



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

September 05, 2024, 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.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home 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 meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 212 001 640 706

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:

- a) [2024-08-08 Planning Commission Meeting Minutes](#)

Public Hearings

- a) [Application VR24-01 Staff Report](#)
- b) [Application SD24-01 Staff Report](#)

Staff Updates:

Round Table Discussions (Committee comments about topics not listed on the agenda)

Adjournment

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.

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.

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 08, 2024, 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.

Meeting Information

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Call to Order and Pledge of Allegiance

The meeting was called to order at 6:31 PM

Roll Call of Commissioners

PRESENT

Laura Wood
Jamie Melcher
Henry Wolthuis
Eva Journey
Nancy White
Joe Graybill

STAFF

Blair Larsen, Community and Economic Development Director
Angela Clegg, Planning and Building Manager
Adam Leisinger, Special Projects Manager

GUESTS

Laura LaRoque, Udell Engineering & Land Surveying, 63 E Ash St, Lebanon, OR 97355
Brian Vandetta, Udell Engineering & Land Surveying, 63 E Ash St, Lebanon, OR 97355
Ron Walker, 2631 Foothills Dr, Sweet Home, OR 97386
Gary Jarvis, 2941 Foothills Dr, Sweet Home, OR 97386
Gail Heine, 2331 Harding St, Sweet Home, OR 97386

Election of Chairman

A motion to elect Commissioner Wood as Chairman was made by Commission Melcher, seconded by Commissioner Journey.

Voting Yea: 6

Voting Nay: 0

A motion to elect Commissioner Melcher as Vice Chairman was made by Commissioner Journey, seconded by Commissioner White.

Voting Yea: 6
Voting Nay: 0

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.

Planning & Building Manager Clegg read public comment statement.

There were no public comments.

Meeting Minutes:

- a) 2024-03-21 Planning Commission Meeting Minutes

A motion to approve the March 21, 2024 meeting minutes was made by Commissioner Melcher, seconded by Commissioner Wolthuis .

Voting Yea:6
Voting Nay:0

Public Hearings

- a) VR24-01 Staff Report Packet

The public hearing was opened at 6:35 PM

Commissioner Wood read the application summary and asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

Planning & Building Manager Clegg presented the staff report. Clegg reminded the Commission that there are two variances being considered and the Commission can vote on them together or separately. Clegg asked if there were any questions. There were none.

Applicant Testimony: Laura LaRogue and Brian Vendetta of Udell Engineering and Land Surveying testified on behalf of the applicant. The applicant asked the Commission if there were any questions.

The Commissioners discussed the application. Commissioner Wood asked the applicant if the need for the variances is because of the lot topography or the proposed site plan. The applicant stated that the need for the variance was decided by reviewing the City's guiding documents and being able to build the lots to a certain size allowed by the code. Any alteration would result in an inefficient use of the land area and a decrease in the housing stock available to the community. Other designs option were considered, but the submitted plan was the most efficient use of the land. Commissioner Wolthuis asked about the potential development south of the property, the applicant was unaware of any future development. Commissioner Melcher asked how many on street parking spaces would be allotted with the proposed design. The applicant stated that they estimated 16 possible spaces. the applicant will speak more to the parking during the subdivision public hearing. The applicant stated that there will be no parking allowed on the driveway easements. Commissioner Journey asked about the off street parking limitations, and being no room for visitors to the homes. The applicant stated that each lot will accommodate a minimum of two off street parking spaces, plus a garage or car port. She also stated that the lot sizes are larger than the minimum square footage allowing for adequate parking. Commissioner Melcher asked if the rear lots are level enough to allow for the homes and parking area. The applicant stated that there is plenty of space. The applicant stated that the owner plans to construct a double car garage, two off street parking spaces and RV pads allowing for additional off street parking spaces.

Testimony in favor: None

Testimony in opposition:

Gail Heine, 2331 Harding St, Sweet Home, OR 97386: stated that she was told that the

property had wetlands. She discussed current water issues throughout the current neighborhood, and her concern that the issues will worsen with the proposed development. She is concerned about flooding on her property and the surrounding properties.

Gary Jarvis, 2941 Foothills Dr., Sweet Home, OR 97386: deferred comments to the subdivision hearing.

Ron Walker, 2631 Foothills Dr, Sweet Home, OR 97386: stated his concerns about allowing an increase of 31% of lots accessed by easement. He has concerns about ingress and egress, but will discuss it during the subdivision hearing. He is concerned about the width of Foothills Drive and the allowance of on street parking, but will discuss it more during the subdivision hearing.

Director Larsen discussed the Foothills Drive right-of-way width and the surrounding right-of-ways for comparison.

Neutral testimony: None

The public hearing was closed at 7:11 PM

The Commission discussed the application and testimony. Commissioner Wood stated her concerns about the flag lot variance and the reasons the code was amended to limit it to a percentage. She feels the variance for the flag lots is plan imposed and is not in favor, but the variance for the lot width is property driven and acceptable. Commissioner Melcher agrees with Commissioner Wood. Manager Clegg further explained the staff findings regarding the flag lots and the lot width variance. Commissioner Journey stated her understanding to lesson the lot size to reflect the current code standards, but doesn't understand the need to measure from the easement. Commissioner Journey feels that it is imposed by the property owner. Commissioner Journey reminded the Commissioners of their reasoning for limiting flag lots, but she also understands the owner needs an ability to access the rear lots. Manager Clegg reminded the Commissioners that they can decide on the variances separately. Director Larsen recommended that the Commission defer the vote for the Variance for after the Subdivision public hearing. Commissioner Melcher stated that she would like to see the 31% easement access reduced.

