



Staff Report Presented to the Planning Commission

Continued to the September 5, 2024 Planning Commission Meeting

** Amendments are reflected as a strike through or italicized.

REQUEST: The applicant is seeking a variance to allow ~~lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21—29 and to allow 34 15 percent (i.e., 9 4 lots) as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.~~ ~~Lot Depth and Width: Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line. [SHMC 17.42.120(C)].~~ No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement. [SHMC 17.58.030(C)(3)]. The subject property is zoned Residential Low Density (R-1). The Comprehensive Plan Designation is Low Density Residential (R-1).

Application VR24-01 is being filed simultaneously with Application SD24-01. Application SD24-01 is reliant on the approval of Application VR24-01.

APPLICANT: Laura LaRoque, Udell Engineering & Land Surveying, LLC

PROPERTY OWNER: Lazar Kalugin, Quality Plus Interiors, LLC

FILE NUMBER: VR24-01

PROPERTY LOCATION: Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 4403.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.10, 17.42.120, 17.58.030, 17.106, and 17.126.

HEARING DATE & TIME: September 5, 2024 at 6:30PM

HEARING LOCATION: City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: August 27, 2024

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.

Wetlands: The subject property does not show local wetlands/waterways on the property.

DSL: The applicant requested an offsite determination in 2020, WD2020-0035. We sent a copy of the response to your office. The determination recommended a wetland delineation be completed and submitted to the department for review. Delineation reports must be approved by the department to be valid for permitting or to show avoidance. I did not find any other records in our database for this property, so we have not yet received a delineation report for this project. The determination may take the place of the WLUN for your application review process. Please condition approval accordingly – A delineation shall be submitted to DSL and may need a permit.

Access: The subject property has access from Foothills Drive and 23rd Avenue. ~~Lots 12 through 20 shall be accessed via access and utility easements.~~ *Lots 13, 17, 21 and 25 are accessed via flag lots and Lots 14, 18, 22, and 26 are accessed via access and utility easements.*

Services: City water and sewer are available at 23rd Avenue and Foothills Drive.

Street: Foothills Drive is proposed to extend from 23rd Avenue to 27th Avenue. The Fire District had some concerns with access to this housing division. 23rd Avenue is narrow, not developed and would typically be accessed for Fire and EMS because of its location in relation to the proposed project. If something is typical, making an exception creates risk and inconsistency. In emergency services, we understand that on a map a firefighter looks at this small street and believes it is the shortest fastest route which can matter in a lifesaving event. Foothill Drive going from 60 feet in width to 50 feet creates another inconsistency that will be a transition: a driver in responding apparatus will deal with a road narrowing suddenly which makes no sense in any way that this would be acceptable by design. At every exit or entrance turning radius will be done by a 40-foot ladder truck that needs to make access on a narrow street into a narrow entrance the access points cause apparatus to slow or even jockey to make a turn. Parking will be an issue and fire lanes will need to be posted into flag lot type drives. This design is a concern but I'm sure there are resolutions for issues.

TIMELINES AND HEARING NOTICE:

Application Received: June 20, 2024
Application Deemed Complete: June 24, 2024
Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: June 25, 2024
Notice Published in New Era Newspaper: July 3, 2024
Date of Planning Commission Hearing: August 1, 2024
120-Day Processing Deadlines: October 18, 2024
Notice was provided as required by SHMC 17.126.010

II. COMMENTS

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

Blake Patterson

Public Works Division: The City of Sweet Home wants to have provision for a waterline easement in the common driveway serving Lot 20 on Lot 21. The easement would be the same size as the proposed shared utility and access easements as noted on the proposed site plan. The easement would run from the south right-of-way line of Foothills Drive to the south line of Lot 20. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek Road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

Water will be connected on Foothills Drive and will be 8" c900 with saddle taps for service lines and tied in to the 6" c900 line on 23rd Avenue to loop the system.

Sanitary sewer will be 8" 30/34 and tie into Foothills Drive.

All storm lines will be a minimum of 12" and will be either 30/34 or c900 depending upon depth and cover to finish grade.

We will need to see improvements in the width of the property on the 23rd Avenue side. The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to

the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets. The overlay on Harding Street has been completed from 23rd Avenue to 27th Avenue.

Additional Comments regarding the amended site plan, emailed on August 27, 2024: No utilities are shown, so hopefully they can show me the corrections I needed to see. What's more, it looks to me like our future water tower easement that ran through lots 26 & 27 is completely gone now, additionally, no outlet easement is shown from storm detent to ditch north of the subdivision.

Ray Grundy

Building Division: Building has no comments or concerns at this time.

Sweet Home

Fire District: No comments as of the mailing of this notice.

Public Comments: Attachment G D

III. REVIEW AND DESIGN CRITERIA

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

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

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

Applicant's Comments: See Attachment B C, Page 2, and email dated August 24, 2024. ~~Variance to SHMC 17.42.120(C) to allow lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21—29.~~

~~Amended Variance to SHMC 17.58.030(C)(3) to allow 34 15 percent (i.e., 9 4 lots) as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.~~

Staff Findings: ~~Lot depth and width. Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line [17.42.120(C)].~~

No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement [SHMC 17.58.030(C)(3)]. 10% of the lots proposed in this subdivision application is approximately 3 lots.

Approval of Subdivision Application SD24-01 is contingent on the approval of the variance proposed in this application.

