



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

September 21, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the Planning Commission, boards and City Council, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the Planning Commission meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

Meeting Minutes: August 3, 2020

Public Hearings

Application CU20-04: The applicant is requesting a conditional use permit in order to apply for a Property Line Adjustment and construct a 40-foot by 50-foot building. The construction of governmental structures or governmental land use shall be through a conditional use permit [SHMC 17.32.030(B)]. The property is proposed to be used as it is currently, with a storage building for vehicles and equipment. The subject property contains approximately 138,833 square feet and is in the Commercial Central (C-1) Zone. Application CU20-04 is pending the Administrative Decision of the Property Line Adjustment Application PLA20-11, filed simultaneously.

Application SD20-01: The applicant is requesting to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch. The subject property is in the Residential High Density (R-2) Zone.

Staff Updates on Planning Projects:

Development Code Updates

Pending Applications

Planning Commissioner Comments: This is an opportunity for Planning Commissioners to address topics that are not listed on the agenda.

Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:

READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”

- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

August 03, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Roll Call of Commissioners

Chairman Parker:	Present
Commissioner Wolthuis:	Present
Commissioner Gatchell:	Present
Commissioner Stephens:	Present
Commissioner Journey:	Present
Commissioner Korn:	Present
Commissioner Unger:	Present

Staff: Blair Larsen, CEDD Director

Visitors:

Public Comment.

Meeting Minutes:

Commissioners Comments:

Correction on the second to last page.

Commissioner Stephens moved to approve the July, 2020 meeting minutes with changes.

Commissioner Korn seconded the motion to approve the meeting minutes with changes.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Gatchell:	Aye
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Unger:	Aye

Motion Passed (7) Ayes to (0) Nays, (0) Absent

Public Hearings

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

File CU20-03: The applicant is requesting a conditional use permit in order to establish a home occupation (home business) on their property. The home occupation would consist of a tie-dyed clothing business that would be operated by a resident of the property within the dwelling located on the property. The clothing shall be advertised and sold on-line. The home is set back off Highway 20 by approximately 90 feet. The applicant will be the only employee and will not have customers visit his home. The subject property contains approximately 19,675 square feet and is in the Residential Low Density (R-1) Zone.

PUBLIC HEARING OPENED AT 6:35 PM

Chairman Parker read the description of the application and the Planning Commission criteria.

The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Personal Bias: None
Conflict of Interest: None
Exparte Information: None

Comments/Discussion:

Clegg read the staff report

Parker made comment about chemicals but was satisfied with public works approval.

No additional questions

Testimony in Favor: none
Testimony in Opposition: none
Neutral Testimony: none
Rebuttal: none

PUBLIC HEARING CLOSED AT 6:38 PM

Commissioners Discussion:

Commissioner Wolthius stated that the application is straight forward.

Commissioner Stephens agreed with Commissioner Wolthuis.

Commissioner Journey moved to approve application CU20-03 and thereby permit the Conditional Use Permit, adopting the findings of fact listed in Attachment A 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.

Commissioner Wolthuis seconded the motion to approve.

Question was called by roll call vote:

Chairman Parker: Aye
Commissioner Wolthuis: Aye
Commissioner Gatchell: Aye

Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Unger:	Aye

Motion Passed (7) Ayes to (0) Nays, (0) Absent

Staff Updates on Planning Projects:

Development Code Updates

Blair gave a brief update of where we are in the process.

Gave an update of September projects, gave an update on the Old Airport, Duck Hollow and NCH neighbor.

Pending Applications

- P19-07 City of Sweet Home, NCH
- PLA19-08 City of Sweet Home, 24th Ave
- P20-05 Blondin Hawthorne Street 3 lot partition
- P20-06 Victor Yucca 2 lot partition
- P20-07 Pan Pacific Investment LLC, W Holly Rd 2 lot partition

Planning Commissioner Comments:

Adjournment 6:58

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

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City of Sweet Home

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit in order to apply for a Property Line Adjustment and construct a 40-foot by 50-foot building. The construction of governmental structures or governmental land use shall be through a conditional use permit [SHMC 17.32.030(B)]. The property is proposed to be used as it is currently, with a storage building for vehicles and equipment. The subject property contains approximately 138,833 square feet and is in the Commercial Central (C-1) Zone.

Application CU20-04 is pending the Administrative Decision of the Property Line Adjustment Application PLA20-11, filed simultaneously.

APPLICANT: Dave Barringer

PROPERTY OWNER: The City of Sweet Home

FILE NUMBER(S): CU20-04

PROPERTY LOCATION: 1099 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lots 12000 and 14000.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.24.030, 17.80.040

HEARING DATE & TIME: **September 21, 2020 at 6:30 PM**

HEARING LOCATION: City Hall, Council Chambers at 3225 Main Street, Sweet Home, Oregon 9738

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

REPORT DATE: September 14, 2020

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Central (C-1) Zone	Highway Commercial
Property North	Commercial Central (C-1) Zone	Highway Commercial
Property East	Commercial Central (C-1) Zone Residential High Density (R-2) Zone	Highway Commercial
Property South	Residential High Density (R-2)	Highway Commercial
Property West	Commercial Central (C-1) Zone Residential High Density (R-2) Zone	Highway Commercial

Floodplain: Based on a review of the FEMA FIRM Maps; portions of the subject property in and adjacent to the Ames Creek are in the Special Flood Hazard Area per Panel 41043C0913G dates September 29, 2010

Wetlands: Portions of the subject property in and adjacent to the Ames Creek is in the 100-year flood way, 500-year floodway, the Natural Resources (NR) Zone and does contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory or the National Wetlands Inventory (NWI) Map.

Access: The subject property has frontage along Long Street.

Services: The property is connected to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received: August 20, 2020

Application Deemed Complete: August 24, 2020

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: August 25, 2020

Notice Published in New Era Newspaper: August 26, 2020

Date of Planning Commission Hearing: September 21, 2020

120-Day Processing Deadlines: December 22, 2020

II. COMMENTS

CEDD Engineering: Project & Location: Regarding the Conditional Use for the Sweet Home Fire District to construct a storage building at the west side of the adjusted property line for Lot 12000, the vehicle access property, CEDD-ISD have no concerns with the Conditional Use CU20-04 or the Property Line Adjustment PLA20-11 . The property line adjustment appears to cleanup some odd angles on the south line of the properties, in addition to providing direct access to the Long St from the yard area.
Streets & Stormwater: No modification to the Long St driveway is necessary.
Water & Sanitary: No water and sewer service connections are indicated at this time.
Comments & Recommendations: None.

Public Works Division: Public Works has no issues with the request at this time.

Building Division: The Building Program has no issues with this request for Conditional Use.

Fire Department: No comments as of the issue of this Staff Report.

III. REVIEW AND DESIGN CRITERIA

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

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws [SHMC 17.80.040(A)].

Staff Findings: The construction of governmental structures or governmental land use shall be through a conditional use permit [SHMC 17.32.030(B)].

With the approval of application PLA20-11 and the above referenced condition, the application complies with this criterion.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

1. **Building size;**
2. **Parking;**
3. **Traffic;**
4. **Noise;**
5. **Vibration;**
6. **Exhaust and emissions;**
7. **Light and glare;**
8. **Erosion;**
9. **Odor;**
10. **Dust;**
11. **Visibility;**
12. **Safety;**
13. **Building, landscaping or street features [17.80.040(B)].**

Staff Findings: The applicant is requesting this conditional use permit in order to apply for a property line adjustment and build a 2,000 square foot structure. The construction of governmental structures or governmental land use shall be through a conditional use permit [SHMC 17.32.030(B)].:

1. **Building size:**
Applicants Comments: The existing buildings are not changing. The new building is within the zoning restrictions on building size.
Staff Findings: There are no issues with the building size. Per SHMC 17.32.020(I)(4)
2. **Parking and Traffic:**
Applicants Comments: The new building is in an area that was not used for traffic in the past, so there is no change.
Staff Finding: There will be little to no traffic or parking impact.
3. **Noise:**
Applicants Comments: The new building will be used for storage of vehicles and equipment, so there is no change in noise levels.

Staff Findings: The applicant has not indicated the proposed use is sensitive to neighborhood noise levels.

4. Vibration:

Applicants Comments: The new building will be used for storage of vehicles and equipment, so there is no change in vibrations.

Staff Findings: The proposed use is not one that will create vibrations as it is a storage building.

5. Exhaust and emissions:

Applicants Comments: The new building will be used for storage of vehicles and equipment, so there will only be a minimum increase of exhaust in this immediate area, but no more than that of the fire station property as a whole.

Staff Findings: The proposed use is not anticipated to create exhaust or emissions.

6. Light and glare:

Applicants Comment: If lights are installed, they will be in front of the new building facing the doors and existing fire station complex but not neighboring properties.

Staff Findings: The applicant has not indicated that the proposed use will create light and glare different than what is normal in a commercial zone.

7. Erosion:

Applicants Comments: There is no significant grade modification so there will be no additional erosions. Runoff from roof drains will be to existing storm water infrastructure.

Staff Findings: Staff has not identified any significant impacts from erosion that would preclude the proposed development.

8. Odor:

Applicants Comments: The new building will be used for storage of vehicles and equipment, so there is no change in odor.

Staff Findings: The proposed home occupation would not create odor.

9. Dust:

Applicants Comments: The new building will be used for storage of vehicles and equipment, so there is no change in dust levels from normal fire station operations.

Staff Findings: Aside from the initial construction, the proposed home occupation would not create dust.

10. Visibility:

Applicants Comments: The new building is more than 100 feet off the public street and behind fences of neighboring properties, so there will nothing new that will be visible from off the property.

Staff Findings: The proposed use would not affect visibility of any person on or off the subject property.

11. Safety:

Applicants Comments: The new building will be used for storage of vehicles and equipment, so there are no changes in safety protocol from the rest of the fire station complex.

Staff Findings: Staff has not identified any negative safety impacts that would adversely affect the establishment of the proposed use on the subject property.

12. Building, landscaping or street features:

Applicants Comments: The new building is not along a public right-of-way so there are no landscaping or street features of note.

Staff Findings: The proposed use would not generate any additional traffic beyond that associated with the current use of the fire station complex. No changes are being made to the landscaping or any street features.

With the approval of application PLA20-11, the application complies with this criterion.

- C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter [SHMC 17.80.040(C)].**

Staff Findings: The applicant has proposed to construct a 40-foot by 50-foot building. There would be no potential impacts are identified.

With the approval of application PLA20-11, the application complies with this criterion.

- D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use [SHMC 17.80.040(D)].**

Staff Findings: The proposed building will be used for storage of vehicles and equipment, so there would be no traffic or parking impact and no need for any public facilities improvements.

With the approval of application PLA20-11, the application complies with this criterion.

- E. Home occupations must meet the following standards:**

- 1. The home occupation shall be secondary to the residential use [SHMC 17.80.040(E)(1)].**

Staff Findings: The applicant is not proposing a home occupation.

With the approval of application PLA20-11, the application complies with this criterion.

- 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building [SHMC 17.80.040(E)(2)].**

Staff Findings: The applicant is not proposing a home occupation.

With the approval of application PLA20-11, the application complies with this criterion.

- 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors [SHMC 17.80.040(E)(3)].**

Staff Findings: The applicant indicates the proposed storage building will not use any materials or mechanical equipment that will create any impacts on the neighborhood.

With the approval of application PLA20-11, the application complies with this criterion.

- 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic [SHMC 17.80.040(E)(4)].**

Staff Findings: The applicant is not proposing a home occupation

With the approval of application PLA20-11, the application complies with this criterion.

F. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. [SHMC 17.80.050]

1. These conditions may include, but are not limited to, the following:

- a) Requiring larger setback areas, lot area, and/or lot depth or width;**
- b) Limiting the hours, days, place and/or manner of operation;**
- c) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;**
- d) Limiting the building height, size or lot coverage, or location on the site;**
- e) Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;**
- f) Increasing the number of required parking spaces;**
- g) Requiring street right-of-ways to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;**
- h) Limiting the number, size, location, height and lighting of signs;**
- i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;**
- j) Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;**
- k) Designating sites for open space or outdoor recreation areas;**
- l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;**
- m) Requiring ongoing maintenance of buildings and grounds;**
- n) Setting a time limit for which the conditional use is approved. [SHMC 17.80.050(A)]**

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

If this application is approved, staff recommends the Planning Commission impose no conditions of approval as there are no potential impacts which need mitigation except for procedural conditions to assure the operation of the home occupation as represented by the applicant.

G. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. As stated in the SHMC, the City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. CONCLUSION AND RECOMMENDATION

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 (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Boards of Appeals (LUBA) may only be based on Review and Decision Criteria listed above.

