 2,500 square feet per unit. The minimum width at building line on a corner lot is 70 feet, the minimum width at building line on an interior lot is 60 feet, and the minimum width at building line for an attached dwelling is 25 feet.

Tax Lot 2500 is approximately 27.52 acres, and the maximum density allowed shall be 324 dwelling units. The applicant is proposing a subdivision consisting of 5 lots plus 1 remainder lot. Lot sizes would range in size from 9,722 square feet to 26,806 square feet. The lot width at building line varies between lots, however staff recommends a condition of approval that lot width at building line be no less than the requirements in SHMC 17.12.060 the minimum shall be no less than 60 feet.

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.

Applicants Comments: See Attachment C, Page 22. Page 16 of this narrative provides findings to the applicable standards for land division of Chapter 17.58. This criterion is met.

Staff Findings: Findings for SHMC 17.58 standards are found on pages 6-14 of this Staff Report.

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

Applicant Comments: See Attachment C, Page 22. There are no existing buildings within the subdivision area. This criterion is not applicable.

Staff Findings: There are no existing buildings nor development proposed with this application. Building setback requirements will be reviewed during the development phase.

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 Comments: See Attachment C, Page 22. 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.

See Attachment C, Page 14. 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.

Staff Findings: There is available water, sewer, and storm water in Mountain Fir Street.

Per the Public Works Engineering comments in Section II: Public Works will need to see more information on the tie in location for the force main coming from the proposed lift station. Gravity sewer mains inside subdivision are recommended to be 8" PVC D3034 material, with no less than .4% of slope on any run, and cut-in wye fitting connections for all lateral service lines. 8" PVC-C900 water line with saddle taps for all service lines will be required, with a fire hydrant needed in the NW cul-de-sac due to distance from any existing, or proposed hydrants, as well as proximity to the proposed lift station.

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

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

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

Applicant Comments: See Attachment C, Page 16. 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.

Staff Findings: The subject lots are zoned Residential Medium Density (R-2). The minimum lot area in the R-2 Zone is 5,000 square feet for single family and duplexes, 2,000 square feet for attached dwellings, and 2,500 square feet for multifamily (3 or more). Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 9,722 square feet to approximately 26,806 square feet.

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

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

Applicant Comments: See Attachment C, Page 17. 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.

Staff Findings: Boundary measurements are not shown on the preliminary plat sheet C-9, however based on the submitted site plans (attachment B) and according to the applicant's narrative, the depth of the proposed lots are not 3 times greater than the width. Staff recommends a condition of approval that the applicant provide all boundary measurements on the final plat.

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

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

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

Applicant Comments: See Attachment C, Page 17: Each of the newly proposed lots will have access to the newly constructed public streets within the subdivision meeting this criterion.

Staff Findings: The proposed site plan shows that all lots shall have either direct access to Mountain Fir Street or 'Street A' (to be renamed prior to development).

Based on the above findings, the application complies with 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 Comments: See Attachment C, Page 17: None of the lots proposed are flag lots. This criterion is not applicable.

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

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

Applicant Comments: See Attachment C, Page 17. Through lots are not proposed. This criterion is not applicable.

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

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

Applicant Comments: See Attachment C, Page 17. 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.

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

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

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

Applicant Comments: See Attachment C, Page 18. 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.

Staff Findings: Attachment B, Sheet C-8, shows the preliminary utility plan. Staff recommends a condition of approval that all access and utility easements be shown on the final plat.

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

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 Comments: See Attachment C, Page 18. The plans included with this application 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.

Staff Findings: The subject lots are zoned Residential Medium Density (R-2). The minimum lot area in the R-2 Zone is 5,000 square feet for single family and duplexes, 2,000 square feet for attached dwellings, and 2,500 square feet for multifamily (3 or more). Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 9,722 square feet to approximately 26,806 square feet. The lot sizes provide adequate building sites for single-family dwellings, duplexes, and multi-family. Based on the submitted site plans (attachment B), the applicant has proposed a local street width of 50 feet. Staff finds that the length, width and shape of the block provide adequate building sites, and the applicant considered safe pedestrian and bicyclist traffic, convenient access and traffic circulation. Based on the above findings, staff find that the application complies with these criteria.