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

Applicant's Comments: See Attachment B C, Page 16, and email dated August 24, 2024. The purpose of the R1 zoning district is to provide an area suited for low density development. The proposed subdivision will result in the creation of lots suitable for the development of low-density housing types. In other words, a variance to SHMC 17.42.120(C) is necessary to retain Lots 21—29 14, 18, 22 and 26 and allow future low-density housing in a zoned intended for that purpose. SHMC 17.58.030(C)(3) limits the number private access easement but does not limit the number of flag lots within a subdivision yet only the underlying land ownership of the access stem (i.e., driveway accessway) differs. Therefore, a variance to SHMC 17.58.030(C)(3) does not result in a land use pattern that materially differs from that of one with the creation of flag lots.

Staff Findings: The subject property abuts similar size and shaped residential properties in the R-1 zone to the east and throughout the residential properties to the north and west (see Attachment A). Staff finds that the proposed variance shall allow the applicant to preserve and enjoy the property rights the same as the owners of other R-1 Zoned properties in the vicinity.

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

Applicant's Comments: See Attachment B C, Page 16, and email dated August 24, 2024. Authorization of the requested variances will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. As outlined in the section above, all other city development code standards are either satisfied or will be satisfied through conditions of approval.

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

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

Applicant's Comments: See Attachment B C, Page 17, and email dated August 24, 2024. ~~The need for the variance from SHMC 17.42.120(C) is not self-imposed as the minimum lot width standard is met when measured from property line to property. A setback from an easement line would similarly achieve the purpose of the regulation (i.e., to ensure there is sufficient building area to accommodate future development in conformance with minimum setbacks provisions).~~ A variance to SHMC 17.58.030(C)(3) is also not self-imposed. Lots ~~12-20~~ 13-26 could be designed to front a future public street if one in this location was not limited by slope or unnecessary due to the proximity to the Urban Growth Boundary.

Staff Findings: Subdivision Application SD21-01, approved July 19, 2021 complied with the development standards at the time of approval. Application SD21-01 was granted an extension for recording of the final plat, however the final plat was never recorded at the county requiring a new application to be submitted. The current property owner chose to redesign the original application to reflect current development code standards that were approved and implemented on September 27, 2022, allowing for 7,000 square foot lot sizes as opposed to the previous requirement of 8,000 square foot lots in the R-1 zone. The proposed lot sizes would range in size from ~~7,206~~ 7,309 square feet to ~~8,626~~ 12,478 square feet, complying with the current development code. The previously approved

Application SD21-01 also contained four access and utility easements through 8 lots south of Foothills Drive to the rear lots abutting the vacant property to the south.

~~Staff find that the applicant's choice to reduce the lot sizes, therefore reducing the buildable lot width is self-imposed by the applicant. The minimum lot width at the building line is 70 feet [SHMC 17.100060(A)]. If the applicant were to face the residential dwellings, at the time of development, toward Foothills Drive, the building lines for Lots 21-29 would be under the required 70 feet, however the residential dwellings could face the easements (east or west) on lots 21-29 and have building lines that are greater than the required 70 feet.~~

~~Staff finds that the applicant is retaining the easements from the previous approved Application SD21-01 and therefore is not self-imposing a change to a previously granted application. *With the proposed amended submitted August 24, 2024, the applicant has reduced the number of lots accessed via easement from 31 percent to 15 percent. The amended variance is for the 5 percent difference above the 10 percent easement allowance. Per SHMC 17.42.030(I): Cul-de-sacs are not encouraged and allowed only where no other reasonable alternative exists. Staff finds that the amended combination of flag lots and access and utility easements are a reasonable alternative to cul-de-sacs and the previously submitted site plan reviewed during the August 8, 2024 public hearing.*~~

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

Applicant's Comments: See Attachment B C, Page 17, and email dated August 24, 2024. The requested variances are the minimum necessary to alleviate the identified hardship; therefore, this criterion is met.

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

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

Applicant's Comments: See Attachment B C, Page 17, and email dated August 24, 2024. Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Additionally, the dimensions of the proposed access easements will allow for driveways and access standards to be met. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the lots within the proposed subdivision.

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

IV. STAFF RECOMMENDATION

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

V. CONCLUSIONS

The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions

listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. Any future development shall comply with the City of Sweet Home building code requirements, engineering design standards and the development standards of SHMC 17.10.070.

VI. PLANNING COMMISSION ACTION

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

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

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

Motion:

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

1. Move to approve application VR24-01 and thereby permit the variances for the subject lot located in Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32CA Tax Lot 04403; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR24-01 and thereby deny the request for variances for the subject lot located in Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32CA Tax Lot 04403; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VII. ATTACHMENTS

- A. Applicant’s amendments for the public hearing continuation on September 5, 2024
- B. Subject Property Map
- C. Application, Narrative, and Site Plan
- D. Public Comments

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



CLIENT:
 QUALITY PLUS INTERIORS, INC.
 ATTN: LAZAR
 1120 PORTLAND ROAD
 SALEM, OREGON 97305
 (503) 572-2878
 PINC@AOL.COM