Recommended Conditions If the Application is Approved:

1. The construction and use of the proposed storage building will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. Vehicles related to the business shall be parked in a manner to not block any driveway or impede the safe flow of traffic.
3. The applicant shall provide a lighting plan acceptable to the Sweet Home Municipal Code requirements of 17.44.090.
4. The applicant shall not conduct, operate or maintain the proposed storage building in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m. (SHMC 9.20.020)
5. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

V. PLANNING COMMISSION ACTION

In taking action on a Conditional Use Permit, the Planning commission will hold a public Hearing at which it may either approve or deny the application(s). If the application is denied, the action 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's 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 CU20-04; which includes: adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV 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 applications CU20-04; which includes: adopting the findings of fact (specify), including 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Application
- D. Application PLA20-11 *for reference only*

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 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

ATTACHMENT A



1 inch = 115 feet

1099 Long Street
CU20-04 and PLA20-11

Date: 8/5/20

Conditional Use Permit Application Map for
City of Sweet Home
In the SW 1/4 of the NE 1/4 of Section 31 in T. 13 S., R 1 E.
Willamette Meridian, Sweet Home, Linn County, Oregon

10th Ave (60')

Long St (55')

12th Ave (55')

Kalnia St (55')

40x50' new building (75 sq ft)

driveway (100')

common entry

parking

emergency vehicles

existing building (1400')

existing building (1350')

fire station parking (156')

visitor parking (100')

existing building (1400')

City of Sweet Home 13S01E31AC 12000 orig area = 0.09 ac adj area = 0.74 ac

City of Sweet Home 13S01E31AC 14000 orig area = 3.01 ac adj area = 2.36 ac

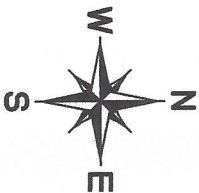
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<154.5'>

<259'> new property line

exit

() dimension from record sources
< > new dimension



SCALE 1"=100'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

77
ORF 601

JANUARY 16, 1996
KELLY D. DOHERTY

Expires 12/31/21

**K2 Surveying
Kelly Doherty, PLS
39182 Golden Valley Dr
Lebanon. OR 97355
(541) 451-1851**

ATTACHMENT C



City of Sweet Home

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

Application for a Conditional Use Permit

Date Received: _____
Date Complete: _____
File Number: _____
Application Fee \$: _____
Receipt #: _____
Hearing Date: _____

Applicant's Name:

Dave Barringer, City of Sweet Home

Applicant's Address:

1140 12th Ave Sweet Home OR 97386

Applicant's Phone and e-mail:

(541) 367-5882 ext 201

Subject Property Address:

1099 Long St Sweet Home OR 97386

Subject Property Assessor's Map and Tax Lot:

13S01E31AC 12000

Subject Property Size:

0.74 ac (after PLA)

Subject Property: Zoning Classification

C1 (Central Commercial)

Property Owner:

City of Sweet Home

Owner's Address:

1140 12th Ave Sweet Home OR 97386

Owner's Phone and email:

(541) 367-5882

Comprehensive Plan Classification:

Highway Commercial

Nature of Applicants Request

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

Construct non-residential building for storage of vehicles and fire equipment.

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

All modifications are on property and not adjacent to public rights-of-way so there are no projected changes. See included narrative.

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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:

Date:

Property Owner's Signature:

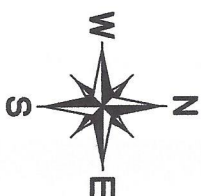
Date:

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

In the SW 1/4 of the NE 1/4 of Section 31 in T. 13 S., R 1 E. Willamette Meridian, Sweet Home, Linn County, Oregon

[illegible]

() dimension from record sources
< > new dimension



SCALE 1"=100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

FORGOT

JANUARY 16, 1996

KELLY D. DOHERTY

2738

Expires 12/31/21

**K2 Surveying
Kelly Doherty, PLS
39182 Golden Valley Dr
Lebanon. OR 97355
(541) 451-1851**

SHMC 17.80.030 Application Requirements

2. Narrative

The property is proposed to be used as it is currently, with a storage building for vehicles and equipment, and so there is no projected impact to the neighborhood.

SHMC 17.80.040 Conditional Use Criteria

A Underlying zoning requirements-

The new building is within the current zoning criteria.

B Size, dimension, etc adequate for needs of proposed use

1. Building size-

The existing buildings are not changing, The new building is within the zoning restrictions on building size.

2. Parking-

The new building is in an area that was not used for parking in the past, so there is no change.

3. Traffic-

The new building is in an area that was not used for traffic in the past, so there is no change.

4. Noise-

The new building will be used for storage of vehicles and equipment, so there is no change in noise levels.

5. Vibration-

The new building will be used for storage of vehicles and equipment, so there is no change in vibrations.

6. Exhaust and emissions-

The new building will be used for storage of vehicles and equipment, so there will only minimal increase of exhaust in this immediate area, but no more than that of the fire station property as a whole.

7. Light & glare-

If lights are installed they will be in front of the new building facing the doors and existing fire station complex but not neighboring properties.

8. Erosion-

There is no significant grade modification so there will be no additional erosion. Runoff from roof drains will be to existing storm water infrastructure.

9. Odor-

The new building will be used for storage of vehicles and equipment, so there is no change in odor.

10. Dust-

The new building will be used for storage of vehicles and equipment, so there is no change in dust levels from normal fire station operations.

11. Visibility-

The new building is more than 100' off of the public street and behind fences of neighboring properties, so there will nothing new that will be visible from off the property.

12. Safety-

The new building will be used for storage of vehicles and equipment, so there are no changes in safety protocol from the rest of the fire station complex.

13. Building, landscaping, street features-

The new building is not along the public right-of-way so there are no landscaping or street features of note.

ATTACHMENT D



City of Sweet Home

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

Application for a Property Line Adjustment
or a Property Line Adjustment / Replat

Date Received: _____
Date Complete: _____
File Number: _____
Application Fee \$: \$160.00/\$200.00
Receipt #: _____

Applicant's Name:

Dave Barringer

Applicant's Address:

1099 Long St Sweet Home OR 97386

Applicant's Phone and e-mail:

(541) 367-5882 ext 201

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

Property A

Owner's Name:

City of Sweet Home

Owner's Address:

1140 12th Ave Sweet Home OR 97386

Owner's Phone and e-mail:

(541) 367-5882 ext 201

Property Address:

1099 Long St Sweet Home OR 97386

Assessor's Map and Tax Lot:

13S01E31AC 14000

Property Size Before:

3.01 acres

Property Size After:

2.36 acres

Zoning Classification

C1 (Central Commercial)

Property B

Owner's Name:

City of Sweet Home

Owner's Address:

1140 12th Ave Sweet Home OR 97386

Owner's Phone and email:

(541) 367-5882 ext 201

Property Address:

1099 Long St Sweet Home OR 97386

Assessor's Map and Tax Lot:

13S01E31AC 12000

Property Size Before:

0.09 acres

Property Size After:

0.74 acres

Zoning Classification:

C1 (Central Commercial)

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:

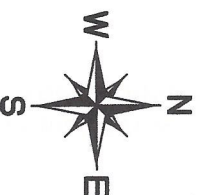
Property Line Adjustment Application Map for City of Sweet Home

In the SW 1/4 of the NE 1/4 of Section 31 in T. 13 S., R 1 E.
Willamette Meridian, Sweet Home, Linn County, Oregon

8/18/2020

Legend

- C— communication
- G— gas
- E— power
- S— sewer
- D— storm drainage
- W— water
- catch basin
- ⊕ fire hydrant
- ⊙ sewer manhole
- ⊕ storm drainage manhole
- () dimension from record sources
- < > new dimension



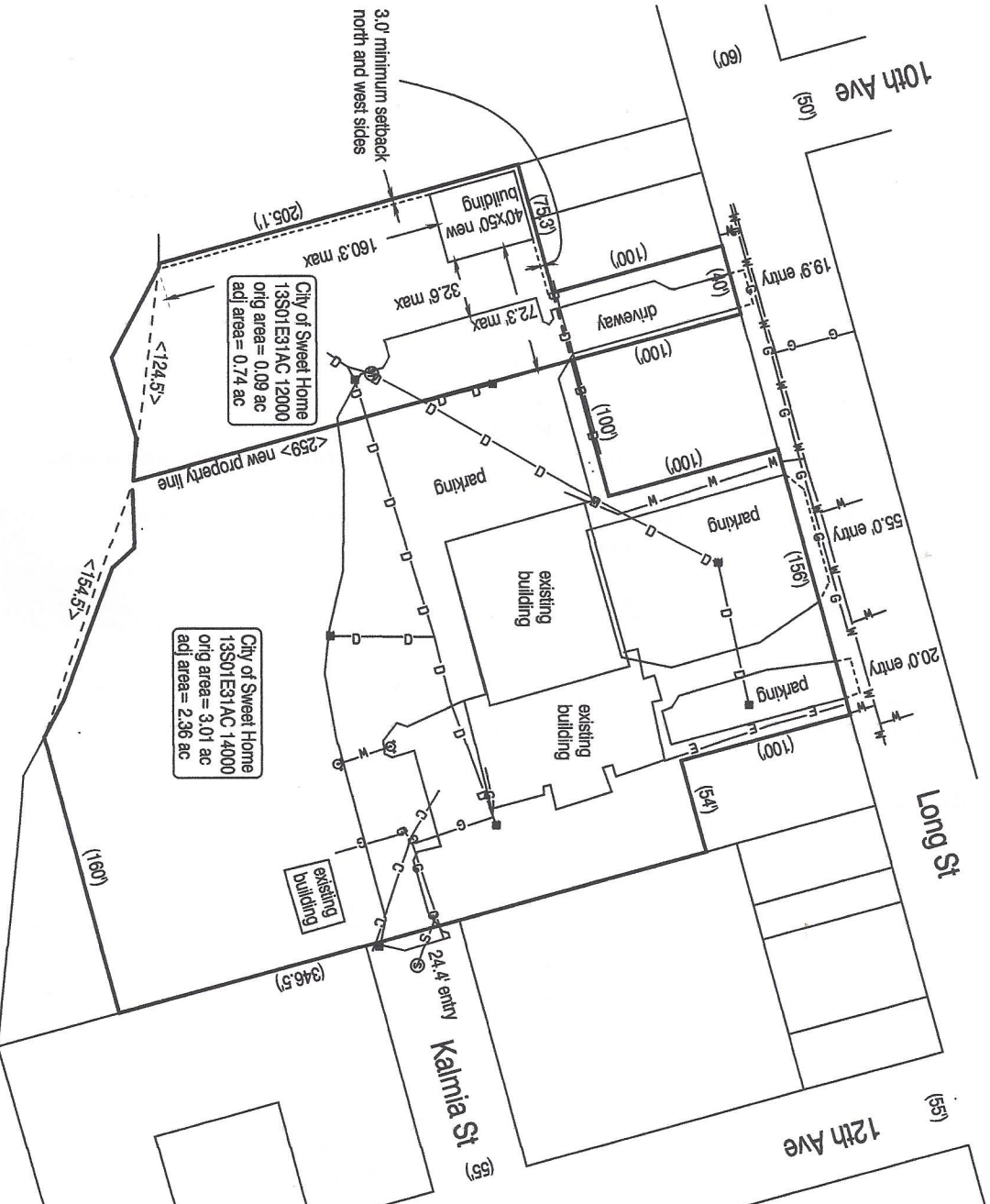
SCALE 1" = 100'

0 100 200

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 16, 1996
KELLY D. DOHERTY
2738

K2 Surveying
Kelly Doherty, PLS
39182 Golden Valley Dr
Lebanon, OR 97355
(541) 451-1851



13S01W31AC 12000- preliminary resultant legal description

That tract of land conveyed by deed to The City of Sweet Home as described in MF Vol 710 Pg 031 of the Linn County Deed Records, together with a portion of that tract of land conveyed by deed to Sherman D. Weld and described as Parcel 4 in MF Vol 400 Pg 829 of the Linn County Deed Records, both tracts being in the northeast quarter of Section 31 in Township 13 South, Range 1 East of the Willamette Meridian, in the City of Sweet Home, Linn County, Oregon, the whole being more particularly described as follows:

Commencing from a point that is South 348.2 feet, East 81.2 feet, N 74° E 162 feet and S74°50'00"W 40 feet from the East projection of the Lowell Ames DLC No 47, in Section 31 in said Township and Range, and running thence S15°10'00"E a distance of 359.1 feet, more or less, to the center of Ames Creek; thence N83°02'16"W upstream along the center of said Ames Creek a distance of 124.5 feet; thence N15°10'00"W a distance of 212.2 feet, more or less; thence N74°50'00"E 75.3 feet; thence N15°10'00"W 100 feet to the southerly line of said Long Street; thence N74°50'00"E along the north right-of-way line of said Long Street a distance of 40 feet to the point of beginning.