A motion to table the vote until after the public hearing for the proposed subdivision application had been heard was made by Commissioner Melcher, seconded by Commissioner White.

Voting Yea: 5

Voting Nay: 1

After the public hearing for the proposed subdivision was heard, a motion to continue Application VR24-01 was made by Commissioner Melcher seconded by Commissioner Journey.

Voting Yea: 6

Voting Nay: 0

b) SD24-01 Staff Report Packet - Revised

The public hearing was opened at 7:20 PM

Commissioner Wood read the application summary and asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

Planning & Building Manager Clegg presented the staff report to the Commission and asked if there were any questions. There were none.

Applicant Testimony: Laura LaRogue and Brian Vendetta of Udell Engineering and Land Surveying testified on behalf of the applicant. The applicant described the subdivision proposal. They described the roadway improvements for Foothills Drive and 23rd Avenue, and the agreement with the owner to complete improvements on 23rd Avenue to Harding Street. The applicant reviewed the water, sewer and storm water plans. The applicants asked if there were any utility questions.

Commissioner Melcher asked if the applicant felt the stormwater plan would alleviate some of the water issues in the surrounding properties. The applicant stated that it wouldn't, however, it would not worsen the conditions. The applicant stated that they are required to create a sufficient system for their development. They are not allowed to exacerbate conditions on surrounding properties, however they are not required to fix existing issues. Commissioner Melcher asked about maintenance on the storm water detention lot. The applicant stated that they have discussed options with the owner, and reviewed the proposed options with the Commissioners, but stated that they have not decided on the final option. Commissioner Wolthuis discussed the elimination of the beauty strip and widening the road. The applicant stated that the owner would probably agree with it, but it wouldn't add to parking and it follows the City code standards. Commissioner Wolthuis asked about rounding out the detention basin on the corner. The applicant stated that the corner complies with fire code criteria.

The applicant addressed the Commissioners concerns over the 31% access easements. The applicant felt the 10% percent was an arbitrary number not based on scientific data or transportation studies. The stub ends of Foothills Drive are pre-existing and can not be moved. If they were to design the subdivision with long lots they wouldn't be sufficiently utilizing the property and the allowable density. Longer lots would also create the issue of the lot depth being three times the width, which is also against code standards, and would create another need for a variance. The applicant stated that the topography of the property to the south creates difficulties building a public street, so the use of access easements is the most efficient way to utilize the land efficiently and provide access to the rear lots. The applicant again stated that the 10% easement allowance is not based on scientific data or transportation studies, and the design is within the allowable density for the zone. The applicants understand the Commissions concerns, but explained that there are extenuating circumstances for access to the allowable density for the lot. Commissioner Graybill brought up the option for the owner to build duplexes on the lots versus single family residence for the purpose of density. Commissioner Graybill stated he disagrees with Commissioner Wolthuis about removing planter strips. Commissioner Graybill commented on the placement of the driveways on page C102. The applicant stated that they plan to have RV pads and that will determine where the driveways will be placed during development. Commissioner Wood asked about residence access and safety if there is an emergency. She is concerned about emergency access along the easements and additional traffic brought about by the RV pads. She asked about the design taking in to account the safety of the residence. The applicant stated that design follows the local street standards. Commissioner Woods said her concerns are more about the side street access. The applicant states that the design complies with all fire code standards and reviewed the code as it pertains to traffic safety. The applicant feels that the design takes into account the emergency access and the larger rear lot sizes allow for adequate turn around space for the residents. The applicant addressed the 23rd Avenue improvements. The owner is only required to improve 23rd Avenue to the edge of his property however, the applicant stated that the owner of the property is willing to enter into an agreement with the City to improve 23rd Avenue to Harding Street as long as the City can acquire the 5 foot access easement needed to extend the road to Harding Street. The applicant is working to make access safer and more efficient for the neighborhood. Director Larsen described the measures the City is taking to improve pedestrian access and safety since there is a Junior High near. He stated that he is pleased that the owner has proposed sidewalks with this plan that will add to the safety improvements that the City is trying to achieve through grants. Commissioner Melcher expressed her appreciation of the owner willing to work with the City to extend the needed road improvements. Commissioner Melcher stated that amendment to the flag lot percentage was based on comments from the public during subdivision hearings in the past. She stated that she appreciated that the owner is maximizing the density requirements, she is for beauty strips for pedestrian safety, but is stuck on the percentage of allowable easements. The applicant stated that there are many examples of extraordinary circumstances that don't fit within the standards. Commissioner Wood explained the purpose of the variance process. She stated that she understood that they were maximizing

the density based on a previous plan, but feels that there are other ways that the design could be done to fit better within the code standards. Commissioner Graybill stated that the easements should extend into the rear properties. They currently stop at the property line. Commissioner Graybill described other access options and the pros and cons to each.

Testimony in favor: None

Testimony in opposition:

Gary Jarvis, 2941 Foothills Dr, Sweet Home, OR 97386: he asked if the driveways were for all four lots or if the driveways are for the back two lots only and the front lots will have driveways directly on Foothills Drive. He stated that he is opposed to the plan because of the fire access in and out of the rear lots. He stated that the 31% request is too much and may set a precedence for future developments. He stated that the curb appeal of this subdivision doesn't match the surrounding Ashbrook development phases. He stated that if the width of Foothills is similar to 27th Avenue, when cars are parked on both sides, there is not enough room for two lanes of traffic. He is concerned about the runoff from the added paved surfaces.