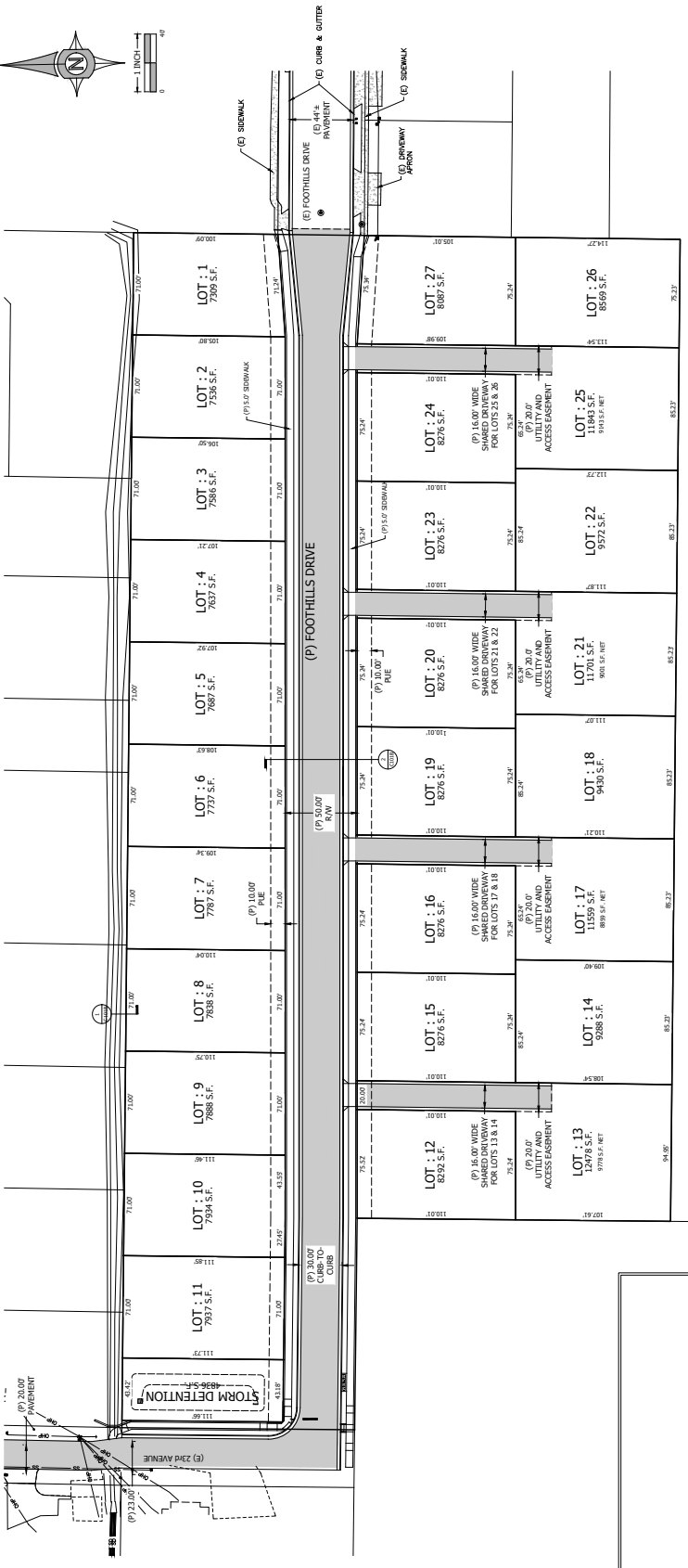
UDCELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

PRELIMINARY LOT PLAN
 TAX MAP: 13S01E32CA
 LOT: 04403
 SWEETHOME, OREGON

DATE: AUGUST 20, 2024
 PROJECT: 23-102-071 FOOTHILLS SUBDIVISION
 DRAWN BY: ATTN: LAZAR
 CHECKED BY: M.K. BR

THIS MAP WAS PREPARED FOR
 PLANNING PURPOSES ONLY
 NOT TO BE USED FOR
 CONSTRUCTION

SCALE: SEE BARSCALE
 SHEET: C101B

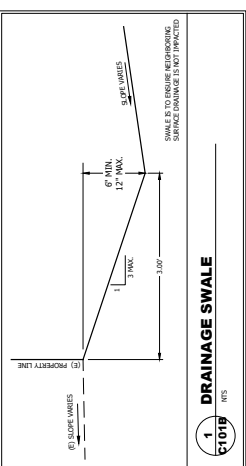
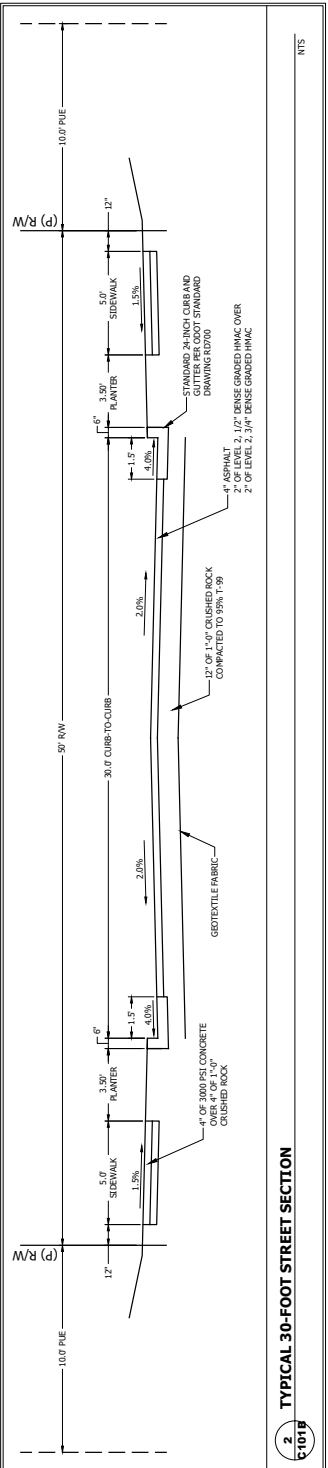


DEVELOPER
 QP, INC.
 ATTN: LAZAR
 1120 PORTLAND ROAD
 LEBANON, OREGON 97305
 (503) 572-2878

OWNER
 QUALITY PLUS INTERIORS, INC.
 1120 PORTLAND ROAD
 SALEM, OREGON 97305

DESIGN TEAM
CIVIL ENGINEER
 UDCELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH STREET
 LEBANON, OREGON 97355
 (541) 451-5125
SURVEYOR
 UDCELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH STREET
 LEBANON, OREGON 97355
 (541) 451-5125