13S01W31AC 14000- preliminary resultant legal description

A portion of that tract of land conveyed by deed to The City of Sweet Home as described in MF Vol 700 Pg 829 as Parcel 4 therein, of the Linn County Deed Records, said tract being in the northeast quarter of Section 31 in Township 13 South, Range 1 East of the Willamette Meridian, in the City of Sweet Home, Linn County, Oregon, the portion being more particularly described as follows:

Commencing from a point that is South 348.2 feet, East 81.2 feet, N 74° E 162 feet and N74°50'00"E 40 feet from the East projection of the Lowell Ames DLC No 47, in Section 31 in said Township and Range, said point being on the southerly right-of way line of Long Street, and running thence N74°50'00"E along said Long Street southerly right-of-way line a distance of 156 feet; thence S15°10'00"E 100 feet; thence N74°50'00"E 54 feet; thence S15°10'00"E 346.5 feet; thence S74°50'00"W 160 feet, more or less, to the center of Ames Creek; thence N71°14'20"W upstream along the center of Ames Creek a distance of 156.7 feet, more or less; thence N15°10'00"W 259.1 feet, more or less; thence N74°50'00"E 80 feet; thence N15°10'00"W 100 feet to the point of beginning.



City of Sweet Home

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch. The subject property is in the Residential High Density (R-2) Zone.

APPLICANT: Don Jensen

PROPERTY OWNER: Jensen Consulting and Development LLC

FILE NUMBER: SD20-01

PROPERTY LOCATION: One property south of 4199 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33B Tax Lot 1800.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.16, 16.12, and 17.28.040 through 17.28.060.

HEARING DATE & TIME: September 21, 2020

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

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113

REPORT DATE: September 14, 2020

I. PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch. The subject property is in the Residential High Density (R-2) Zone. The proposed subdivision is depicted on the maps included as Attachment A.

The applicant provided the development background of the property:

Duck Hollow III was originally approved by the Sweet Home Planning Commission on September 19, 2006. Two one-year extensions were granted on August 5, 2008 and August 4, 2009. However, due to the poor economic conditions at that time, the subdivision was not developed, and tentative plat approval expired September 19, 2011.

On August 7, 2020 the applicant submitted a new subdivision application for review and approval. The applicant's proposal differs slightly from the 2006 approved tentative subdivision plat. The minor deviations proposed will better achieve the Sweet Home Municipal Code (SHMC) land division and zoning code standards.

The proposed tentative subdivision plat application is for “Duck Hollow III”, a 54-lot residential subdivision. The subject site is adjacent to and east of Duck Hollow phases I and II, north of Long Street, east of 41st Avenue, at the eastern terminus of Lily Street. The site is known as Linn County Tax Assessor’s Map No. 13S-01E-33B Tax Lot 1800.

Access to Duck Hollow III will be provided via two roadway extensions. Lily Street will be extended along the north portion of the subject site from its point of termination at the site’s west property line to the site’s east property line. Lily Street will eventually continue easterly as abutting properties to the east further develop. 42nd Avenue will be extended north from Long Street to the proposed Lily Street extension. Internal site circulation will be via two new local streets, 41st Lane and Lilac Street.

The subject property is currently unimproved and approximately 13.57 acres in size. The 54-lots, numbering 79 – 133, range in size from 5,158 to 9,605 square feet with an average lot size of 6,494 square feet. Lot width sizes range in size from 60 feet to 90.98 feet, with an average lot width of 60 feet. The lot sizes and configurations either meet or exceed the minimum standards of zone and are similar to the dimensions and configuration as the previously platted Duck Hollow phases I and II.

Approximately 3.04 acres are proposed to be dedicated to the city of Sweet Home for public right-of-way improvements. An additional 2.48 acres is proposed to be retained as open space (Tracts A, B and C) for wetland preservation, stormwater detention, and a drainage ditch.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential High-Density (R-2) Zone	High Density Residential
Property North	Commercial Highway (C-2) Zone	Highway Commercial
Property East	Residential Low-Density (R-1) Zone	Low Density Residential
Property South	Residential Low-Density (R-1) Zone	Low Density Residential
Property West	Residential High-Density (R-2) Zone	High Density Residential

Floodplain Based on a review of the FEMA FIRM Maps; Panel 41043C0914G dated September 29, 2010, the subject property is not located in the 100-year floodplain.

Wetlands: The subject property does contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory (NWI) Map.

Access: The subject property has frontage along Long Street; which is a minor arterial road.

Services: City water and sewer are available at Lily Street and Long Street.

TIMELINES AND HEARING NOTICE:

Application Received: August 06, 2020

Application Deemed Complete: August 07, 2020

Notice Distribution to Neighboring Property
Owners Within 100 feet and Service Agencies: August 07, 2020

Notice Published in New Era Newspaper: August 12, 2020

Date of Planning Commission Hearing: September 21, 2020

120-Day Processing Deadlines: December 05, 2020

Notice has been provided as required by the SHMC.

II. COMMENTS

Engineering Division:

Project & Location: This proposed subdivision is the eastward extension of Lily St from 41st Avenue and connecting to a new 42nd Avenue off Long Street. A looped street named Lilac Street will parallel Lily Street and connect with the new 42nd Avenue. The project is intended to be in two Phases.

Streets & Stormwater: The streets in the subdivision are proposed to be 30ft wide curb-to-curb and 50ft right-of-way's with curbside planter strips per the Sweet Home Transportation System Plan. Long Street is an Arterial, so the frontage of 42nd Avenue shall have curb and sidewalk development. Because of the wider right-of-way of Long St, the planter strip will be wider. Lily Street as shown is extended to the east property line of this property. It will require a 1ft Reserve Strip, along with a Deed transferring the ownership of it to the City of Sweet Home after the subdivision is recorded. If Lily Street is extended farther eastward in the future, the alignment will clear the adjacent property owners house and barn by at least 25ft. Lily Street is shown in Phase 1 with the extensions of "Lilac Loop" and 42nd Avenue serving as emergency vehicle turnaround areas in the interim till those streets are extended and looped in Phase 2 construction. The street portion noted on the drawing of 41st Avenue will need to be renamed, as 41st Avenue is already in use. The 125ft existing portion of Lilly Street (no residences or services) off 41st Avenue has a misspelling, however with this new development of Lilac St having a termination at each end, it can be renamed as a "Loop", i.e. Lilac Loop. The new 42nd Avenue right-of-way south end alignment meets the Long Street right-of-way with a separation of 100ft between it and the existing southern portion of 42nd Ave. The City TSP and SHMC Development Ordinance 16.12.020(B) requires at least 100ft separation for Collectors and Arterials. The map also has a "breakline" shown on Long St that should actually be on 42nd Avenue. With the 187 ft from the south boundary of Lot 104 to Long St, this extension does not fit on the page view without a breakline. That area may be shown on another page. Stormwater in the subdivision is controlled onsite with a water quality outlet at Tract B, with an outlet to the main creek channel. An easement along the west lines of Lots 79-82 will be necessary. The frontage of Tract 2 will need to be wider than shown for maintenance access. The developer and landowner(s) will be required to maintain the WQ basin. The main channel has no official name but is known locally as "Duck Creek". There are culverts for the creek that were installed during the earlier Phase 2 development, the new 42nd Ave alignment will use

these. The main channel will need a private access easement too between Lot 101 and 102. A 5ft Wetland Preservation Easement is on Lot 83. The Tract C basin was intended to provide stormwater management for the entire Phase 1, 2, and 3, however that should be re-verified by the developers engineering firm.

Water & Sanitary: All properties appear to be served by new water and sewer systems. The line noted at the north boundary between lots 87 and 88 is a continuation of a City Connector for flow and pressure needs of the water network between Main St and Long St. The easement is shown as 15ft but will need to be 20ft.

Comments & Recommendations: CEDD-IS has no issues with the subdivision in this area. The roadway name conflict with 41st Ave is easily modified by changing the name to Lilac Loop. The frontage along Long St at Lot 104 will require curb and sidewalk development.

Public Works (See Attachment D):

1. To provide clarity, Sheets C2.0 and C3.0 truncate the southern 187 ft of 42nd Ave. At first it appears that lot 104 butts up against Long St but that is not the case.
2. The water main is required to connect with the existing main to the north, over lots 87 & 88 as indicated, for distribution system connectivity. And our standard public utility easement is 20', not 15'.
3. Sidewalk construction is required as part of the infrastructure development prior to final platting. Constructing piecemeal sidewalk together with home construction has not worked well and results in long-term sidewalk gaps.
4. PW recommends providing at least 15 ft of frontage (20 ft would be better) to Tract B for heavy equipment access to maintain the private detention pond.
5. Tracts A, B, and C shall be privately owned and maintained, including the detention pond. A homeowner's association should be required to be established and to maintain these private facilities. I believe Duck Hollow Phase 1 and/or 2 were supposed to establish an HOA to maintain their private facilities based on a certain number of homes as the trigger, which failed in practice and no HOA was ever established. I recommend the HOA be required for Duck Hollow III as a deed restriction or similar on each lot concurrent with subdivision platting.
6. A private easement is required for the existing drainage ditch at lots 101 & 102. This section of the ditch also needs to be cleaned during construction. It's clogged by vegetation which backs up the drainage to 43rd Ave.
7. The detention pond is within Phase 2 area but it appears that it serves the entire development. The developer shall provide detention for Phase 1. This may be the full-size pond, or a smaller pond sized for Phase 1 which would be expanded with Phase 2, or an alternate detention system to be approved by PW.
8. A private utility easement will be required for the private drain line on the west side of lots 79-82. PW recommends a piped drainage system rather than an open channel because property owners tend to prefer level yards and open channels cause more maintenance issues for homeowners.
9. A 1' reserve strip deeded to the City will be required at the east end of Lilly St.
10. The spelling of Lilly St on the recorded plat is required to be consistent with Duck Hollow Phase 2. Alternately, PW is willing to approve changing the

spelling of existing Lilly St to “Lily St” if the developer desires, at the developer’s expense. This would involve a Council action to formally change the name, recording the change at the County, and installation of a new street name sign. These are minor expenses and could all be done concurrent with the subdivision construction & platting.

Building Division:

The Building Program has no issues with this request for a subdivision. Please note that the short connection street labeled “41st Avenue” (between Lily Street and Lilac Street) needs to be changed, as 41st Avenue already exists. Possibly that small section of street could be an extension of Lilac Street.

**Oregon Department
Of State Lands:**

Based on review of mapping submitted, and after review of available information for the subject tax lot, the proposed project (“Duck Hollow Phase III: 54 residential lots, 3 open space tracts, new streets, associated utilities”) appears that it will impact jurisdictional wetlands of the state (including a compensatory mitigation wetland site). Any impacts to a compensatory mitigation site will require a permit from DSL. A wetland delineation for the subject lot was completed in 2017 and approved by DSL on 6-19-17 (WD2017-0131). Please work with the DSL Aquatic Resource Coordinator for Linn County in order to discuss permitting needs for your project.

Sweet Home Fire District:

Ok I have no issues. We are glad things are building up.

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.

A. Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

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

Applicant Comments: Application forms and tentative plans identifying items listed in section 16.16.025 have been submitted with this application.

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application, and the applicant provided this information

The application complies with this criterion.

- 2. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable. [SHMC 16.16.040(B)]**
 - A. Size and shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated. [SHMC 16.12.030(A)]**
 - B. No lot or parcel shall be dimensioned to contain a part of an existing or proposed street. [SHMC 16.12.030(B)]**

- C. Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17. [SHMC 16.12.030(C)]**

YARD SETBACKS AND LOT SIZE AND WIDTH.