Director Larsen corrected his statement and said that Foothills Drive will be the same width as 23rd Avenue, not 27th as previous stated. 27th Avenue is a 40 foot right-of-way and 23rd Avenue is a 50 foot right-of-way. Manager Clegg reminded the Commissioners that the City does not have an on street parking requirement and therefore the decision can't be based on the availability of on street parking spaces.

Ron Walker, 2631 Foothills Dr, Sweet Home, OR 97386: He stated that Mr. Jarvis covered many of his concerns. He stated that he was confused with the curb to curb widths in the packets. His biggest concern is access for fire apparatus to the rear lots. He referenced the previous subdivision application with the 25 lots and wider access easements. He stated that he is not against the development, but wants to see changes to the easement to make them safer for emergency vehicles.

Neutral testimony: None

Rebuttal: Laura LaRogue and Brian Vendetta of Udell Engineering and Land Surveying returned and discussed how the driveway and easement widths comply with code, and the lots exceed the minimum lot size requirements. Commissioner Melcher asked why they decided on easements and not flag lots. The applicant stated that the flag area is deducted from the lot size which would make the lots nonconforming. The applicant discussed that if there were no easements being proposed, code allows each lot to have two driveways and each of those driveways can be 20 feet. The number of easement driveways and frontage driveways would be no different than the code allowing each lot to have two driveways. Either design can be found in similar development throughout the City. Commissioner Wolthuis asked if there will be an HOA proposed for easement maintenance. The owner is still weighing out the maintenance agreement options, and will have it in place before development.

The public hearing was closed at 8:37 PM

The Commission discussed the application and testimony. Commissioner Melcher asked Commissioner Graybill about reducing the lot numbers and then having flags. Commissioner Graybill stated that flag lots have to be wider than easements, and it would negatively impact the setbacks. There was further discussion on density and easement options. Commissioner White discussed any decrease in density will decrease the affordability for the developer. Commissioner Journey stated that she agrees with the applicants statement and is not in favor of substituting flag lots for easements. Commissioner Graybill stated that flag lots take a lot of square footage out of properties, and feels the owner minimized the impact on the land of each lot by using easements. Commissioner Wood stated that the applicant did a good job with the design except for the number of easements. Commissioner Journey stated that the easement through lot 21 is necessary for the City to put in future utilities. It could be expanded to allow four lots access to it. Commissioner Graybill verified the easement through lot 21 could be

for the 4 lots and then the 10% City requirement could be for other lots. Commissioner Journey agreed with Commissioner Graybill. Director Larsen recommended the Commission continue the public hearing to a later meeting allowing the applicant to bring back additional options. There was discussion about the continuation process. Commissioner Wolthuis stated that he likes the design, but does not like the differences in width of foothills drive. He does not feel the beauty strip is needed, and will allow for a wider street. Commissioner Wolthuis would like to see the City follow though on the improvements to 23rd Avenue. Director Larsen stated that he is already working with the owner on the corner of 23rd Avenue and Harding Street.

The public hearing was reopened at 8:47 PM

The applicant is requesting a continuation of the Public hearing to the next regular meeting time to provide additional options for review. Staff verified that the next regular meeting will be September 5, 2024.

The Public Hearing was closed at 8:48 PM

A motion to continue the public hearing Application SD24-01 to the September 5, 2024 Planning Commission meeting was made by Commissioner Melcher seconded by Commissioner Journey.

Voting Yea: 6

Voting Nay: 0

Staff Updates:

Director Larsen gave a Transportation System Plan, Housing Production Strategy, and Park Master Plan update.

Director Larsen gave an update on the Safe Routes to School Grant and a Carbon Reduction Grant.

Director Larsen introduced Joe Graybill as the new Planning Commissioner, and discussed the staff transitions and Manager Clegg's new title as Planning & Building Manager.

There was discussion about the commissioners connecting with staff before meetings to address any questions ahead of time.

Commissioner Journey asked if there were any applicants for the vacant commissioner seat. Staff was unsure.

Round Table Discussions (Committee comments about topics not listed on the agenda)

There was none.

Adjournment

The meeting was adjourned at 9:01 PM

Laura Wood, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Planning & Building Manager



Staff Report Presented to the Planning Commission

Continued to the September 5, 2024 Planning Commission Meeting

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

REQUEST: The applicant is seeking a variance to allow ~~lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21—29 and to allow 31 15 percent (i.e., 9 4 lots) as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.~~ ~~Lot Depth and Width: Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line. [SHMC 17.42.120(C)].~~ No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement. [SHMC 17.58.030(C)(3)]. The subject property is zoned Residential Low Density (R-1). The Comprehensive Plan Designation is Low Density Residential (R-1).