PROJECT AREA SUMMARY
 GROSS LAND AREA: 6.69+ ACRES
 R.O.W. DEDICATION AREA: 0.95+ ACRES
 STORMWATER TRACT AREA: 0.15+ ACRES
 NET LAND AREA: 5.39+ ACRES



2 TYPICAL 30-FOOT STREET SECTION

C101B

From: [Laura LaRoque](#)
To: [Angela Clegg](#); [Blair Larsen](#)
Subject: QPI alternative lot layout
Date: Saturday, August 24, 2024 7:53:56 AM
Attachments: [23-102 QPI Foothill Alt B.pdf](#)
Importance: High

Good Morning Angela and Blair,

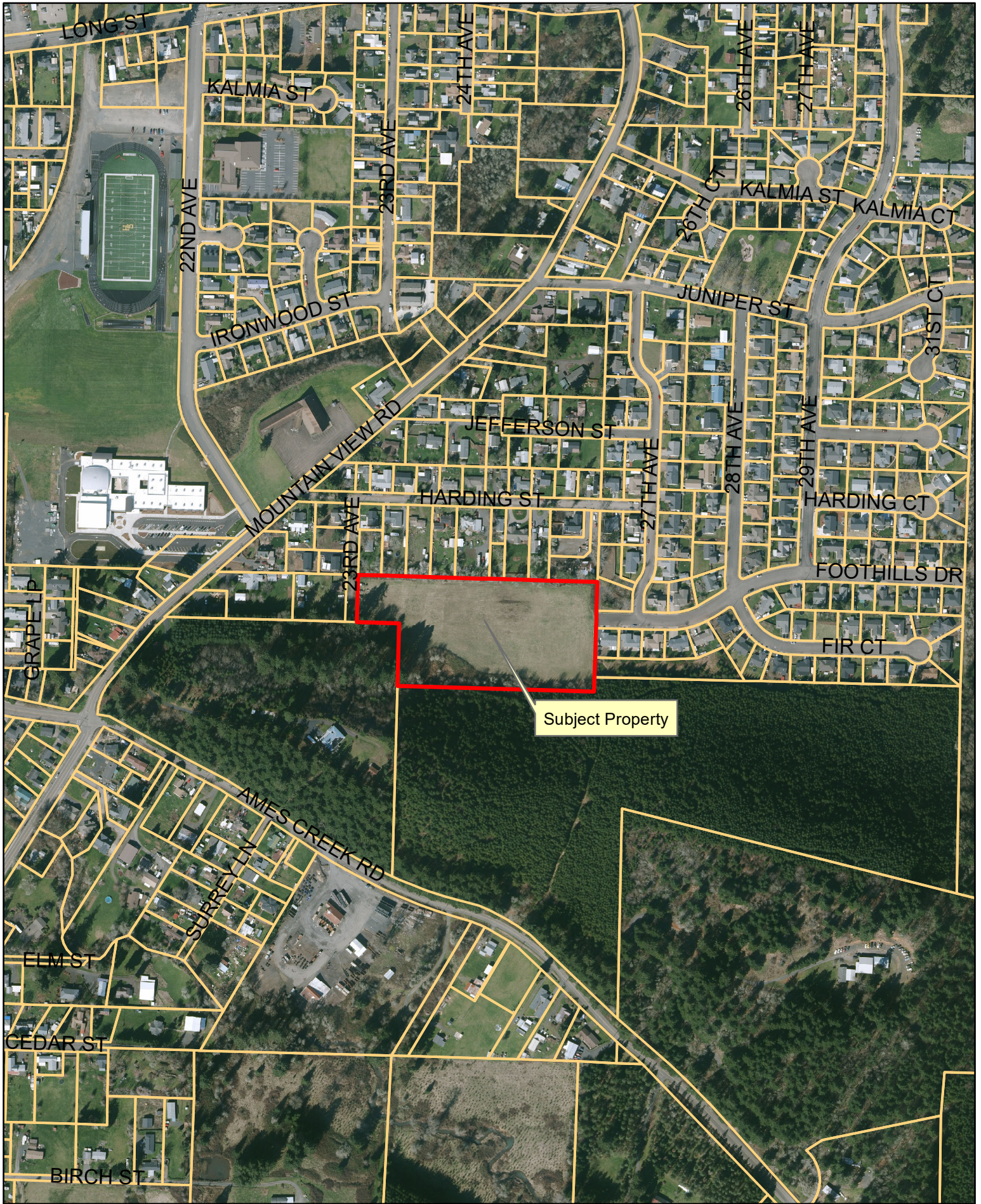
Sorry for the delay on this. Attached is an alternative lot layout for this subdivision. In this layout lots 13, 17, 21, and 25 are flag lots and lots 14, 18, 22, and 26 are access via easement. The 10% standard for subdivision lots accessed via easement is only slightly exceeded in this scenario (3 lots vs. 4 lots proposed and 10% vs 15% proposed). Additionally, the variance request for the lot width measurement is no longer necessary.

We explored a cul-de-sac design as Joe Graybill suggested. However, we then discovered that the Sweet Home development code discourages the use of cul-de-sacs where other reasonable alternatives exist. In this case, we feel that that the attached alternative design is a “reasonable alternative” to a cul-de-sac.

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.

Please let me know if I can provide you with any additional information prior to the upcoming hearing.