Except as provided in Chapter 17.80 and 17.08.030 through 17.08.130, in a R-2 zone, yard setbacks shall be as follows:

- 1. The front yard shall be a minimum of 20 feet. [SHMC 17.28.050(A)]**
- 2. Each side yard setback shall be a minimum of five feet; [SHMC 17.28.050(B)]**
- 3. The street yard setback shall be a minimum of 15 feet; [SHMC 17.28.050(C)]**
- 4. The rear yard setback shall be a minimum of ten feet; [SHMC 17.28.050(D)]**
- 5. Single-family attached dwellings: [SHMC 17.28.050(E)]**
 - a. Front shall be a minimum of 20 feet; [SHMC 17.28.050(E)(1)]**
 - b. The sides between units shall be zero feet; [SHMC 17.28.050(E)(2)]**
 - c. The sides on exterior boundaries shall be five feet; [SHMC 17.28.050(E)(3)]**
 - d. Street side shall be a minimum of 15 feet; and [SHMC 17.28.050(E)(4)]**
 - e. Rear shall be a minimum of ten feet. [SHMC 17.28.050(E)(5)]**
- 6. On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet. [SHMC 17.28.050(F)]**

Except as provided in, Sweet Home Municipal Code 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:

- 1. The minimum lot area for a multi-family dwelling shall be 2,500 square feet per dwelling unit; [SHMC 17.28.040(A)]**
- 2. The minimum lot area for a two-family dwelling shall be 6,000 square feet; [SHMC 17.28.040(B)]**
- 3. The minimum lot area for a single-family dwelling and all other uses permitted in a R-2 zone shall be 5,000 square feet; [SHMC 17.28.040(C)]**
- 4. Single family attached dwellings shall have a minimum lot area of 2,500 square feet per dwelling unit; [SHMC 17.28.040(D)]**
- 5. The minimum lot width at the front building line shall be as follows: [SHMC 17.28.040(E)]**
 - a. Seventy feet for a corner lot; [SHMC 17.28.040(E)(1)]**
 - b. Sixty feet for an interior lot; and [SHMC 17.28.040(E)(2)]**
 - c. Twenty five feet for a single-family attached dwelling lot. [SHMC 17.28.040(E)(3)]**

- D. Lot depth shall not exceed two and one-half times the average width. [SHMC 16.12.030(D)]**

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: Based on a review of the applicant's site plans (Attachment B), and the applicant's Residential Subdivision Application & Findings of Fact (attachment C), would not exceed two and one-half times the average width. There is a portion of each lot where the front building line would be at least 80 feet in width. No lot would be dimensioned to contain part of an existing or proposed street.

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

- E. Frontage. Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet. [SHMC 16.12.030(E)]**

Staff Findings: Based on a review of the applicant's site plans (Attachment B), the proposed Lots would have at least 25 feet of frontage along Lily Street, 42nd Avenue, 41st avenue, and Lilac Street.

Based on staff's findings above, the application complies with this criterion.

- F. Access easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels. [SHMC 16.12.030(F)]**

- 1. Joint use driveways. [SHMC 17.08.100(C)(6)]**
 - a. Joint use driveways are permitted.**
 - b. A joint use driveway shall comply with International Fire Codes**
 - c. A joint use driveway that serves four or more lots or parcels shall be developed to the standards of a local street.**
 - d. Where the city approves a 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.**

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: Per the staff engineer's comment in Section II, an easement along the west lines of Lots 79-82 will be necessary. The frontage of Tract 2 will need to be wider than shown for maintenance access. The developer and landowner(s) will be required to maintain the water quality basin. The main channel has no official name but is known locally as "Duck Creek". There are culverts for the creek that were installed during the earlier Phase 2 development, the new 42nd Ave alignment will use these. The main channel will need a private access easement between Lot 101 and 102. A 5ft Wetland Preservation Easement is on Lot 83. The Tract C basin was intended to provide stormwater management for the entire Phase 1, 2, and 3, however that should be re-verified by the developers engineering firm.

The applicant has not proposed a joint use driveway.

The application complies with this criterion.

- G. Through lots should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation. [SHMC 16.12.030(G)]**

1. **A planting screen easement of at least ten feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses.**
2. **Lots shall be served from only one side via a local street.**
3. **A through lot shall have the yard abutting a street that has no access to the back yard, and shall utilize setbacks for a back yard as per the underlying zone standards.**

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

The application complies with these criteria.

H. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [SHMC 16.12.030(H)]

1. **Topographical conditions or street configurations may warrant an angle.**
2. **Generally, any angle should not exceed 30° from a right angle to the street.**

Staff Findings: As depicted on Attachment B, the proposed parcels would have side lines that are at, or very close, to right angles to Lily Street, 42nd Avenue, 41st avenue, and Lilac Street.

The application complies with these criteria.

I. Flag Lots. Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements. [SHMC 16.12.030(I)]

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

The application complies with these criteria.

J. If special setbacks are to be established in a subdivision or partition through the variance process, they shall be shown on the tentative plan and final plat and included in the deed restrictions. [SHMC 16.12.030(J)]

Staff Findings: The applicant has not proposed any special setbacks. Staff finds that the configuration of the proposed subdivision lots meets these criteria

The application complies with these criteria.

3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: The applicant is proposing to create 54 residential lots, 3 open space tracts, new streets and associated utilities. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

The application complies with this criterion.

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

Staff Findings: Staff has not identified any features of this proposed subdivision that would inhibit development on adjoining property. Staff finds that the proposed street access would allow adjoining property to develop. Lily Street could be extended to the East.

The application complies with this criterion.

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

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: Per the staff engineer's comments in Section II above, the streets in the subdivision are proposed to be 30ft wide curb-to-curb and 50ft right-of-way's with curbside planter strips per the Sweet Home Transportation System Plan. Long Street is an Arterial, so the frontage of 42nd Avenue shall have curb and sidewalk development. Because of the wider right-of-way of Long St, the planter strip will be wider. Lily Street as shown is extended to the east property line of this property. It will require a 1ft Reserve Strip, along with a Deed transferring the ownership of it to the City of Sweet Home after the subdivision is recorded. If Lily Street is extended farther eastward in the future, the alignment will clear the adjacent property owners house and barn by at least 25ft. Lily Street is shown in Phase 1 with the extensions of "Lilac Loop" and 42nd Avenue serving as emergency vehicle turnaround areas in the interim till those streets are extended and looped in Phase 2 construction. The street portion noted on the drawing of 41st Avenue will need to be renamed, as 41st Avenue is already in use. The 125ft existing portion of Lilly Street (no residences or services) off 41st Avenue has a misspelling, however with this new development of Lilac St having a termination at each end, it can be renamed as a "Loop", i.e. Lilac Loop. The new 42nd Avenue right-of-way south end alignment meets the Long Street right-of-way with a separation of 100ft between it and the existing southern portion of 42nd Ave. The City Transportation System Plan and SHMC 16.12.020(B) requires at least 100ft separation for Collectors and Arterials. The map also has a "breakline" shown on Long St that should actually be on 42nd Avenue. With the 187 ft from the south boundary of Lot 104 to Long St, this extension does not fit on the page view without a breakline. That area may be shown on another page.

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

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

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: As proposed in the applicant's tentative subdivision plan (Attachment B), each lot would have frontage along a public street. Water and sewer is available in Lily Street and Long Street.

The application complies with this criterion.

7. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law. [SHMC 16.16.040(G)]

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: Based on a review of the FEMA FIRM Maps; Panel 41043C0914G dated September 29, 2010, the subject property is not located in the 100-year floodplain. The subject property does contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory (NWI) Map.

Based on review of mapping submitted, and after review of available information for the subject tax lot, the proposed project ("Duck Hollow Phase III: 54 residential lots, 3 open space tracts, new streets, associated utilities") appears that it will impact jurisdictional wetlands of the state

(including a compensatory mitigation wetland site). Any impacts to a compensatory mitigation site will require a permit from DSL. A wetland delineation for the subject lot was completed in 2017 and approved by DSL on 6-19-17 (WD2017-0131). Please work with the DSL Aquatic Resource Coordinator for Linn County in order to discuss permitting needs for your project.

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

- 8. If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development. [SHMC 16.16.040(H)]**

Applicant Comments: See Attachment C, Residential Subdivision Application & Findings of Fact

Staff Findings: The applicant has proposed to develop this property in two phases. The applicant has stated that each phase will stand alone with required street and utility extensions to support the proposed lots. Phase 1 shall include 25 lots in the northern section of the property, including Tract A. Phase 2 includes 29 lots in the southern section of the property including Tracts B and C. Staff Recommends that the applicant specify a period of time for the completion of each phase.

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

- 9. An application for residential development can be denied based on a lack of school capacity if: [SHMC 16.16.040(I)]**
 - a. The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; and [SHMC 16.16.040(I)(1)]**
 - b. The city has considered option to address school capacity; and [SHMC 16.16.040(I)(2)]**
 - c. The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540. [SHMC 16.16.040(I)(3)]**
 - d. This section does not confer any power to the school district to declare a building moratorium. [SHMC 16.16.040(I)(4)]**

Staff Findings: The City has not been informed by the Sweet Home School District that their adopted school facility plan has identified a lack of school capacity. Staff does not recommend that this application be denied based on a lack of school capacity.

The application complies with this criterion.

B. Conditions of Approval.

- 1. The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria. [SHMC 16.16.050(A)]**
- 2. Conditions of approval may include, but are not limited to, the following: [SHMC 16.16.050(B)]**
 - a. Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.**
 - b. Storm water drainage plans**
 - c. Fencing.**
 - d. Landscaping.**
 - e. Public land dedication. [SHMC 16.16.050(B)(1 through 5)]**

Staff Findings: The applicant is requesting to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch. The subject property is in the Residential High Density (R-2) Zone.

To ensure compliance staff recommends a condition of approval that upon development of the proposed parcels, the property owner shall construct all applicable street, sidewalk and storm drain improvements that are required by, and according to the provisions of the Sweet Home Municipal Code at the time of development. All public improvements must comply with the standards listed in the SHMC at the time of development.

Staff has recommended conditions of approval, listed in Section IV below, that act to ensure that the final partition plat comply with the application that has been proposed. Additional conditions of approval may be required if any of the subject parcels are further divided under a future application or if they are physically developed with a residence.

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

C. Duration of Tentative Plan Approval. [SHMC 16.16.070]

- 1. Approval of a tentative plan shall be valid for 12 months from the date of approval of the tentative plan, provided that if the approved tentative plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of § 16.16.060 of this chapter. [SHMC 16.16.070(A)]**
- 2. If any time limitation is exceeded, approval of the tentative subdivision plan, or of any un-platted phase of the tentative subdivision plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new application. [SHMC 16.16.070(B)]**

Staff Findings: This approval shall be valid for 12 months. The applicant has proposed a phased development. Staff recommends that a time for each phase be specified. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92. [SHMC 16.20.010(B)(1)]

Staff Findings: Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.

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 final configuration is to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch.
2. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential High Density (R-2) zone.
3. The applicant shall specify a period of time for the completion of each phase.
4. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.
5. SHMC 16.12.040 WATER SYSTEM. The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account provisions for extension beyond the subject property. The design shall adequately loop the city system.
6. SHMC 16.12.045. SANITARY SEWER SYSTEM. The design shall be to city standards and shall be approved by the City Engineer. The design shall take into account capacity and grade to allow for desirable extension beyond the subject property.
7. SHMC 16.12.050 STORM WATER AND SURFACE DRAINAGE. Design of drainage within a subdivision or partition shall be to city standards and shall be approved by the City Engineer. [SHMC 16.12.050]
 - a. The design shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system to serve such areas.
 - b. Provision shall be made for water quality and retention storage areas designed and constructed to meet the standards set by the city.
8. Improvements within the subdivision shall be installed at the expense of the subdivider as required by SHMC 16.24.050. Improvements shall be made under the procedures and specifications listed in SHMC Chapter 16.24.
9. 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's 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 SD20-01; 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. Move to deny application SD20-01; 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.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A - Aerial Photograph of the Subject Property
- B - Tentative Subdivision Maps
- C - Staff Engineers Comments
- D - Public Works Comments and Attachment
- E - Department of State Lands Wetland Land Use Notification Response
- F - Application and Supporting Documentation Provided by the Applicant

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.