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

- APPLICANT:** Laura LaRoque, Udell Engineering & Land Surveying, LLC
- PROPERTY OWNER:** Lazar Kalugin, Quality Plus Interiors, LLC
- FILE NUMBER:** VR24-01
- PROPERTY LOCATION:** Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32CA Tax Lot 4403.
- REVIEW AND DESIGN CRITERIA:** Sweet Home Municipal Code Section(s) 17.10, 17.42.120, 17.58.030, 17.106, and 17.126.
- HEARING DATE & TIME:** September 5, 2024 at 6:30PM
- HEARING LOCATION:** City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386
- STAFF CONTACT:** Angela Clegg, Planning & Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov
- REPORT DATE:** August 27, 2024

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

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

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

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

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

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

TIMELINES AND HEARING NOTICE:

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

II. COMMENTS

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

Blake Patterson

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

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

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

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

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

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

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

Ray Grundy

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

Sweet Home

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

Public Comments: Attachment G D

III. REVIEW AND DESIGN CRITERIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. STAFF RECOMMENDATION

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

V. CONCLUSIONS

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

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

Conditions of Approval:

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

VI. PLANNING COMMISSION ACTION

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

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

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

Motion:

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

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

VII. ATTACHMENTS

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

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



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

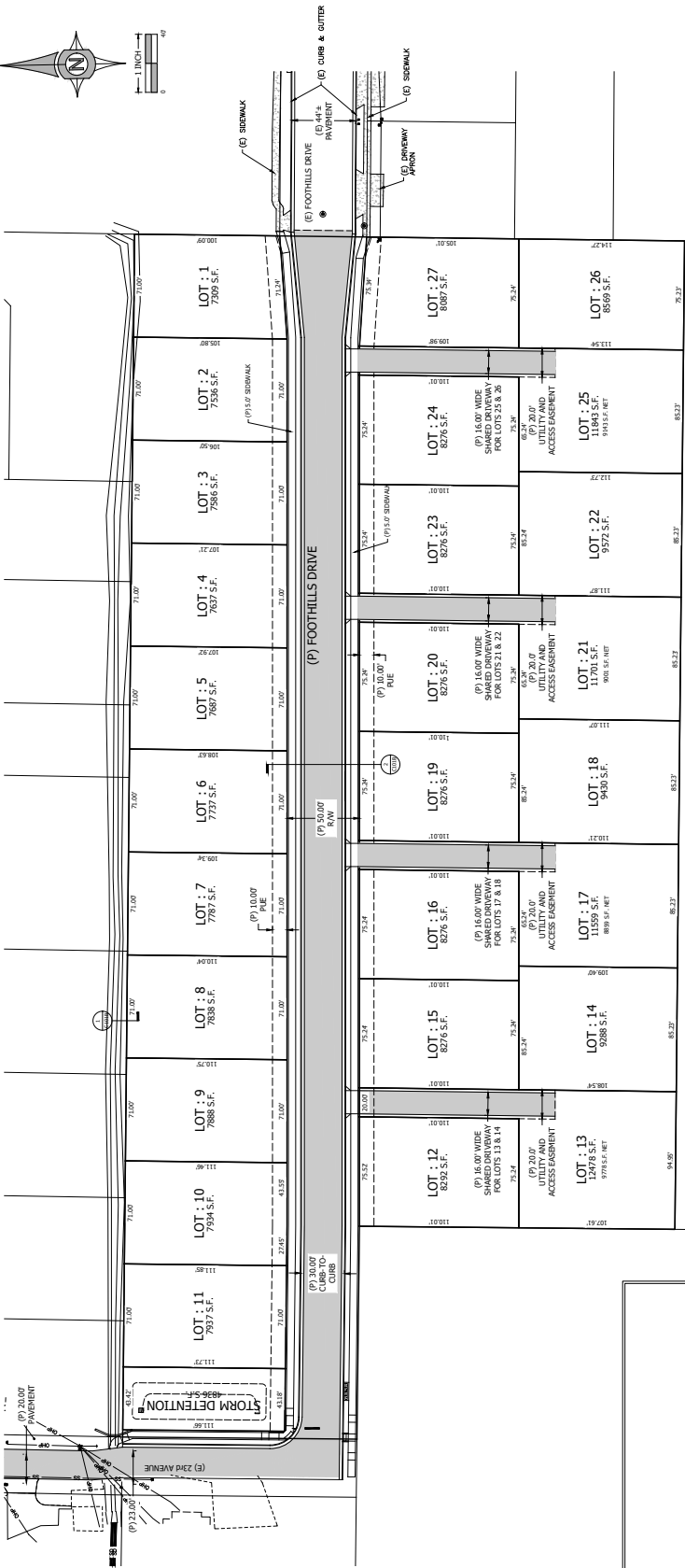
UDLL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

PRELIMINARY LOT PLAN
 TENTATIVE SUBDIVISION
 TAX MAP: 13S01E32CA
 LOT: 04403
 SWETHOME, OREGON

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

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

DATE	
PLAN REVISIONS	

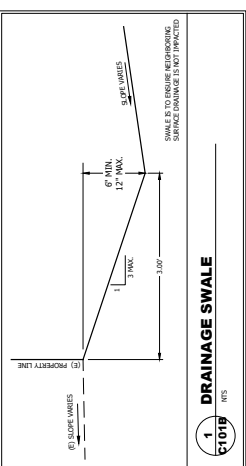
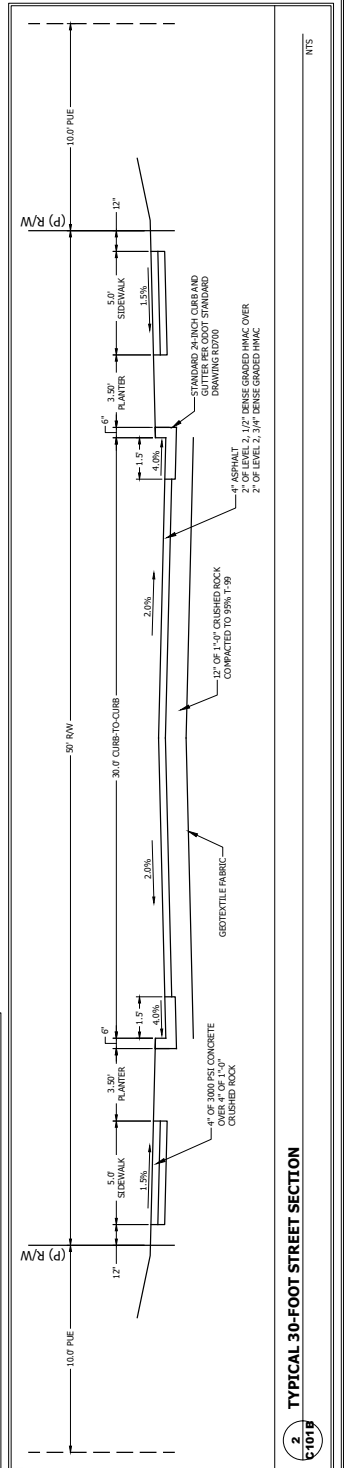