Laura LaRoque
Land Use Planner
Udell Engineering and Land Surveying, LLC.
63 East Ash Street, Lebanon, OR 97355
Office: (541) 451-5125
Direct: (541) 990-8661
Fax: (541)451-1366



Subject Property

Subject Property Map
VR24-01 and SD24-01

Date: 6.25.2024



1 inch = 422 feet



Land Use Application

- Adjustment
- Annexation
- Comprehensive Plan Map Amendment
- Conditional Use
- Home Occupation
- Interpretations
- Nonconforming Uses
- Partition
- Property Line Adjustment
- Site Development Review
- Subdivisions and Planned Developments
- Text Amendments
- Variance
- Zone Map Amendment

Date Received: _____
 Date Complete: _____
 File Number: _____
 Application Fee: _____
 Receipt #: _____
 Planning Commission Hearing Date: _____
 City Council Hearing Date: _____

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

Applicant's Name:
Laura LaRoque, Udell Eng. & Land Surveying, LLC
 Applicant's Address:
63 E. Ash Street, Lebanon, OR 97355

Applicant's Phone Number:
(541) 990-8661
 Applicant's Email Address:
laura@udelleng.com

Property A

Owner's Name:
Lazar Kalugin: Quality Plus Interiors, LLC
 Owner's Address: 11220 Portland Rd. Scien, OR
4802 Centennial St. Woodburn, OR 97071 91305
 Owner's Phone Number:
(503) 572-2878
 Owner's Email:
qplinc@aol.com
 Property Address:
unassigned
 Assessor's Map and Tax Lot:
13S-01E-32CA Tax Lot 4403
 Property Size Before: 6.49-AC Property Size After: 29-lots
 Zoning Classification: R1 Comprehensive Plan: Low Density Res.

Property B

Owner's Name: _____
 Owner's Address: _____
 Owner's Phone Number: _____
 Owner's Email: _____
 Property Address: _____
 Assessor's Map and Tax Lot: _____
 Property Size Before: _____ Property Size After: _____
 Zoning Classification: _____ Comprehensive Plan: _____

Nature of Applicant's Request

Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.

~~Tentative Subdivision Plat and Variance application for a 29 lot residential subdivision with associated site and utility improvements.~~

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

Applicant's Signature:
Laura LaRoque
 Property Owner's Signature: _____
 Property Owner's Signature: _____
 Property Owner's Signature: _____

Date:
6/20/24
 Date 6-20-2024
 Date _____
 Date _____

TENTATIVE SUBDIVISION PLAT & VARIANCE APPLICATIONS

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

Applicants/Property Owners: Quality Plus Interiors, Inc.
1802 Centennial Street
Woodburn, OR 97071
(503) 575-2878
gpiinc@aol.com

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

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

Site Location: Unassigned Address

Linn County Assessor's Map No.: 13S-01E-32CA Tax Lot 4403

Site Size: ±6.49-acres

Existing Land Use: Unimproved

Comprehensive Plan Designation: Low Density Residential

Zone Designation: Low Density Residential (R1)

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

Surrounding Uses: North: Single-Family Residential
East: Single-Family Residential
South: Forestland
West: Single-Family Residential



I. Executive Summary

Lazar Kalugin on behalf of Quality Plus Interiors, Inc. requests approval of the following applications:

1. Tentative Subdivision Plat to divide a ± 6.49 -acre parcel into 29 residential lots with associated roadway and utility improvements.
2. Variance to SHMC 17.42.120(C) to allow lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21 – 29.
3. Variance to SHMC 17.58.030(C)(3) to allow 31 percent (i.e., 9 lots) as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.

A 26-lot subdivision for the subject property was approved under Sweet Home Planning File No. SD21-01 which expired prior to vesting the land use decision.

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

II. Analysis of Development Code Criteria

1. Subdivisions are subject to provisions in Chapter 17.110.
2. Per SHDC 17.110.020, preliminary subdivision plats are reviewed in accordance with a Type II review procedure.
3. The application submittal requirements for a preliminary subdivision plat application are found under Section 17.110.040 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

III. 17.110.050 Decision Criteria

Section 17.110.050 of the Sweet Home Development Code (SHDC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion A

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

1. This application is for a Tentative Subdivision Plat to divide an ± 6.49 -acre parcel into 29 residential lots with associated roadway and utility improvements.
2. The subject property is identified as Linn County Tax Assessor's Map No. 13S-01E-32CA Tax Lot 4403.



3. The subject property is in the Low Density Residential (R1) zoning district.
4. The subject property is currently unimproved.
5. According to SHDC 17.10.010, the R-1 District is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.

Findings: The proposal is for a tentative subdivision plat for the creation of residential dwelling lots.

6. Per SHDC 17.10.020, Permitted Uses, the following residential uses are permitted in the R-1 zone as outright permitted uses: single-family detached and duplex.

Findings: No development is proposed in association with the submitted subdivision application. Conformance with the permitted use standards will be reviewed in association with a building permit.

7. Per SHDC 17.10.030 Special Uses, subdivisions are subject to provisions in Chapter 17.58. This narrative includes a plan set and written narrative addressing the subdivision review criteria.

Findings: No development is proposed in association with the submitted subdivision application. Conformance with any special use standards will be reviewed in association with a building permit.

8. Per SHDC 17.10.050 Density Regulations are as follows: 1) No more than one dwelling per lot or parcel, other than an approved residential accessory dwelling unit; 2) No more than one duplex per corner lot or parcel; 3) A maximum of 5.4 dwelling units per net acre. Duplexes are to be counted as one dwelling unit for purposes of density calculations.

Findings: The proposal is for 29 residential lots that comply with the minimum lot dimensional standards for development of single-dwelling or duplex dwelling development. The site is approximately 5.39 net acres, which equates to a maximum density of 29 dwelling units. Therefore, the proposed subdivision will not exceed maximum density when improved with permitted housing types.