ATTACHMENT A

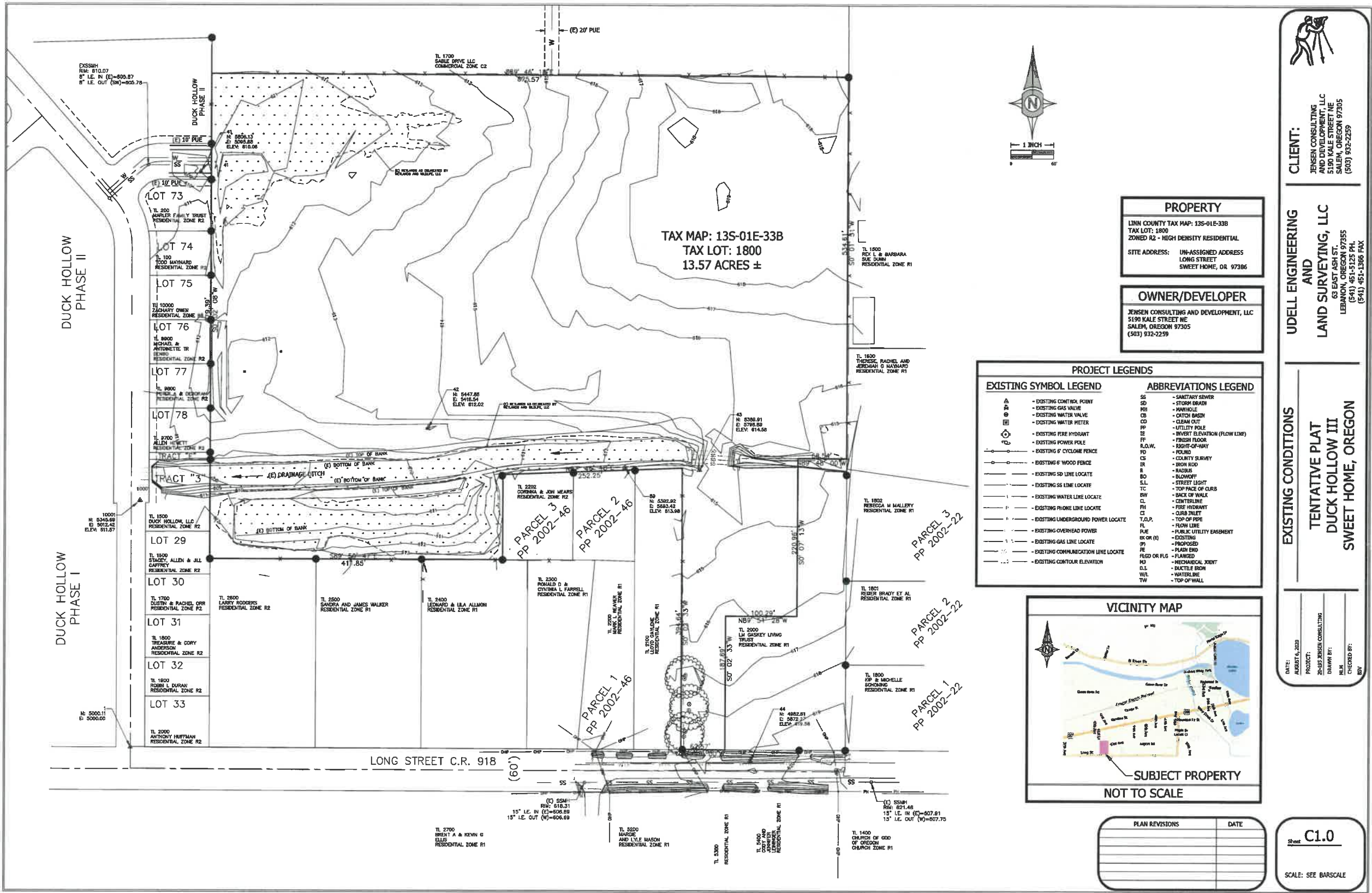


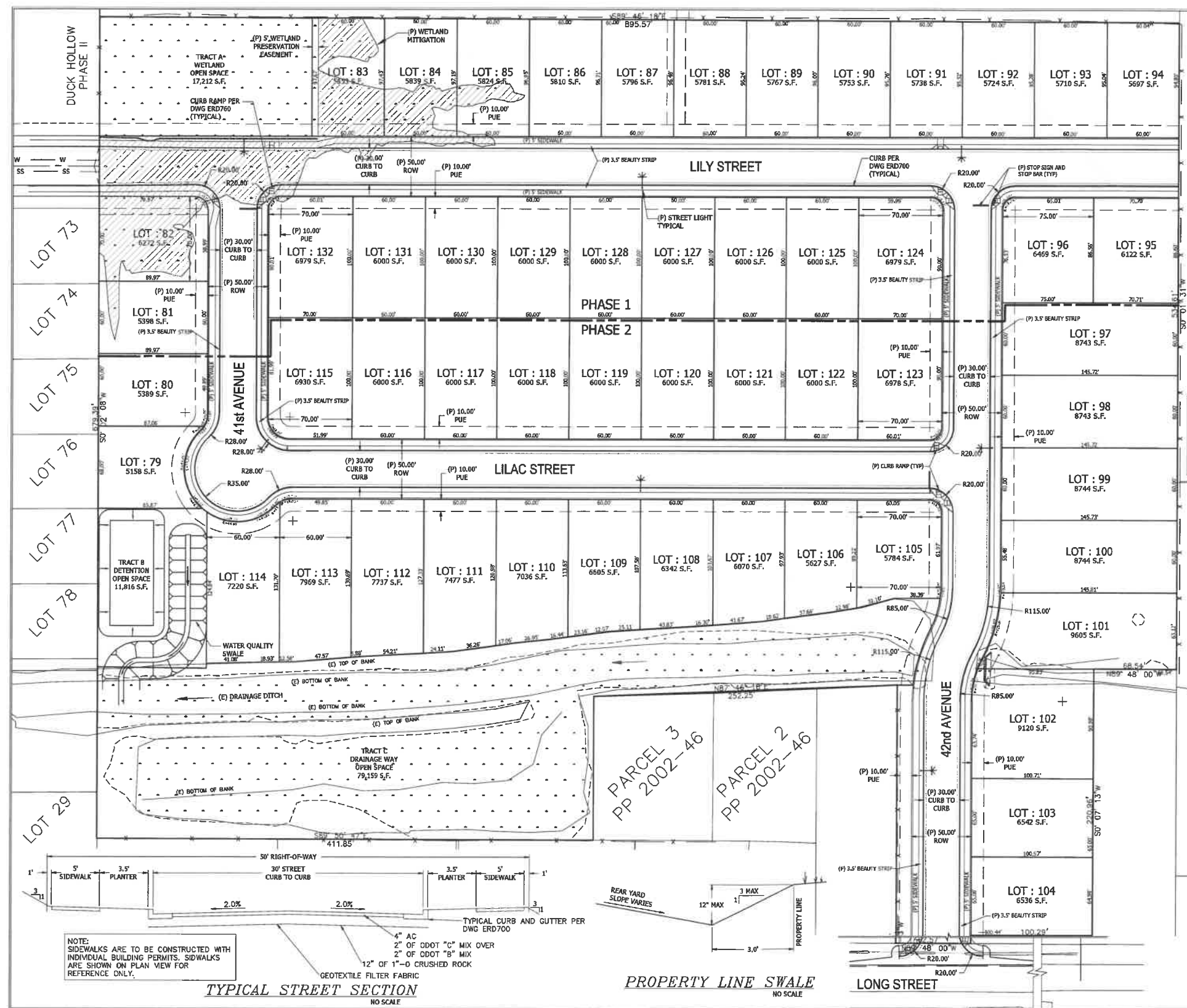
1 inch = 307 feet

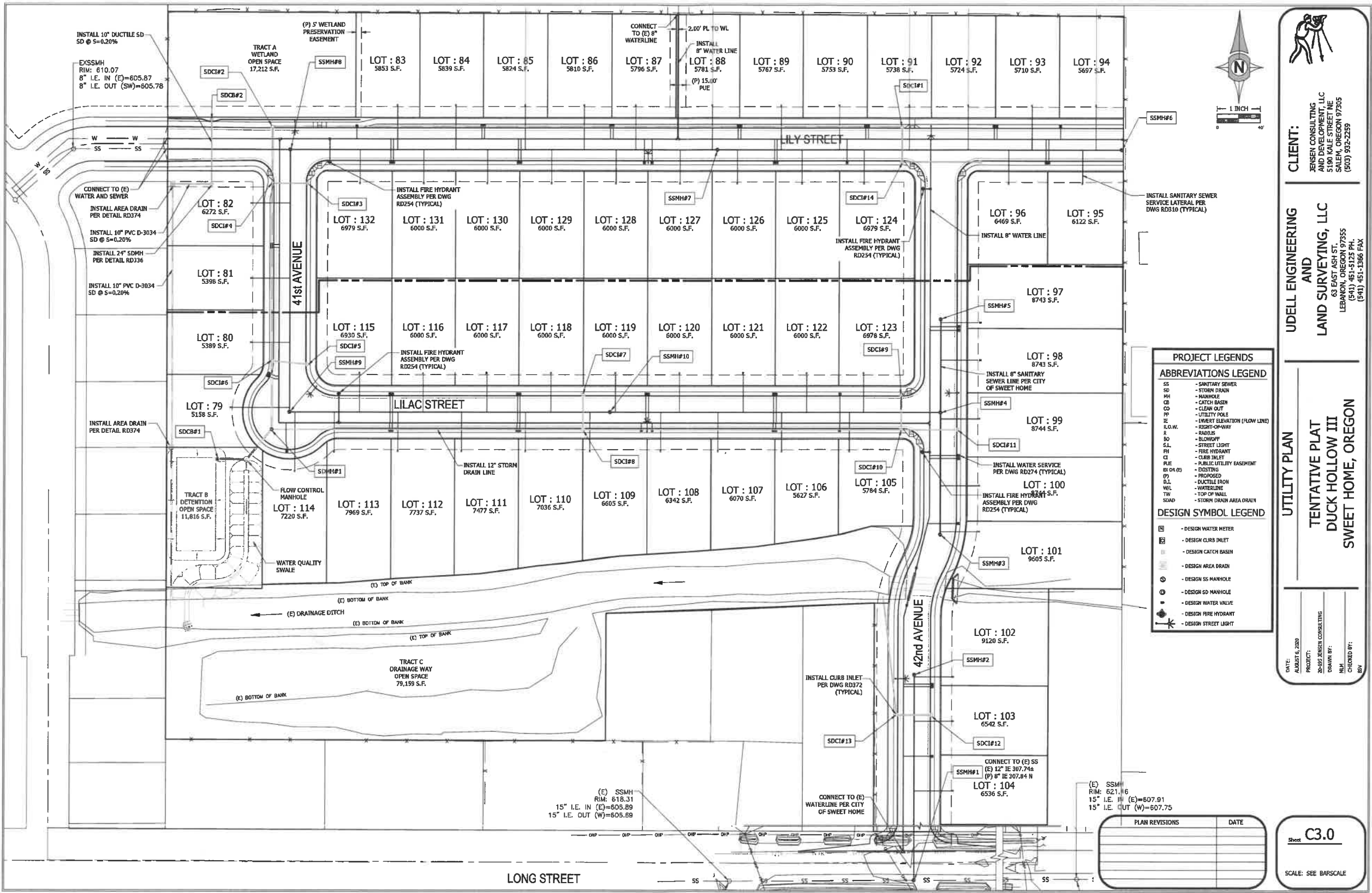
Duck Hollow III
Subject Property Map
13S01E33B 01800

Date: 8/7/2020

ATTACHMENT B







ATTACHMENT C

Angela Clegg

From: Joe Graybill
Sent: Thursday, September 3, 2020 11:04 AM
To: Angela Clegg; Blair Larsen
Subject: RE: SD20-01 Notice of Public Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Hello Angela, Blair,

This is the second addendum to the previous review comments. I've edited the Review Comments section below to reflect new additions. Updates are the Phase 1 street turnarounds, Tract B WQ basin and access thereto, Lily Street name and east end Reserve Strip, easements on Lots 101-102, Lots 79-82, and Lots 87-88, and map breakline corrections on the south end of 42nd Avenue at Long St.



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Joseph Graybill PE | Staff Engr.
Community & Economic Development Dept.
City of Sweet Home
3225 Main St.
Sweet Home, OR 97386
p:541-818-8039



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From: Joe Graybill
Sent: Tuesday, August 11, 2020 10:34 AM
To: Angela Clegg <aclegg@sweethomeor.gov>; Blair Larsen <blarsen@sweethomeor.gov>
Subject: RE: SD20-01 Notice of Public Hearing

This is an addendum to the previous review comments. I forgot about Lot 104 at the Long St and 42nd Ave intersection. The roadway frontage on Long St, an Arterial, will require curb and sidewalk. I've edited the Review Comments below to add this item.

Joe



Joseph Graybill PE | Staff Engr.
Community & Economic Development Dept.
City of Sweet Home
3225 Main St.
Sweet Home, OR 97386
p:541-818-8039



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From: Joe Graybill

Sent: Tuesday, August 11, 2020 10:15 AM

To: Angela Clegg <aclegg@sweethomeor.gov>; Blair Larsen <blarsen@sweethomeor.gov>

Subject: RE: SD20-01 Notice of Public Hearing

Hello Angela, Blair,

CEDD-Infrastructure Services Division Review Comments

Project & Location:

This proposed subdivision is the eastward extension of Lily St from 41st Avenue, and connecting to a new 42nd Avenue off Long Street. A looped street named Lilac Street will parallel Lily Street and connect with the new 42nd Avenue. The project is intended to be in two Phases.