DEVELOPER
 QP, INC.
 ATTN: LAZAR
 1120 PORTLAND ROAD
 LEBANON, OREGON 97021
 (503) 572-2878

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

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

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



2 TYPICAL 30-FOOT STREET SECTION

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

Good Morning Angela and Blair,

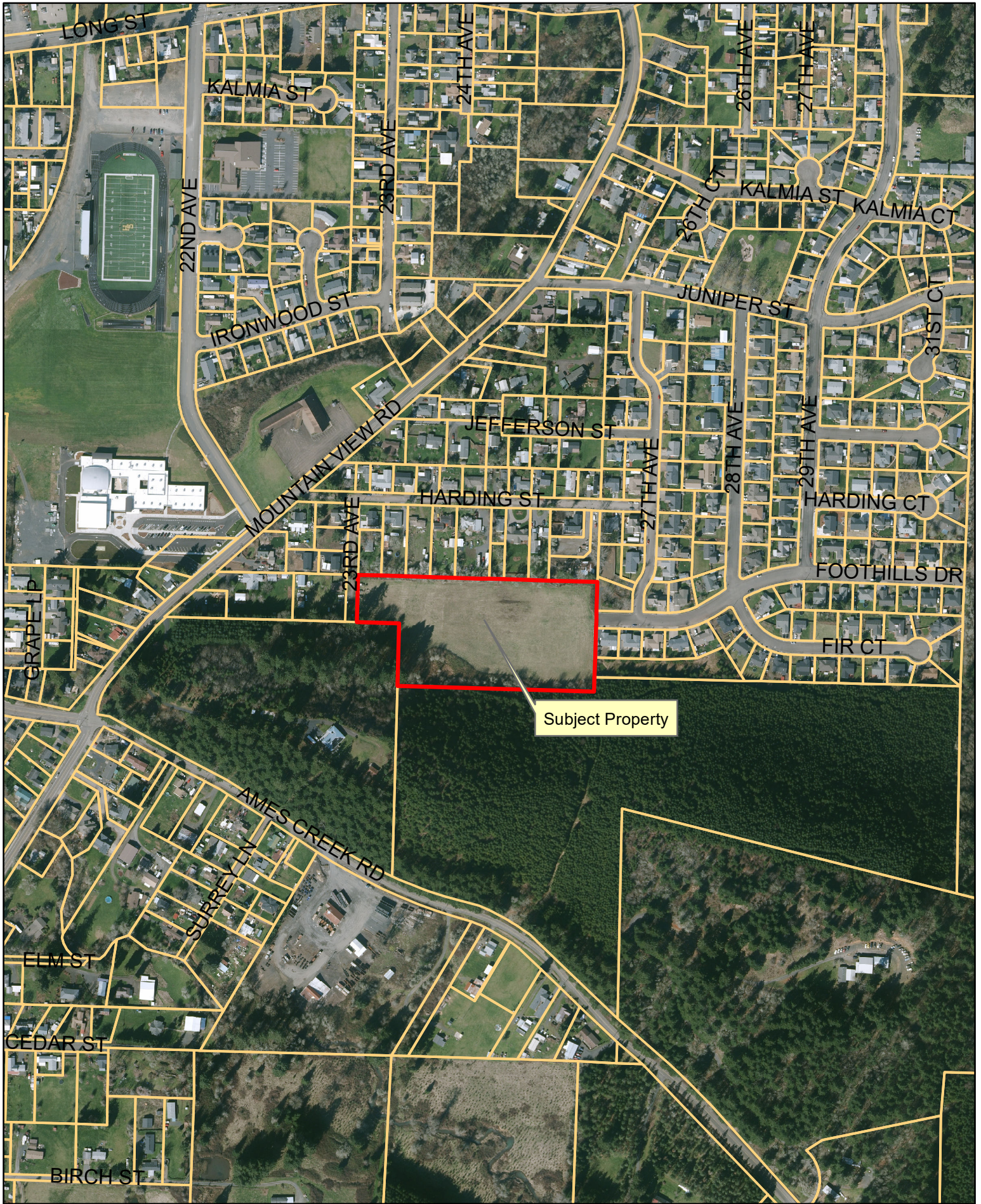
Sorry for the delay on this. Attached is an alternative lot layout for this subdivision. In this layout lots 13, 17, 21, and 25 are flag lots and lots 14, 18, 22, and 26 are access via easement. The 10% standard for subdivision lots accessed via easement is only slightly exceeded in this scenario (3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