9. The dimensional standards of SHDC 17.10.060 are as shown in the table below:

Minimum Lot Area & Width	
	Standard
Single Family	<i>7,000 sf</i>
Duplex	<i>7,000 sf</i>
Other Uses	<i>Sufficient to meet setbacks and development requirements</i>



Minimum Width at building line	70 feet
Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet minimum any side; 12-feet both sides combined
Side Yard (Street)	15 feet
Rear Yard	15 feet
Maximum Structure Height	
Single-Family	30 feet
Accessory Building	20 feet (roof apex)
Maximum Lot Coverage	
Single-Family; Duplex	40%

Findings: As shown on the Tentative Subdivision Plat, the net lot areas of all proposed lot exceed 7,000 square feet. Lots 21 - 29 have lot widths less than 70-feet when measured the side property line to proposed utility and access easements. See variance section below. Findings from this section are incorporated herein by reference. All other lots conform to the minimum width standard.

Conformance with minimum setbacks, maximum height, and maximum lot coverage will be reviewed in association with a building permit. However, the size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

10. Per SHDC 17.10.070, development standards, all development in the R-1 zone must comply with the applicable provisions of this Development Code. The development standards of SHMC 17.10.070 are outlined below.
11. *Off-street parking. All single-family homes and duplexes shall require a garage or carport; and in addition, provided two hard surface parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44.*

Findings: Development of lots is not proposed in association with the subdivision application. Compliance with this standard will be reviewed in association with a building permit. However, the size and vehicle entry setback standard ensure adequate space to accommodate two hard surface parking spaces can be provided on each of the proposed lots.

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



Findings: No signage is proposed; therefore, the standards contained in Chapter 17.50 are not applicable.

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

Findings: Fencing is not proposed; therefore, the standards contained in Chapter 17.52 are not applicable.

14. *Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.*

Findings: Landscaping provisions contained in Chapter 17.54 are only applicable to commercial, multiple family, or industrial uses. Therefore, the proposed residential subdivision is not subject to these requirements.

15. *Yards and lots. Yards and lots shall conform to provisions contained in Chapter 17.56.*

Findings: Since development is not proposed in association with this application only SHMC 17.56.060 is applicable. As shown on the tentative subdivision plat, clear vision areas where streets and private points of access intersection can be maintained in accordance with the code.

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

Findings: The subject property is not located within a mapped natural resource area, special flood hazard area or listed on national or local historic registry; therefore, these standards are not applicable.

Criterion B

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

17. Per SHDC 17.58.010 Purpose, the purpose of this Chapter is to provide for the orderly, safe, and efficient division of land within The City.

18. Per SHDC 17.58.020 Scope, 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.

Findings: The proposal includes a 29-lot subdivision and is therefore subject to the standard provided below.

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

- i. 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.

Finding: As shown on the Tentative Subdivision Plat, the net lot areas of all proposed lot exceed the minimum 7,000 square foot area standard. The area of all proposed access easements has been excluded from net lot area calculations.

- ii. Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width.*

Finding: Lots width range from 70 – 76-feet. None of the lot depths exceed 228-feet maximum lot width to depth ratio.

- iii. 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.*

Per SHDC 17.42.110, a private access easement (joint use driveway) created as the result of an approved land division shall conform to the following.

- i. Width. Where permitted, the access easement shall comply with the following standards:*
 - a. Minimum easement width: 20 feet*
 - b. Minimum paved width: For private access of 150' or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' – 16 feet.*
 - c. Maximum length: 200 feet*
 - d. No more than 2 single-family detached dwellings or 2 duplexes shall have their sole access to the easement. Easements serving 2-3 homes, or 2-3 duplexes shall comply with the provisions for a Residential Neighborhood Street. Easements serving 4 or more homes, or 4 or more duplexes shall comply with the local street standards and Chapter 17.110 Subdivision standards.*
- ii. Surface improvement. The surface width noted in A.1. above shall be improved with either asphalt or concrete for the entire length of the private access easement.*
- iii. Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners' association, or similar instrument acceptable to The City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.*



- iv. *Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the requirements of the Sweet Home Fire District.*
- v. *Fire lanes. All private access easements shall be designated as fire lanes and signed for "no parking." All private access easements and joint use driveways shall comply with the International Fire Code.*
- vi. *Easement required. Where The City approves a private access easement or joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to The City for its records, but The City is not responsible for maintaining the driveway or resolving any dispute between property owners.*

Finding: As shown on the preliminary lot plan, all proposed lots will have access to a public street through a combination of public road and private access improvements. Foothills Drive is proposed to be extended through the subject property and connect with Twenty Third Avenue. Twenty Third Avenue is a variable (35-foot to 40-foot) width right-of-way. A partial street improvement of Twenty Third Avenue to Harding Street is also proposed to improve vehicular and pedestrian connectivity. Due to the limited right-of-way width this street will not have planter strips and sidewalks will be curbside.

- 20. Nine of the proposed lots proposed to have access via 20-foot-wide access easements. Variance to SHMC 17.58.030(C)(3) to allow 31 percent as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.
- iv. *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.*
- 21. Finding: No flag lots are proposed in association with this request. Lots 12-20 will have access to Foothills Drive via access easement; therefore, these standards are not applicable.
- v. *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.*

Finding: No through lots are proposed in association with this request.



- vi. *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.*

Finding: All lot lines run as far as practicable at right angles to the proposed Foothills Drive extension.