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

Applicant Comments: See Attachment C, Page 18. 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.

Staff Findings: Based on the submitted site plans (attachment B), the length of the subdivision block along Mountain Fir Street, as measured from the scale provided on Sheet C-9, is approximately ±500 feet. The proposed length is similar and, in some cases, shorter in length than blocks in the surrounding neighborhoods.

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

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

Applicant Comments: See Attachment C, Page 19. 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.

Staff Findings: The attached site plan (attachment B) indicates a 50-foot right-of-way with curb and sidewalk along Mountain Fir Street and ‘Street A’ (to be renamed prior to development). Street connectivity, on the subject property, is limited to Mountain Fir Street. Cul-de-sacs on each end of ‘Street A’ shall allow for neighborhood and emergency vehicle turnaround. Staff recommends a condition of approval that the cul-de-sacs be designed to fire apparatus access roads standards (Attachment E: Oregon Fire Code, Appendix D, Figure D103.1)

SHMC 17.72.040 Local Street Standards are as follows: 50-foot maximum right-of way width, 36-foot maximum curb to curb width, 7-foot minimum travel lane widths, 2 lanes maximum, 7-foot parking width, a 6-inch curb width, 3 foot minimum planting strip width, and a 5 foot minimum sidewalk width. SHMC 17.42.040 Local Streets standards show a minimum required bike lane of 7 feet, however this is a topographical error that will be amended in a future code amendment. Staff finds that the on-street bicycle improvements, matching the surrounding neighborhoods, is adequate.

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

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

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

Applicant Comments: See Attachment C, Page 19. 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.

See Attachment C, Page 8-10. 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.

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.

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.

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.

Staff Findings: No reserve strips are required for this proposed subdivision. The applicant shows each end of 'Street A' terminating at cul-de-sacs. The northern cul-de-sac shows a 24-foot-wide easement leading to Highway 20. Staff recommends a condition of approval that the cul-de-sacs and future easement be designed to fire apparatus access roads standards (Oregon Fire Code, Appendix D, Figure D103.1)

The proposed subdivision block is ±500 feet. Staff finds the proposed public accessway provides safe, efficient and direct connection to Mountain Fir Street.

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

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

Applicant Comments: See Attachment C, Page 19. The streets within the subdivision are local streets. This criterion does not apply.

Staff Findings: The applicant is not proposing a collector or arterial street with this application.

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

1. Minimum dedicated width: 10 feet

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

Applicant Comments: See Attachment C, Page 20. The streets within the subdivision are local streets. This criterion does not apply.

Staff Findings: SHMC 17.42.040 Local Streets standards show a minimum required bike lane of 7 feet, however this is a topographical error that will be amended in a future code amendment. Staff finds that the on-street bicycle improvements, matching the surrounding neighborhoods, is adequate.

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

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

Applicant Comments: See Attachment C, Pages 7-10. 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.

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.

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.

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.

At the time the applicant names the newly proposed street, the naming convention will be followed.

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.

See Attachment C, Pages 20-22. 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.

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.

Staff Findings: Staff Recommends a condition of approval that the applicant comply with the Sweet Home Engineering Design Standards and SHMC 17.42 Street 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.

Applicant Comments: See Attachment C, Page 13. 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.

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.

Staff Findings: Staff Recommends a condition of approval that the applicant comply with the Sweet Home Engineering Design Standards and SHMC 17.46 Storm Drainage and Grading.

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.

Staff Findings: Per the Public Works Engineering comments in Section II: Public Works will need to see more information on the tie in location for the force main coming from the proposed lift station. Gravity sewer mains inside subdivision are recommended to be 8" PVC D3034 material, with no less than .4% of slope on any run, and cut-in wye fitting connections for all lateral service lines. 8" PVC-C900 water line with saddle taps for all service lines will be required, with a fire hydrant needed in the NW cul-de-sac due to distance from any existing, or proposed hydrants, as well as proximity to the proposed lift station.