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

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

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

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



Subject Property



1 inch = 422 feet

Subject Property Map
VR24-01 and SD24-01

Date: 6.25.2024



Land Use Application

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

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

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

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

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

Property A

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

Property B

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

Nature of Applicant's Request

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

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

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

Applicant's Signature:
Laura LaRoque
 Property Owner's Signature:
[Signature]
 Property Owner's Signature:

 Property Owner's Signature:

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

TENTATIVE SUBDIVISION PLAT & VARIANCE APPLICATIONS

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

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

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

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

Site Location: Unassigned Address

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

Site Size: ±6.49-acres

Existing Land Use: Unimproved

Comprehensive Plan Designation: Low Density Residential

Zone Designation: Low Density Residential (R1)

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

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



I. Executive Summary

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

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

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

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

II. Analysis of Development Code Criteria

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

III. 17.110.050 Decision Criteria

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

Criterion A

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Criterion B

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

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

18. Per SHDC 17.58.020 Scope, a land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

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

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

- i. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot,*



shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.

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

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

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

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

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

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



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

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

- 20. Nine of the proposed lots proposed to have access via 20-foot-wide access easements. Variance to SHMC 17.58.030(C)(3) to allow 31 percent as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.
- iv. *Flag Lots. Flag lots shall be subject to the following development standards: 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width. 2. The access strip shall not be included in the lot area calculation. 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.*
- 21. Finding: No flag lots are proposed in association with this request. Lots 12-20 will have access to Foothills Drive via access easement; therefore, these standards are not applicable.
- v. *Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.*

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



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

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

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

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

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

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

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

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

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

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

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



nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.

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

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

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

- xiii. *Design standards. Pedestrian/bicycle accessways shall meet the following design standards: 1) Minimum dedicated width: 10 feet; 2) Minimum improved width: 8 feet; 3) The accessway shall be designed to prohibit vehicle traffic.*

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

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

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

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

- a. *Frontage improvements. Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.*
- b. *Project streets. Streets within the subdivision shall be constructed as required by City Engineering Standards.*
- c. *Monuments. Monuments shall be established as required by the Engineering Design Standards.*
- d. *Surface drainage and stormwater system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers*



outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

- e. Sanitary sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.*
- f. Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.*
- g. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.*
- h. Streetlights. The installation of streetlights is required at locations, and of a type required by City standards.*
- i. Street signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.*
- j. Other requirements.*
 - i. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.*
 - ii. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be in the planting strip. An additional*



tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

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

Criterion C

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

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

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

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

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

Criterion D

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

IV. 17.110.050 Decision Criteria

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

Criterion A

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

33. This following two variances are requested:

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



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

Criterion B

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

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

Criterion C

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

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



Criterion D

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

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

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

Criterion E

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

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

Criterion F

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

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

V. OVERALL CONCLUSION

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

VI. ATTACHMENTS

A. Tentative Subdivision Plat



RECEIVED
07.22.24

TO: Sweet Home Planning Commission

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

RE: File# SD24-01 & VR24-01

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

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

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

Respectfully,



Pamela J Heberle

To: City of Sweet Home Planning Commission

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

Re: VR24-01

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

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

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

Thanks for your consideration.

Ron Walker 07-16-2024
Linda Walker



Staff Report Presented to the Planning Commission
Continued to the September 5, 2024 Planning Commission Meeting

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

REQUEST: The applicant is requesting to subdivide an approximately 282,704 square foot (6.49 acre) property into ~~29~~ 27 residential lots, 1 storm detention lot and associated roadway and utility improvements. The subject property is to the east of 23rd Avenue and west of 27th Avenue and is identified by Linn County Tax Assessor’s Map No. 13S01E32CA Tax Lot 4403. Lot sizes would range in size from ~~7,206~~ 7,309 square feet to ~~8,626~~ 12,478 square feet. All lots would be eligible to be developed with single, family dwellings and/or duplexes [SHMC 17.10.020(A and B)]. The subject property is in the Residential Low Density (R-1) Zone.

Application SD24-01 is pending the approval of VR24-01. Application SD24-01 and VR24-01 are being filed simultaneously.

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

PROPERTY OWNER: Lazar Kalugin, Quality Plus Interiors

FILE NUMBER: SD24-01

PROPERTY LOCATION: Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32CA Tax Lot 04403.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10, 17.42, 17.58.030, 17.58.040, 17.58.060, 17.58.070, 17.110.040, 17.110.050, 17.110.070, 17.110.080 and 17.126.

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

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

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

REPORT DATE: August 27, 2024

I. PROJECT AND PROPERTY DESCRIPTION

The application under consideration is a proposed tentative subdivision plat. The proposed subdivision will be completed in 1 phase and include ~~29~~ 27 residential lots, 1 storm detention lot and associated roadway and utility improvements. Lot sizes would range in size from ~~7,206~~ 7,309 square feet to ~~8,626~~ 12,478 square feet. The subdivision approval is reliant on the variance application being filed concurrently. The subject properties are located east of 27th Avenue, west of 23rd Avenue, south of Harding Street and is identified by Linn County Tax Assessor’s Map No. 13S01E32CA Tax Lot 04403.

With the approval of Variance Application VR24-01, the proposed subdivision conforms to all applicable sections of the Sweet Home Municipal Code (SHMC) and when necessary, City of

Sweet Home’s Comprehensive Plan. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the SHMC.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

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

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

No delineation has been received as of the submission of this staff report. Staff recommends a condition of approval that a wetland delineation be completed before development can commence.

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

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

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

access on a narrow street into a narrow entrance the access points cause apparatus to slow or even jockey to make a turn. Parking will be an issue and fire lanes will need to be posted into flag lot type drives. This design is a concern but I'm sure there are resolutions for issues.