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

21. Finding: All proposed utility easements are shown on the Tentative Subdivision Plat.

22. Per SHDC 17.58.040 the following additional standards apply to subdivisions:

- viii. *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.*

- ix. *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.*

Finding: The proposed extension and improvement of Foothills Drive through the subject property is proposed, which creates a 1,000-foot block length between 27th Avenue and 23rd Avenue.

- x. *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.*

Finding: Foothills Drive is proposed to be extended through the subject property and connect with Twenty Third Avenue. A partial street improvement of Twenty Third Avenue to Harding Street is also proposed to improve vehicular and pedestrian connectivity. These improvements are in accordance with the City's adopted Transportation System Plan.

- xi. *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.

Finding: The proposed extension and improvement of Foothills Drive through the subject property provides for street and pedestrian connectivity to the city's existing street and pedestrian network.

- xii. *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.*

Finding: Foothills Drive is classified as a Local Street in the Sweet Home Transportation System plan; therefore, this standard is not applicable.

- xiii. *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.*

Finding: As shown on the Tentative Subdivision Plat, the proposed extension and improvement of Foothills Drive conforms to the city's Local Street standards, which include sidewalk and on-street bicycle improvements.

23. Per SHDC 17.58.060 Improvement Requirements – Subdivisions, the following standards apply to all subdivisions:

Findings: Findings listed under Criterion D below outline how the proposal conforms to improvement requirements. These findings are contained herein by reference.

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

- a. *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.*
- b. *Project streets. Streets within the subdivision shall be constructed as required by City Engineering Standards.*
- c. *Monuments. Monuments shall be established as required by the Engineering Design Standards.*
- d. *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.

- e. 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.*
- f. 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.*
- g. 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.*
- h. Streetlights. The installation of streetlights is required at locations, and of a type required by City standards.*
- i. 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.*
- j. Other requirements.*
 - i. 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.*
 - ii. 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 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.

- k. 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.*

Criterion C

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

24. The dimensional standards of SHDC 17.10.060 are as shown in the table below:

Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet minimum any side; 12-feet both sides combined
Side Yard (Street)	15 feet
Rear Yard	15 feet

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

Findings: No development is proposed in association with this request. Conformance with minimum setbacks will be reviewed in association with a building permit. However, the size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

Criterion 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.

25. SHDC 17.40.030 states, “standards for the provision and utilization of public facilities or services available within The City of Sweet Home shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or



operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by The City.”

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

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

C-2 Street Improvements for Single Family Dwellings, Duplex Dwellings and Partitions:

1. *New single-family dwellings and duplex dwellings on an existing parcel less than 2.0 acres in size and fronting an existing street which does have a full street improvement including sidewalks, as required in the City’s Street design standards and Chapter 17.42.040, shall dedicate the needed right-of-way and shall install the full improvement along a parcel’s frontage.*
2. *If there is no adjacent improvement, a right-of-way permit fee, in accordance with the City’s adopted connection fees, will be required in lieu of constructing the improvement.*
3. *If a street extension to serve the residence is necessary, the owner must provide the necessary right-of-way dedication and street improvement to city street standards along the full frontage of the parcel.*
4. *A partition to parcels of 2.0 acres or larger does not require street improvements. A partition to parcels smaller than 2.0 acres requires street improvements.*

Findings: As shown in the Tentative Subdivision plat, the proposal includes the extension and improvement of Foothills Drive through the subject property. Improvements include a 50-foot right-of-way, a paved travel lane in either direction, curb/gutter, landscape bay, and sidewalk.

27. According to SHDC, 17.42.040, a local street is required to have the following: 50-foot maximum right-of-way width, 30-foot maximum curb-to-curb width, 7-foot minimum travel lane width, 7-foot-wide bike lane, 7-foot maximum parking lane width, 3.5-foot landscaping bay, 5-foot minimum sidewalk width and direct driveway accessways.

Standards	Local Streets
ROW Width	50’ (max)
Curb to Curb width	36’ (max)



Travel Lane Width	7' (min.)
Number of Lanes	2 (max)
Median/Center Turn Width (max)	Not required
Bike Lane Width (min.)	7'
Parking Width (max)	7'
Curb	6"
Planting Strip Width (min.)	3'
Sidewalk Width (min.)	5'
System Spacing	250'
Design Speed (max)	25 mph
Access Management Intersection Spacing (min.)	75'
Access Management Driveway Spacing	Direct access allowed

Findings: Per Figure 2.2 of the Sweet Home Transportation Plan (TSP), Foothills Drive is classified as a Local Street.

As shown in the Tentative Subdivision plat, the proposal includes the extension and improvement of Foothills Drive to and through the subject property that conforms to the Local Street standards. All lots are proposed to have direct driveway access except for nine lots which will be provided access via shared access easements.

28. Per SHDC 17.42.130, when a traffic impact analysis is required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development involves one or more of the following:

- vii. *A change in zoning or a plan amendment designation;*
- viii. *Operational or safety concerns documented in writing by a road authority;*
- ix. *An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;*
- x. *An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;*
- xi. *An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;*
- xii. *Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving*



the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;

- xiii. A change in internal traffic patterns that may cause safety concerns; or*
- xiv. A TIA required by ODOT pursuant to OAR 734-051.*

Findings: Based upon the Institute of Transportation Engineers (ITE) trip generation rates for single family dwellings the development would add about 9.57 trips per day and 0.99 trips during peak PM traffic hour. The development has the potential to result in construction of up to 29 dwelling units. Construction of the 29 dwelling units will add about 278 new vehicle trips per day to the public street system. About 29 of those trips would occur during the peak PM traffic hour.

29. Per SHDC 17.46.020, the provision of Chapter 17.46 applies to all partitions, subdivisions, multi-family developments, commercial developments, and industrial development, and to the reconstruction or expansion of such developments.