Streets & Stormwater:

The streets in the subdivision are proposed to be 30ft wide curb-to-curb and 50ft R.O.W.'s with curbside planter strips per the Sweet Home Transportation System Plan. Long Street is an Arterial, so the frontage of 42nd Avenue shall have curb and sidewalk development. Because of the wider right-of-way of Long St, the planter strip will be wider. Lily Street as shown is extended to the east property line of this property. It will require a 1ft Reserve Strip, along with a Deed transferring the ownership of it to the City of Sweet Home after the subdivision is recorded. If Lily Street is extended farther eastward in the future, the alignment will clear the adjacent property owners house and barn by at least 25ft.

Lily Street is shown in Phase 1 with the extensions of "Lilac Loop" and 42nd Avenue serving as emergency vehicle turnaround areas in the interim till those streets are extended and looped in Phase 2 construction.

The street portion noted on the drawing of 41st Avenue will need to be renamed, as 41st Avenue is already in use. The 125ft existing portion of Lilly Street (no residences or services) off 41st Avenue has a misspelling, however with the this new development of Lilac St having a termination at each end, it can be renamed as a "Loop", i.e. Lilac Loop.

The new 42nd Avenue right-of-way south end alignment meets the Long Street right-of-way with a separation of 100ft between it and the existing southern portion of 42nd Ave. The City TSP and SHMC Development Ordinance 16.12.020(B) requires at least 100ft separation for Collectors and Arterials.

The map also has a "breakline" shown on Long St that should actually be on 42nd Avenue. With the 187 ft from the south boundary of Lot 104 to Long St, this extension does not fit on the page view without a breakline. That area may be shown on another page.

Stormwater in the subdivision is controlled onsite with a water quality outlet at Tract B, with an outlet to the main creek channel. An easement along the west lines of Lots 79-82 will be necessary. The frontage of Tract 2 will need to be wider than shown for maintenance access. The developer and land owner(s) will be required to maintain the WQ basin. The main channel has no official name, but is known locally as "Duck

Creek". There are culverts for the creek that were installed during the earlier Phase 2 development, the new 42nd Ave alignment will use these. The main channel will need a private access easement too between Lot 101 and 102. A 5ft Wetland Preservation Easement is on Lot 83. The Tract C basin was intended to provide stormwater management for the entire Phase 1, 2, and 3, however that should be re-verified by the developers engineering firm.

Water & Sanitary:

All properties appear to be served by new water and sewer systems. The line noted at the north boundary between lots 87 and 88 is a continuation of a City Connector for flow and pressure needs of the water network between Main St and Long St. The easement is shown as 15ft, but will need to be 20ft.

Comments & Recommendations:

CEDD-IS has no issues with the subdivision in this area. The roadway name conflict with 41st Ave is easily modified by changing the name to Lilac Loop. The frontage along Long St at Lot 104 will require curb and sidewalk development.



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Joseph Graybill PE | Staff Engr.
Community & Economic Development Dept.
City of Sweet Home
3225 Main St.
Sweet Home, OR 97386
p:541-818-8039



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From: Angela Clegg <aclegg@sweethomeor.gov>

Sent: Friday, August 7, 2020 3:03 PM

To: Angela Clegg <aclegg@sweethomeor.gov>

Subject: SD20-01 Notice of Public Hearing

Attached is the Notice of Public Hearing and Request for Comment for Application SD20-01. Please respond with any comments by 5:00 PM on September 11, 2020.



CONNECT WITH US

Angela Clegg | Associate Planner
Community and Economic Development Dept.
City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
p:541-367-8113



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From: Trish (Patricia) Rice
Sent: Thursday, September 10, 2020 3:53 PM
To: Angela Clegg
Subject: RE: SD 20-01 Comments

Ah I forgot to number them. Here we go.

1. To provide clarity, Sheets C2.0 and C3.0 truncate the southern 187 ft of 42nd Ave. At first it appears that lot 104 butts up against Long St but that is not the case.
2. The water main is required to connect with the existing main to the north, over lots 87 & 88 as indicated, for distribution system connectivity. And our standard public utility easement is 20', not 15'.
3. Sidewalk construction is required as part of the infrastructure development prior to final platting. Constructing piecemeal sidewalk together with home construction has not worked well and results in long-term sidewalk gaps.
4. PW recommends providing at least 15 ft of frontage (20 ft would be better) to Tract B for heavy equipment access to maintain the private detention pond.
5. Tracts A, B, and C shall be privately owned and maintained, including the detention pond. A homeowner's association should be required to be established and to maintain these private facilities. I believe Duck Hollow Phase 1 and/or 2 were supposed to establish an HOA to maintain their private facilities based on a certain number of homes as the trigger, which failed in practice and no HOA was ever established. I recommend the HOA be required for Duck Hollow III as a deed restriction or similar on each lot concurrent with subdivision platting.
6. A private easement is required for the existing drainage ditch at lots 101 & 102. This section of the ditch also needs to be cleaned during construction. It's clogged by vegetation which backs up the drainage to 43rd Ave.
7. The detention pond is within Phase 2 area but it appears that it serves the entire development. The developer shall provide detention for Phase 1. This may be the full-size pond, or a smaller pond sized for Phase 1 which would be expanded with Phase 2, or an alternate detention system to be approved by PW.
8. A private utility easement will be required for the private drain line on the west side of lots 79-82. PW recommends a piped drainage system rather than an open channel because property owners tend to prefer level yards and open channels cause more maintenance issues for homeowners.
9. A 1' reserve strip deeded to the City will be required at the east end of Lilly St.
10. The spelling of Lilly St on the recorded plat is required to be consistent with Duck Hollow Phase 2. Alternately, PW is willing to approve changing the spelling of existing Lilly St to "Lily St" if the developer desires, at the developer's expense. This would involve a Council action to formally change the name, recording the change at the County, and installation of a new street name sign. These are minor expenses and could all be done concurrent with the subdivision construction & platting.



Trish Rice | Engineering Technician II
Public Works Department
City of Sweet Home
1400 24th Avenue
Sweet Home, OR 97386
p:541-818-8037
m: 541-936-2310
f:541-367-7592

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From: Angela Clegg <aclegg@sweethomeor.gov>
Sent: Thursday, September 10, 2020 3:51 PM
To: Trish (Patricia) Rice <price@sweethomeor.gov>
Subject: RE: SD 20-01 Comments

Thank you



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Angela Clegg | Associate Planner
Community and Economic Development Dept.
City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
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From: Trish (Patricia) Rice <price@sweethomeor.gov>
Sent: Thursday, September 10, 2020 3:48 PM
To: Angela Clegg <aclegg@sweethomeor.gov>
Subject: RE: SD 20-01 Comments

1. To provide clarity, Sheets C2.0 and C3.0 truncate the southern 187 ft of 42nd Ave. At first it appears that lot 104 butts up against Long St but that is not the case.
2. The water main is required to connect with the existing main to the north, over lots 87 & 88 as indicated, for distribution system connectivity. And our standard public utility easement is 20', not 15'.
3. Sidewalk construction is required as part of the infrastructure development prior to final platting. Constructing piecemeal sidewalk together with home construction has not worked well and results in long-term sidewalk gaps.
4. PW recommends providing at least 15 ft of frontage (20 ft would be better) to Tract B for heavy equipment access to maintain the private detention pond.
5. Tracts A, B, and C shall be privately owned and maintained, including the detention pond. A homeowner's association should be required to be established and to maintain these private facilities. I believe Duck Hollow Phase 1 and/or 2 were supposed to establish an HOA to maintain their private facilities based on a certain number of homes as the trigger, which failed in practice and no HOA was ever established. I recommend the HOA be required for Duck Hollow III as a deed restriction or similar on each lot concurrent with subdivision platting.

6. A private easement is required for the existing drainage ditch at lots 101 & 102. This section of the ditch also needs to be cleaned during construction. It's clogged by vegetation which backs up the drainage to 43rd Ave.
7. The detention pond is within Phase 2 area but it appears that it serves the entire development. The developer shall provide detention for Phase 1. This may be the full-size pond, or a smaller pond sized for Phase 1 which would be expanded with Phase 2, or an alternate detention system to be approved by PW.
8. A private utility easement will be required for the private drain line on the west side of lots 79-82. PW recommends a piped drainage system rather than an open channel because property owners tend to prefer level yards and open channels cause more maintenance issues for homeowners.
9. A 1' reserve strip deeded to the City will be required at the east end of Lilly St.
10. The spelling of Lilly St on the recorded plat is required to be consistent with Duck Hollow Phase 2. Alternately, PW is willing to approve changing the spelling of existing Lilly St to "Lily St" if the developer desires, at the developer's expense. This would involve a Council action to formally change the name, recording the change at the County, and installation of a new street name sign. These are minor expenses and could all be done concurrent with the subdivision construction & platting.



CONNECT WITH US

Trish Rice | Engineering Technician II
Public Works Department
City of Sweet Home
1400 24th Avenue
Sweet Home, OR 97386
p:541-818-8037
m: 541-936-2310
f:541-367-7592



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From: Angela Clegg <aclegg@sweethomeor.gov>
Sent: Tuesday, September 8, 2020 9:54 AM
To: Trish (Patricia) Rice <price@sweethomeor.gov>
Subject: SD 20-01 Comments
Importance: High

Trish,

I need to get the staff report done for SD20-01 by this Thursday because I am off on Friday. Can you please send me your final comments?

Thank you,

Angela Clegg | Associate Planner
Community and Economic Development Dept.
City of Sweet Home



3225 Main Street
Sweet Home, OR 97386
p:541-367-8113

CONNECT WITH US



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Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2020-0552

Responsible Jurisdiction

Staff Contact

Angela Clegg

Jurisdiction Type

City

Municipality

Sweet Home

Local case file #

SD20-01

County

Linn

Activity Location

Township

13S

Range

01E

Section

33

QQ section

B

Tax Lot(s)

1800

Street Address

N of Long St, E of 41st

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Linn

Latitude

44.400858

Longitude

-122.694476

Wetland/Waterway/Other Water Features



- ☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- ☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property
- ☒ Local Wetlands Inventory shows wetland, waterway or other water features on the property
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- ☒ This property includes a compensatory mitigation.

Your Activity

☒ It appears that the proposed project **will** impact wetlands and **requires** a State Permit.

☒ The proposed parcel division may create a lot that is largely wetland and thus create future development problems.

Applicable Oregon Removal-Fill Permit Requirement(s)

☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

☒ A state permit is required for any amount of fill or removal activity within a compensatory mitigation site.

Closing Information

Additional Comments

Based on review of mapping submitted, and after review of available information for the subject tax lot, the proposed project ("Duck Hollow Phase III: 54 residential lots, 3 open space tracts, new streets, associated utilities") appears that it will impact jurisdictional wetlands of the state (including a compensatory mitigation wetland site). Any impacts to a compensatory mitigation site will require a permit from DSL. A wetland delineation for the subject lot was completed in 2017 and approved by DSL on 6-19-17 (WD2017-0131). Please work with the DSL Aquatic Resource Coordinator for Linn County in order to discuss permitting needs for your project.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

9/6/2020

Response by:

Grey Wolf

Response Phone:

503-986-5321

ATTACHMENT F



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

Application for a Land Division

Date Received: 08.06.20
Date Complete: 08-27-20
File Number: SD 20-01
Subdivision/Replat Application Fee: \$2,045.00
Partition Application Fee: —
Receipt #: 4634
Subdivision/Replat Hearing Date: —

Applicant's Name:

Don Jensen

Applicant's Address:

5190 Kale Dr. NE, Salem, OR 97305

Applicant's Phone and e-mail:

503-932-2259 / don.jensen@jensencollc.com

Subject Property Address:

Unassigned

Subject Property Assessor's Map and Tax Lot:

13S-01E-33B Tax Lot 1800

Subject Property Size:

13.57 acres

Subject Property: Zoning Classification

R2 High Density Residential

Property Owner:

Jensen Consulting and Development LLC

Owner's Address:

5190 Kale Dr. NE, Salem, OR 97305

Owner's Phone and email:

503-932-2259 / don.jensen@jensencollc.com

Comprehensive Plan Classification:

High Density Residential

Application Submittal Requirements

- ☐ 1. For a subdivision or subdivision replat, ten full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☐ 2. For a partition or partition replat, three full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☐ 3. The tentative plan need not be a finished drawing, but it shall show all pertinent information to scale.
- ☐ 4. Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

Additional Submittal Requirements

The submittal checklist is a part of this application. It lists the required items that must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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:

[Signature]

Date:

8/4/2020

Property Owner's Signature:

[Signature]

Date:

8/4/2020

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

SHMC 16.16.025 APPLICATION REQUIREMENTS

The following information shall be submitted upon application for a land division.