TIMELINES AND HEARING NOTICE:

Application Received: June 20, 2024
Application Deemed Complete: June 24, 2024
Notice Distribution to Neighboring Property Owners Within 300 feet and Service Agencies: June 25, 2024
Notice Published in New Era Newspaper: July 3, 2024
Date of Planning Commission Hearing: August 1, 2024
Date of Planning Commission Continuation: September 5, 2024
120-Day Processing Deadlines: October 18, 2024

Notice was provided as required by SHMC 17.126.010

II. COMMENTS

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

**Blake Patterson
Public Works
Engineering:**

The City of Sweet Home wants to have provision for a waterline easement in the common driveway serving Lot 20 26 on Lot 24 25. The easement would be the same size as the proposed shared utility and access easements as noted on the proposed site plan. The easement would run from the south right-of-way line of Foothills Drive to the south line of Lot 20 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek Road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

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

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

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

We will need to see improvements in the width of the property on the 23rd Avenue side. The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to

and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets. The overlay on Harding Street has been completed from 23rd Avenue to 27th Avenue.

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

**Ray Grundy
Building Division:**

In regard to SD24-01 Building has no comments or concerns at this time.

**Sweet Home Fire
District:**

No comments as of the issuance of this staff report.

Public Comments:

Attachment \notin D.

III. REVIEW AND DECISION CRITERIA

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

17.110.040 SUBMITTAL REQUIREMENTS

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

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

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

Staff Findings: The applicant submitted Application SD24-01 on June 20, 2024. Staff deemed the application complete on June 24, 2024.

17.110.050 DECISION CRITERIA – SUBDIVISION

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

Applicant Comments: See Attachment B C, Pages 2-5, and email dated August 24, 2024. The proposal is for a tentative subdivision plat for the creation of residential dwelling lots. No development is proposed in association with the submitted subdivision application. Conformance with the permitted use standards will be reviewed in association with a building permit. No development is proposed in association with the submitted subdivision application. Conformance with any special use standards will be reviewed in association with a building permit. The proposal is for ~~29~~ 27 residential lots that comply with the minimum lot dimensional standards for development of single-dwelling or duplex dwelling development. The site is approximately 5.39 net acres, which equates to a maximum density of ~~29~~ 27 dwelling units. Therefore, the proposed subdivision will not exceed maximum density when improved with permitted housing types. As shown on the Tentative Subdivision Plat, the net lot areas of all proposed lot exceed 7,000 square feet. ~~Lots 21 – 29 have lot widths less than 70 feet when measured the side property line to proposed utility and access easements.~~ See variance section below. Findings from this section are incorporated herein by reference. All other lots conform to the minimum width standard.

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

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

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

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

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

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

Staff Findings: The proposed subdivision is zoned Residential Low Density (R-1). The density regulations for a residential development are a maximum of 5.4 dwelling units per net acre. Duplexes shall count as one dwelling unit for purposes of density calculation. The minimum lot area for a single-family dwelling, manufactured home or duplex is 7,000 square feet. The minimum width at building line is 70 feet.

Tax Lot 4403 is approximately 6.49 acres, and the maximum density allowed shall be 35 dwelling units. The applicant is proposing a subdivision consisting of ~~29~~ 27 residential lots and 1 storm detention lot. Lot sizes would range in size from ~~7,206~~ 7,309 square feet to ~~8,626~~ 12,478 square feet. The lot width at building line range from approximately ~~70~~ 71 feet to ~~75.74~~ 85.24 feet, including easement widths.

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

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

Staff Findings: Findings for SHMC 17.58 standards are found on pages 7-13 of this Staff Report.

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

Applicant Comments: See Attachment B C, Pages 2-5, and email dated August 24, 2024. Conformance with minimum setbacks, maximum height, and maximum lot coverage will be reviewed in association with a building permit. However, the size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

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

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

Applicant Comments: See Attachment B C, Pages 11-15, and email dated August 24, 2024. As shown in the Tentative Subdivision plat, the proposal includes the extension and improvement of Foothills Drive through the subject property. Improvements include

a 50-foot right-of-way, a paved travel lane in either direction, curb/gutter, landscape bay, and sidewalk. Per Figure 2.2 of the Sweet Home Transportation Plan (TSP), Foothills Drive is classified as a Local Street. As shown in the Tentative Subdivision plat, the proposal includes the extension and improvement of Foothills Drive to and through the subject property that conforms to the Local Street standards. All lots are proposed to have direct driveway access ~~except for nine lots which will be provided access via shared access easements~~ *Lots 13, 17, 21 and 25 shall have access via flag lots and Lots 14, 18, 22, and 26 shall have access via an access and utility easement.* Based upon the Institute of Transportation Engineers (ITE) trip generation rates for single family dwellings the development would add about 9.57 trips per day and 0.99 trips during peak PM traffic hour. The development has the potential to result in construction of up to ~~29~~ 27 dwelling units. Construction of the ~~29~~ 27 dwelling units will add about 278 new vehicle trips per day to the public street system. About 29 of those trips would occur during the peak PM traffic hour. Any required storm drainage and erosion plans will be reviewed and approved in association with a site or building permit. As shown on the Tentative Subdivision Plat, private water and sewer laterals will be connected to proposed public utilities within the Foothills right-of-way extension to serve future development. All easements for private utilities extensions will be recorded upon or in association with the final plat. As shown on the Tentative Subdivision Plat, public and private utility extensions and shared access easements are proposed. Easements for private utilities extensions and access will be recorded upon or in association with the final plat.