30. SHDC 17.46.030 states, “no construction of any facilities in a development included in Chapter 17.90 shall be permitted until a storm drainage and erosion control plan, designed in accordance with The City’s Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by The City.”

Findings: Any required storm drainage and erosion plans will be reviewed and approved in association with a site or building permit.

31. The standards per Chapter 17.48 utility lines and facilities are as follows:

- xv. Design and Location. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.*
- xvi. Private Utilities. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.*
- xvii. Water Service Required. All development which has a need for public water shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.*
- xviii. Sanitary Sewer Required. All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of The City. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.*



- xix. *Streetlights. When required, the installation of streetlights shall be pursuant to the requirements of The City Engineering Standards and the requirements of the utility company serving the development.*
- xx. *Easements, General. Easements shall be provided along property lines as deemed necessary by The City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.*

Findings: As shown on the Tentative Subdivision Plat, private water and sewer laterals will be connected to proposed public utilities within the Foothills right-of-way extension to serve future development. All easements for private utilities extensions will be recorded upon or in association with the final plat.

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

Findings: As shown on the Tentative Subdivision Plat, public and private utility extensions and shared access easements are proposed. Easements for private utilities extensions and access will be recorded upon or in association with the final plat.

IV. 17.110.050 Decision Criteria

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

Criterion A

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

33. This following two variances are requested:

- Variance to SHMC 17.42.120(C) to allow lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21 – 29.
- Variance to SHMC 17.58.030(C)(3) to allow 31 percent (i.e., 9 lots) as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.



34. The variance is necessary as a public street to and along the south of Lots 12-20 from the south is not feasible due to steep slopes and not desirable as a street would be oriented towards the city's Urban Growth Boundary where urban development is not anticipated.
35. The purpose of a lot width standard is to ensure that there is sufficient building area to accommodate future development in conformance with minimum setbacks provisions. SHMC 17.10.060 and 17.42.120(C) established a minimum 70-foot lot width and 70-foot building line width. The lot widths of Lots 21-29 range from 75.74-feet to 76.30-feet when measured from property line to property line and range from 55.84-feet to 66.3-feet when measured from property line to easement line. Ultimately, Lots 21-29 will maintain a 43.84-foot to 54.3-foot building width, which is sufficient to accommodate a wide array of housing designs.
36. The purpose of limiting the number of private access easements is to encourage access to public streets and for preservation of on-street parking. As shown in the on-street parking exhibit there is the potential to preserve sufficient on-street parking with the inclusion of the proposed private accesses.

Criterion B

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

37. The purpose of the R1 zoning district is to provide an area suited for low density development. The proposed subdivision will result in the creation of lots suitable for the development of low-density housing types. In other words, a variance to SHMC 17.42.120(C) is necessary to retain Lots 21 – 29 and allow future low-density housing in a zoned intended for that purpose.
38. SHMC 17.58.030(C)(3) limits the number private access easement but does not limit the number of flag lots within a subdivision yet only the underlying land ownership of the access stem (i.e., driveway accessway) differs. Therefore, a variance to SHMC 17.58.030(C)(3) does not result in a land use pattern that materially differs from that of one with the creation of flag lots.

Criterion C

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

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



Criterion D

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

40. The need for the variance from SHMC 17.42.120(C) is not self-imposed as the minimum lot width standard is met when measured from property line to property. A setback from an easement line would similarly achieve the purpose of the regulation (i.e., to ensure there is sufficient building area to accommodate future development in conformance with minimum setbacks provisions).

41. A variance to SHMC 17.58.030(C)(3) is also not self-imposed. Lots 12-20 could be designed to front a future public street if one in this location was not limited by slope or unnecessary due to the proximity to the Urban Growth Boundary.

Criterion E

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

42. The requested variances are the minimum necessary to alleviate the identified hardship; therefore, this criterion is met.

Criterion F

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

43. Building code and engineering design standards will be reviewed in association with a building and/or site improvement permit. However, the size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Additionally, the dimensions of the proposed access easements will allow for driveways and access standards to be met. Therefore, there will be no foreseeable difficulties in obtaining building and/or site improvement permits for the lots within the proposed subdivision.

V. OVERALL CONCLUSION

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

VI. ATTACHMENTS

A. Tentative Subdivision Plat



RECEIVED
07.22.24

TO: Sweet Home Planning Commission

FROM: Pamela Heberle
730 27th Avenue
Sweet Home, OR 97386

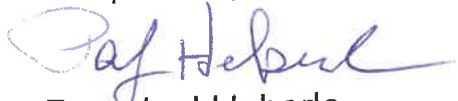
RE: File# SD24-01 & VR24-01

My concerns for these proposals are the same as my concerns for File# SD21-01. I am attaching the letter I sent to you for that proposal.

Now you want to increase the number of houses and decrease the width of the streets and access roads.

I am not objecting to building houses there but be practical.

Respectfully,



Pamela J Heberle

To: City of Sweet Home Planning Commission

From: Ron and Linda Walker
2631 Foothills Drive
Sweet Home, OR 97386
Preferred contact phone: (707)3503430

Re: VR24-01

A request of 31% up from 10% for allowable private access easement is too large of an ask. This equates to a 200% increase in actuality, by going from 3 lots to 9. I Strongly oppose that large of an increase for *anything*. Additional comments are addressed in our response to SD24-01, namely access, egress, and easements.

We are not against growth, properly managed, however this in not properly managed in our eyes. Therefore we strongly oppose VR24-01 as well as SD2401 in its present form,

Please don't set that kind of precedent for our citizens to have to live with.

Thanks for your consideration.

Ron Walker 07-16-2024
Linda Walker