- ☒ 1. All existing subdivisions, streets and property lines of the land immediately adjoining the proposed subdivision.
- ☒ 2. All existing streets between the subject property and the nearest existing arterial or collector streets.
- ☒ 3. The name of the owners of all land immediately adjoining the proposed subdivision.
- ☒ 4. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighborhood.
- ☒ 5. The name, if any, of the land division. The subdivision name must not duplicate or resemble the name of another subdivision in Linn County and shall be subject to approval by the Linn County Surveyor. Pre-approval of the subdivision name by Linn County Surveyor's Office is recommended.
- ☒ 6. Date of the original submittal and of any subsequent revisions.
- ☒ 7. North arrow.
- ☒ 8. Scale of drawing.
- ☒ 9. Names and addresses of owner or owners, subdivider, surveyor, and design engineer if applicable.
- ☒ 10. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract of railroad right-of-way, city boundaries, and other important features.
- ☒ 11. The location on the site and in the adjoining streets or property for the following existing and proposed items:
- ☒ a. Sewers and water mains and private services.
- ☒ b. Invert elevations of sewers at points of proposed connections or adjacent manholes must also be shown.
- ☒ c. Culverts.
- ☒ d. Ditches and drain pipes.
- ☒ e. Electric, gas and telephone conduits.
- ☒ 12. Contour lines having the following minimum intervals:
- ☒ a. One foot contour intervals for ground slopes less than 5%.
- ☐ b. Two foot contour intervals for ground slopes between 5% and 10%.
- ☐ c. Five foot contour levels for ground slopes exceeding 10%.
- ☐ d. The elevations of all control points which are used to determine the contours.
- ☐ 13. Geo-tech reports as needed.
- ☐ 14. Location and elevation of properties within the 100-year flood plain and other areas subject to flooding or ponding and areas subject to inundation from storm water overflow with approximate high water elevation.
- ☒ 15. Location, width, direction and rate of flow at peak discharge of all water ways.
- ☒ 16. Location of any wetlands identified on the City of Sweet Home Local Wetlands Inventory, locally known, or identified by some other means.
- ☒ 17. Location of any required riparian zone identified by Sweet Home Municipal Code Chapter 17.72.
- ☒ 18. Properties in the natural resource zone, must show natural features, such as rock outcroppings, wooded areas and preservable trees over 12 inches in diameter measured at 4½ feet from the ground.
- ☒ 19. Existing uses of the property and adjacent property within 100 feet including location of all existing structures to remain on the property.
- ☐ 20. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.
- ☐ a. The City of Sweet Home historic sites listing and the State Historic Preservation Office shall be consulted if a historic site is identified.
- ☐ b. Sweet Home Municipal Code Title 15 rules for historic structures must be addressed.
- ☒ 21. Zoning on and adjacent to the subject property.
- ☒ 22. For all proposed streets, the following information must be shown:

- ☒ a. Location ☒ e. Beauty strip ☐ i. Fire hydrants
☒ b. Right-of-way width ☒ f. Proposed name ☐ j. Street lights
☒ c. Curb to curb width ☐ g. Grade ☐ k. Stop signs
☒ d. Sidewalks ☒ h. Approximate radii or curves ☐ l. Location of post office boxes

- ☒ 23. The tentative plan shall be drawn to a standard engineer's scale where 1 inch equals 20 feet to 100 feet.
 NONE ☐ 24. Proposed signage. WITH EACH LOT PERMIT
☐ 25. Proposed perimeter fencing. WITH EACH LOT PERMIT
☒ 26. The relationship of all proposed streets to any existing or approved streets and proposed future streets in the transportation system plan.
☒ 27. Existing and proposed easements on the site, including the width and the purpose of the easements.
☒ 28. Existing easements on adjoining properties, including the width and purpose of the easements.
☒ 29. Information on the proposed lots must include the following:

☒ a. The location of each lot.
☒ b. The dimensions and square footage of each lot
☒ c. Lot, block, tract, or parcel numbers.
- ☒ 30. Proposed uses for each lot.
☒ 31. Land to be deeded or dedicated for public purposes.
☒ 32. Statement indicating whether the property has an existing water right or permit. If so, the Certificate or permit number must be listed. NO KNOWN WATER RIGHTS
 N/A ☐ 33. ODOT Rail approval for any proposed crossing or development within 300' of the railroad right-of-way.
☒ 34. The following additional information must be submitted with the tentative plan:

☒ a. Total acreage of the parcel to be subdivided.		
☒ b. The percent of land dedicated to the public, not including easements.		
☒ c. All public improvements proposed to be installed, including: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1) The approximate timing of installation</td> <td style="width: 50%;">2) The method of financing</td> </tr> </table>	1) The approximate timing of installation	2) The method of financing
1) The approximate timing of installation	2) The method of financing	
☒ d. Special improvements to be made by the developer and the approximate timing of such improvements are to be complete. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances		
- ☒ 35. Proposed services or other listed items may be on a separate map for clarity.

SHMC 16.16.040 LAND DIVISION REVIEW CRITERIA.

Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

- ☒ A. The information required by this chapter has been provided.
☒ B. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable.
☒ C. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code.
☒ D. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes.
☒ E. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title.

- ☒ F. The location and design allows development to be conveniently served by public utilities.
- ☒ G. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law.
- ☒ H. If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.
- ☐ I. An application for residential development can be denied based on a lack of school capacity if: residentially zoned property.

RESIDENTIAL SUBDIVISION APPLICATION & FINDINGS OF FACT

DUCK HOLLOW PHASE III SWEET HOME, OREGON

GENERAL INFORMATION

NATURE OF REQUEST: 54-lot residential subdivision.

The request is to establish:

- ❖ 54 residential lots
- ❖ 3 open space tracts
- ❖ New streets
- ❖ Associated utilities

APPLICANT:

Don Jensen
Jensen Consulting and Developing, LLC
5190 Kale Drive NE
Salem, Oregon 97305
(503) 932-2259
Don.jensen@jensencollc.com

OWNER:

Don Jensen
Jensen Consulting and Developing, LLC
5190 Kale Drive NE
Salem, Oregon 97305
(503) 932-2259
Don.jensen@jensencollc.com

**PROPERTY
LOCATION:**

Adjacent to and E. of Duck Hollow phases I and II, N. of
Long St., E. of 41st Ave., at the terminus of Lily Street.
Linn County Tax Assessor's Map No. 13S – 1E – 33B Tax
Lot 1800

COMP. PLAN:

High Density Residential

ZONING:

Residential High Density (R-2)

CURRENT LAND USE:

Vacant

BACKGROUND

Duck Hollow III was originally approved by the Sweet Home Planning Commission on September 19, 2006. Two one-year extensions were granted on August 5, 2008 and August 4, 2009. However, due to the poor economic conditions at that time, the subdivision was not developed, and tentative plat approval expired September 19, 2011.

On August 7, 2020 the applicant submitted a new subdivision application for review and approval. The applicant's proposal differs slightly from the 2006 approved tentative subdivision plat. The minor deviations proposed will better achieve the Sweet Home Municipal Code (SHMC) land division and zoning code standards.

The proposed tentative subdivision plat application is for "Duck Hollow III", a 54-lot residential subdivision. The subject site is adjacent to and east of Duck Hollow phases I and II, north of Long Street, east of 41st Avenue, at the eastern terminus of Lily Street. The site is known as Linn County Tax Assessor's Map No. 13S-01E-33B Tax Lot 1800.

Access to Duck Hollow III will be provided via two roadway extensions. Lily Street will be extended along the north portion of the subject site from its point of termination at the site's west property line to the site's east property line. Lily Street will eventually continue easterly as abutting properties to the east further develop. 42nd Avenue will be extended north from Long Street to the proposed Lily Street extension. Internal site circulation will be via two new local streets, 41st Lane and Lilac Street.

The subject property is currently unimproved and approximately 13.57 acres in size. The 54-lots, numbering 79 – 133, range in size from 5,158 to 9,605 square feet with an average lot size of 6,494 square feet. Lot width sizes range in size from 60 feet to 90.98 feet, with an average lot width of 60 feet. The lot sizes and configurations either meet or exceed the minimum standards of zone and are similar to the dimensions and configuration as the previously platted Duck Hollow phases I and II.

Approximately 3.04 acres are proposed to be dedicated to the city of Sweet Home for public right-of-way improvements. An additional 2.48 acres is proposed to be retained as open space (Tracts A, B and C) for wetland preservation, stormwater detention, and a drainage ditch.

Analysis of Development Code Criteria

Sections 16.16.040 of the Sweet Home Municipal Code includes the following review criteria for tentative plat approval. The review criteria are written below in **bold** followed by findings and conclusions.

16.16.040 TENTATIVE SUBDIVISION PLAT REVIEW CRITERIA

A. The information required by this chapter has been provided.

1. Application forms (Attachments A & B) and tentative plans (Attachments C-E) identifying items listed in section 16.16.025 have been submitted with this application.

B. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable.

1. The tentative subdivision plat application is for "Duck Hollow III" a 54-lot, residential subdivision. The subject site is adjacent to and east of Duck Hollow phases I and II, north of Long Street, east of 41st Avenue, at the eastern terminus of Lily Street.
2. The subject site is located in the Residential High Density (R-2) zone district with a comprehensive plan designation of High Density Residential.
3. As stated in Chapter 17.28.010 of the Sweet Home Municipal Code (SHMC), *"the purpose of the R-2 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-2 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside the city."*
4. Permitted uses outright in the R-2 zone include multiple family development, single- and two-family dwellings, and manufacture home parks.
5. The applicant proposes a 54-lot residential development that is anticipated to be developed with single-family, two-family, and/or attached dwellings.
6. The lot size and width standards of the R-2 zone are outlined in section 17.28.040 of the SHMC. The minimum lot area for a single- and two-family dwellings are 5,000 square feet and 6,000 square feet, respectively. Single family attached dwellings have a minimum of 2,500 square feet per dwelling unit. Lots will range in size from 5,158 to 9,605 square feet, with an average lot size of 6,615 square feet. Therefore, the lots meet or exceed the lot area standards for development of single-family, two-family, or attached dwellings.
7. The minimum lot width standard (measured at the front building line) for corner and interior for dwelling units, other than single-family attached, are 70 feet and 60 feet, respectively. Proposed interior lot widths range in size from 60 feet to 94 feet with an average lot width of 60 feet. Proposed corner lot widths range in size from 70 to 89 with an average lot width of 72 feet. Therefore, none of the proposed lots are less than the minimum lot width standard of the R-2 zone.

8. According to SHMC 16.12.030(D) the lot depth shall not exceed two and one-half times the average width. The average width is approximately 60 feet. Therefore, the maximum lot depth cannot exceed 150 feet. The average lot depth is 100 feet and none of the lot depths proposed exceed the maximum of 150 feet as permitted based on the average width.
9. Lot siting requirements such as setbacks, lot coverage, building height and size, and off-street parking will be reviewed at the time of development through the building permit process.
10. As described in findings 1-9 above, the proposed use and lot configuration meets or exceeds the development standards of Sweet Home Municipal Code, Title 17, Chapter 17.28 - R-2 Residential High-Density Zone.
11. Findings of fact on subdivision conformance with design standards of Sweet Home Municipal Code Titles 16, Chapter 16.12 are provided under findings 6 and 7 above and further addressed under Criterion E and F below and incorporated here by reference.
12. The applicable comprehensive plan policies are written below in *italics* followed by findings and conclusions.
13. *General Development Policies*

- i. *Policy 2 The City of Sweet Home will encourage development contiguous to existing public services and transportation improvements. This type of development pattern shall be promoted as it will maintain public facility costs at the lowest possible level and provide the opportunity to coordinate development with the provision of services.*
- ii. *Policy 6 Open space, particularly parks and recreational lands, will be provided by the developer as an integral part of any development.*
- iii. *Policy 10 All new subdivisions will be provided with water, City sewer and storm drains, paved streets, curbs, sidewalks and gutters, in advance of, or in conjunction with, new development. Installation of all the above facilities will be a condition of subdivision approval and at the expense of the developer.*
- iv. *Policy 11 Electric power, telephone, and cable distribution and service lines will be located underground in new developments. Effort will be made to place existing utility lines underground in established areas.*
- v. *Policy 12 Emergency vehicle and equipment access will be provided during any new development.*
- vi. *Policy 13 Street lighting will be provided by developers in all new subdivisions at the time of development. Streetlight fixtures will be shielded to direct light downward.*
- vii. *Policy 14 In designing new subdivisions: 1) Consideration shall be given to connectivity of streets, particularly streets classified as either arterial or collector; 2) New streets will align with existing streets, avoiding jogs when possible; 3) Cul-de-sacs and "hammerhead" streets may be allowed where existing development, steep slopes, open space, or natural features prevent connections; 4) New streets must be designed to City standards, as*

approved as part of the development plan; 5) Street grades will not exceed City standards, unless prevented from meeting the standards by topographical constraints; 6) Creation of parcels not accessible to an existing or potential street should be avoided; 7) Lots created should meet the minimum City standards for the appropriate designation and be of a usable shape.