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.

Applicant Comments: See Attachment C, Pages 11-12. 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.

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.

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.

Staff Findings: Staff Recommends a condition of approval that the applicant comply with the Sweet Home Engineering Design Standards and SHMC 17.42 Street Standards.

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

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

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 Comments: See Attachment C, Page 12. 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.

Staff Findings: Staff recommends a condition of approval that the applicant follow all City of Sweet Home Engineering Design and Sweet Home Municipal Code Land Use Design Standards applicable at the time of development.

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

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.

Applicants Comments: See Attachment C, Pages 21-22. 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.

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

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

17.28 NATURAL RESOURCE OVERLAY ZONE (NRO)

The NRO zone is designed to protect identified significant natural resources in The City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources. Requirements in this Chapter apply only to that portion of a property located within the NRO zone.

Applicants Comments: See Attachment C, Pages 4-7. 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.

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.

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.

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.

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.

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.

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.

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.

Staff Findings: Staff recommends a condition of approval that the applicant comply with Chapter 17.28 Natural Resource Overlay Zone (NRO) and the Oregon Safe Harbor Setback Methodology (attachment E).

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

IV. CONCLUSION AND RECOMMENDATION

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

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

Recommended Conditions If the Application is Approved:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application (See Attachment B). The applicant shall subdivide an approximately 1,198,771 square foot (27.52 acres) property into 5 lots plus a remainder. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E27C Tax Lot 02500. Lot sizes would range in size from 9,722 square feet to 26,806 square feet. All lots would be eligible to be developed with the permitted uses in the Residential Medium Density Zone (R-2) [SHMC 17.12.020].
2. The applicant shall rename 'Street A' prior to development and install a street name sign at the intersection of Mountain Fir Street and 'Street A'.
3. The applicant shall include all parcel boundary measurements on the final plat.
4. The applicant shall include all access and utility easements on the final plat.

5. The applicant shall comply with all requirements identified by the City Engineering and Public Works Engineering Department.
6. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46 and/or applicable requirements at the time of development.
7. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48 and/or applicable requirements at the time of development.
8. The applicant shall comply with all Street Standard requirements in SHMC 17.42 and/or applicable requirements at the time of development.
9. The applicant shall comply with all Natural Resources Overlay requirements in SHMC 17.28 and/or applicable requirements at the time of development.
10. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential Medium Density (R-2) Zone SHMC 17.12 and/or applicable requirements at the time of development.
11. In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:
 - A. *City approval required.* Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
 - B. *Notification.* Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
 - C. *Inspections.* Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.
 - D. *Installation of utilities.* All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
 - E. *As-built drawings.* A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements. [SHMC 17.58.070]
12. Within two years of the Final Decision, a final approved plat (or first phase) shall be recorded with the County. If the first phase final plat is not recorded within two years, the preliminary approval shall lapse and a new application shall be required. All phases of an approved plat shall be recorded within 10 years of the final date of decision. [SHMC 17.110.080(A)]
13. *Effective date for final plat approval.* The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County. Approved final plats shall become void one year after final City approval if they are not recorded. [SHMC 17.110.080(G)]
14. The applicant shall obtain all applicable development permits which include, but are not limited to: Public Works permits, development permits including building permits, and erosion control permits. The applicant shall obtain a 1200-C Stormwater Permit from the Oregon Department of Environmental Quality and any Department of State Lands permits as applicable.

V. PLANNING COMMISSION ACTION

In taking action on a subdivision, the Planning Commission will hold a public hearing at which it may either approve or deny the application. The decision on the application must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Staff recommends that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the notice of decision is mailed.

Order: After the Planning Commission makes a decision, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

Motion:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application SD24-02; including the conditions of approval listed in Section IV of the Staff Report; adopting the findings of fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
- 2.
3. Move to deny application SD24-02; including adopting findings (specify), the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
4. Move to continue the public hearing to a date and time certain (specify); or
- 5.
6. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Tentative Site Plans
- C. Narrative
- D. Public Comments
- E. Chapter 17.28 & Safe Harbor Methodology
- F. Application

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