14. Tracts A, B and C, which total 2.48 acres, are proposed as open space for the subdivision and will provide for wetland preservation, stormwater detention and for an existing drainage way. Findings of fact concerning the location and design of streets and utilities are provided under Criterion E and F below and incorporated here by reference.

15. *Natural Resource Policies*

- i. Policy 1 The City's Goal 5 and Goal 7 inventories, as mapped (also available in the City's GIS computer software), shall be used for general identification of areas that have natural features where the protection and enhancement of the resource are encouraged.*
- ii. Policy 3 Significant natural resources, as defined by Statewide Goal 5, are protected with a Natural Resources Overlay designation that aims to ensure reasonable economic use of property.*

16. In the northwest corner of the site and abutting property to the west (i.e. Tract F of County Survey no. 24205) is existing wetland that is identified as a palustrine forested wetland habitat 1.10-acre in size in the Sweet Home Local Wetland Inventory (inventory no. SSR-7A).

17. According to SHMC 17.72.030, the national resource overlay designation is only applicable to significant wetlands, as mapped in the city's Local Wetland Inventory. The identified wetland has not been deemed locally significant and is therefore not subject to local natural resource review.

18. As stated in SHMC 17.72.060, it is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained. Any required state or federal permits will be obtained.

19. *Parks and Open Space Policies*

- i. Policy 1 Open space, particularly parks and recreation lands, shall be provided as an integral part of development.*
- ii. Policy 2 Open space can apply to many types of undeveloped and improved lands. Open space can be provided by protecting natural areas, parks, school grounds, golf courses, trails, street planters and medians, and house yards.*

20. As stated above, open space tracts are proposed. Tract A will provide protection of an identified wetland. Tract C will provide protection of an existing open drainage ditch. Open space will also be provided per lot as future development of each lot will be at or less than the maximum allowable lot coverage standards of the zone.

21. *Residential Land Use Policies*

- i. *Policy 1 Residential areas will offer a wide variety of housing types in locations best suited to each housing type.*
- ii. *Policy 3 the city encourages flexibility in design to promote safety, livability, and preservation of natural features.*
- iii. *Policy 4 Sweet Home establishes density recommendations in the plan in order to maintain property relationships between proposed public facilities, services, and population distribution.*
- iv. *Policy 8 Efforts will be made to complete or connect existing sidewalks along routes to schools, parks, and commercial areas.*
- v. *Policy 9 Development of residential local streets, whenever possible, will increase connectivity within and between neighborhoods.*
- vi. *Policy 10 the maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for each unit type.*
- vii. *Policy 14 efforts will be made to extend trails, pedestrian ways, and bikeways through exiting residential areas.*
- viii. *Policy 15 To encourage connectivity and pedestrian access, residential blocks shall meet the development standard, except when topographical constraints make the standard impractical. When exiting conditions or topography prevent a cross street, a pedestrian access way to connect streets should be considered as part of the development.*

22. The proposed development conforms with the Residential Land Use policies above by having a range of lot sizes to allow for development of dwelling types permitted in the R-2 zone, open space tracts to preserve identified wetland on-site, as well as vehicular and pedestrian circulation within the proposed subdivision and increased connectivity to existing surrounding development.

23. *Transportation Policies*

- i. *Policy 1 as a general guideline, all streets shall carry volumes and speeds at the appropriate range for all street classifications as described the Functional Classification Guidelines.*
- ii. *Policy 3 The roadway design standards in the Transportation System Plan shall be implemented in the land development and land division ordinances for the development of future roadway facilities.*
- iii. *Policy 5 The standard for Pedestrian and Bicycle System improvements listed in the Transportation System Plan, shall be implemented when reviewing new development.*

24. Findings of fact concerning the location and design of streets are provided under Criterion E below and incorporated here by reference.

25. *Public Facilities*

- i. *Policy 11 To assist development in funding of water main extensions, the city should continue its policies of: 1) providing reimbursement agreements to developments and abutting property owners for main line extensions costs that benefit other properties; 2) Paying for oversizing of main lines.*
- ii. *Policy 12 The use of nonstructural storm water controls (land use policies and regulations) shall be implemented where appropriate to insure proper use and enhancement of naturally occurring runoff-control features*
- iii. *Policy 17 The City shall continue with some form of development charge levied against new development for the actual cost of extending sewage treatment service.*
- iv. *Policy 18 The City shall review franchise agreements to ensure residents have access to the appropriate level of service.*

26. Findings of fact concerning the location and design of public and private utilities are provided under Criterion F below and incorporated here by reference.

27. *Citizen Involvement Policies*

- i. *Policies 1 – 7.*

28. The application has been processed in accordance with public notification and public hearing procedures under SHMC 16.16.030, which satisfy Citizen Involvement Policies 1 – 7 of the comprehensive plan.

C. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code.

1. The proposal will divide Duck Hollow III (Linn County Tax Assessor's Map No. 13S-01E-33B Tax Lot 1800) into 54 residential lots and three open space tracts.
2. The proposed subdivision would divide the entire parcel owned at this location by Jensen Consulting and Development, LLC.
3. There is no other remainder of land to consider. Therefore, this criterion is met.

D. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes.

1. Property to the north: The adjoining property to the north at 4199 Main Street is developed with a self-serve storage facility and has frontage on and access to Main Street/Highway 20.
2. Properties to the east: The adjoining properties to the east at 4290 Airport Road, 1226 43rd Avenue, and 4214 Long Street are developed with single-family dwellings and have access to Airport Road, 43rd Avenue, and Long Street, respectively.

3. Property to the south: The adjoining properties to the south at 4204, 4200, 4126, 4120, 4118, 4114, 4112, and 4196 Long Street are developed with single-family dwellings and have access to Long Street.
 4. Property to the west: The adjoining properties to the west at 1229, 1241, 1245, 1249, 1253, 1257, 1259 41st Avenue are developed with single-family dwellings and have access to 41st Avenue. Tracts 3 and F also have access to 41st Avenue.
 5. The proposed subdivision will not impact existing access for adjoining properties, nor will it impact the ability of adjoining land to develop. Therefore, this criterion is met.
- E. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title.**
1. The project is a subdivision that will result in a 54-lot residential subdivision.
 2. The subject site is adjacent to and east of Duck Hollow phases I and II, north of Long Street, east of 41st Avenue, at the eastern terminus of Lily Street.
 3. Traffic, which will be generated from the proposed development, will have two points of ingress/egress. The applicant proposes an extension of Lily Street from the existing point of termination at the west property line to the east property boundary, which will allow for a future extension and connection with Airport Road. The applicant also proposes to extend 42nd Avenue northerly from Long Street at the south property line to the Lily Street extension to the north of the subject site.
 4. Internal circulation is proposed to be a looped system with 41st Lane a north/south street and Lilac Street an east/west street connecting to Lily Street and 42nd Avenue, respectively.
 5. All proposed streets are proposed to be developed to local street standards. According to Figure 4.2 of the Sweet Home Transportation plan, no collector or arterial streets are planned within or in close proximity to the site. Three planned local streets are shown in Figure 4.2, near the site. One in a north/south alignment with the existing 42nd Avenue north of Highway 20 across the abutting property to the east of the subject site. The second is an east/west alignment of Lily Street generally in the area proposed by the applicant. The third is a north/south local street connecting Long Street to Lily Street. The alignment shown in Figure 4.2 varies slightly from the proposed location. However, this is not uncommon as planned street alignments are conceptual in nature and are intended to be refined based on site conditions and street connectivity needs at the time of development. Therefore, the proposed street alignment is found to be in conformance with planned streets shown in Figure 4.2 of Sweet Home Transportation System Plan.

6. The standards of the Transportation System Plan are outlined in section 16.12.020 of the SMC. A comparison of the local street standards and proposed streets are presented in the table below.

<i>Standards</i>	<i>Local Street</i>	<i>Proposed Streets</i>
ROW Width	50' (max)	50'
Curb to curb width	36' (max)	30'
Travel Lane width	7' (min)	7' each 14' total
Number of lanes	2 (max)	2
Median/center turn width (max)	Not required	100'
Bike Lane width (min)	7'	n/a
Parking width (max)	7'	n/a
Curb *	6"	6" each 1' total
Planting Strip width (min)**	3'	3.5' each 7' total
Sidewalk width (min)	5'	5' each 10' total
System spacing	250'	~ 250'
Design speed - (max)	25 mph	25 mph
Access management: intersection spacing (min)	75'	n/a
Access Management: driveway spacing	Direct access allowed	Direct access proposed

As shown, the proposed streets comply with the local street standards.

7. Based upon ITE trip generation rates, single-family homes generate 9.44 vehicle trips per day and 0.99 trips during the peak PM traffic hour. The development will create 54 new vacant lots, each of which could be developed with a single-family home. Construction of 54 homes would add about 510 new vehicle trips per day to the public street system. About 54 of those trips would occur during the peak PM traffic hour.
 8. The development will not generate enough trips to require submittal of a Traffic Impact Analysis (TIA). The threshold for submittal of a TIA is 100 peak hour trips.
- F. The location and design allows development to be conveniently served by public utilities.**
1. Utility Improvements
 - a. Sanitary Sewer: The sanitary sewer will be extended from an existing 8" sewer line which is stubbed to the west property line in Lily Street. Sanitary sewer will also be extended north in 42nd Avenue. From the 8" sewer main extensions, 4" service laterals will be extended to each lot.
 - b. Water: Water will be extended along all of the new public streets within the development and be connected to the existing city water at the east end of Lily Street, north of the development in a backyard easement and at Long Street. Each new lot will be provided its own individual metered water service. Fire hydrants will be placed near the intersection of streets and within 600 feet of the furthest point of a residential structure. Water service lines will be extended to each lot.
 - c. Storm drainage: Storm drainage will be provided by the large open channel drainage way which was enhanced with Duck Hollow phases I and II. All pervious areas will drain into the open channel which has been designed with above ground storm water detention area shown as Tract B.
 - d. Franchised Utilities: Franchised utilities such as power, television, phone, and gas are available at the west property line at the east end of Lily Street. Utilities will be extended to serve all of the lots within a 10-foot-wide public utility easement.
 2. All of the proposed infrastructure improvements will be privately funded by the property owner/developer with no financial burden to the City of Sweet Home.
- G. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law.**
1. The site is currently unimproved with an existing culvert crossing at the proposed extension of 42nd Ave. where it crosses the large open channel drainage way.
 2. The existing topography is a fairly constant surface slope, being approximately eight feet of downhill gradient from east to west.
 3. Along the western portion of the south boundary is a well-established drainage ditch that was enhanced with Duck Hollow phases I and II. No alterations to the existing drainage ditch are proposed with this development.

4. In the northwest corner of the site and abutting property to the west (i.e. Tract F of County Survey no. 24205) is existing wetland that is identified as a freshwater forested/shrub wetland habitat 69-acres in size on the National Wetland Inventory and a palustrine forested wetland habitat 1.10-acre in size in the Sweet Home Local Wetland Inventory (inventory no. SSR-7A). The portion of the wetland on the subject site is proposed to be preserved as an open space tract (Tract A). The applicant proposed to obtain a wetland delineation to confirm the boundaries of the identified wetland prior to site improvements taking place. Wetlands found to be within the limits of the proposed development will be permitted for development by the Oregon Division of State Lands and possibly the US Army Corp of Engineers as required.
 5. The applicable Flood Insurance Rate Map (FIRM) for the subject site is map no. 410430914G, dated September 29, 2010. Based on this FIRM, the subject property is located out of the Special Flood Hazard Area, otherwise known as the 100-year floodplain.
 6. The subject site is not located in a historic district nor are there any known archaeological sites on the property.
- H. If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.**
1. The proposed subdivision is proposed to be constructed in two phases. Each phase will stand alone with required street and utility extensions to support the proposed lots.
- I. An application for residential development can be denied based on a lack of school capacity if: 1) The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; 2) The city has considered option to address school capacity; and 3) The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540. This section does not confer any power to the school district to declare a building moratorium.**
1. The applicant is not aware of any school capacity restraints at this time, nor are any anticipated. Therefore, this review criterion is not applicable.

ATTACHMENTS

- A. Subdivision Application
- B. Planned Development Application
- C. Existing Conditions, Sheet C1.0
- D. Preliminary Lot Layout, Sheet C2.0
- E. Preliminary Utility Plan, C3.0