Staff Findings: The proposed site plan (Attachment B C) shows an access and utility easement serving Lot ~~20~~ 26 on Lot 24 25, terminating ~~at the rear lot line of Lot 24 just south of the north boundary line of Lot 25.~~ The City of Sweet Home recommends a provision for a public waterline easement in the common driveway serving Lot ~~20~~ 26 on Lot 24 25, extending to the rear lot line of Lot ~~20~~ 25. The easement would run from the south ROW line of Foothills Drive to the south line of Lot ~~20~~ 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek Road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The city has placed 250 feet of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

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

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

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

Applicant Comments: See Attachment B C, Pages 5 and 6, and email dated August 24, 2024. As shown on the Tentative Subdivision Plat, the net lot areas of all proposed lot exceed the

minimum 7,000 square foot area standard. The area of all proposed access easements has been excluded from net lot area calculations.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B C), the proposed lot sizes shall range in size from approximately ~~7,206~~ 7,309 square feet to approximately ~~8,626~~ 12,478 square feet.

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

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

Applicant Comments: See Attachment B C, Page 6, and email dated August 24, 2024. Lots width range from ~~70~~—~~76~~ 71-85 feet. None of the lot depths exceed 228-foot maximum lot width to depth ratio.

Staff Findings: Based on the submitted site plans (attachment B C), no depth of a lot or parcel exceeds three times the width of the parcel.

~~The applicant has requested a variance to SHMC 17.42.120(C) to allow lot width to be measured from property lines as opposed to an easement(s) boundary for Lots 21—29. Staff recommends a condition of approval that the approval of the proposed Subdivision Application SD24-01 be contingent on the approval of Variance Application VR24-01.~~

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

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

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

Applicant Comments: See Attachment B C, Pages 6 and 7, and email dated August 24, 2024: As shown on the preliminary lot plan, all proposed lots will have access to a public street through a combination of public road and private access improvements. Foothills Drive is proposed to be extended through the subject property and connect with Twenty Third Avenue. Twenty Third Avenue is a variable (35-foot to 40-foot) width right-of-way. A partial street improvement of Twenty Third Avenue to Harding Street is also proposed to improve vehicular and pedestrian connectivity. Due to the limited right-of-way width this street will not have planter strips and sidewalks will be curbside.

~~None~~ Four of the proposed lots proposed to have access via 20-foot-wide access easements. The amended Variance to SHMC 17.58.030(C)(3) to allow ~~34~~ 15 percent as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.

Staff Findings: The proposed site plan shows that all lots shall have either direct access to Foothills Drive, access via an access and utility easement, or access via a flag lot.

The applicant is requesting an amended variance to SHMC 17.58.030(C)(3) to allow ~~34~~ 15 percent (i.e., ~~9~~ 4 lots) as opposed to 10 percent (approximately 3) of lots within the proposed subdivision to be accessed by private access easement. Staff recommends a condition of approval that the approval of the proposed Subdivision Application SD24-01 be contingent on the approval of Variance Application VR24-01.

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

D. Flag lots. Flag lots shall be subject to the following development standards:

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

Applicant Comments: See Attachment B ~~email dated August 24, 2024: No flag lots are proposed in association with this request. Lots 12-20 will have access to Foothills Drive via access easement; therefore, these standards are not applicable. Lots 13, 17, 21, and 25 are proposed flag lots.~~

Staff Findings: The applicant is ~~not proposing any flag lots.~~ *proposing four flag lots. The access strip is 20 feet in width with an improved surface of 16 feet. The access strips do not exceed 150 feet.*

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

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

Applicant Comments: See Attachment B C, Page 7. No through lots are proposed in association with this request.

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

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

Applicant Comments: See Attachment B C, Page 8. All lot lines run as far as practicable at right angles to the proposed Foothills Drive extension.

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

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

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

Applicant Comments: See Attachment B C, Page 8, *and email dated August 24, 2024.* All proposed utility easements are shown on the Tentative Subdivision Plat.

Staff Findings: Based on the submitted site plans (attachment B C) the applicant has proposed public utilities to be located in the public right-of way and utility easements throughout the subdivision. (Attachment B C, Sheets C101, C103, and C104).

The proposed site plan (Attachment B C) shows an access and utility easement serving Lot 20 26 on Lot 24 25. The City of Sweet Home recommends a provision for a waterline easement in the common driveway serving Lot 20 26 on Lot 24 25. The easement would run from the south ROW line of Foothills Drive to the south line of Lot 20 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek Road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

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

17.58.040 ADDITIONAL STANDARDS FOR SUBDIVISIONS

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

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B C), the proposed lot sizes shall range in size from approximately ~~7,206~~ 7,309 square feet to approximately ~~8,626~~ 12,478 square feet. The lot sizes provide adequate building sites for single-family dwellings and duplexes. Based on the submitted site plans (attachment B C), the applicant has proposed a local street width of 50 feet. The proposed access and utility easements on the south side of Foothills Drive are approximately 20 feet wide, and the shared driveways are a paved width of approximately 16 feet. Staff finds that the length, width and shape of the block provide adequate building sites and the applicant considered safe pedestrian and bicyclist traffic, convenient access and traffic circulation.

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

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

Applicant Comments: See Attachment B C, Page 8. The proposed extension and improvement of Foothills Drive through the subject property is proposed, which creates a 1,000-foot block length between 27th Avenue and 23rd Avenue.

Staff Findings: Based on the submitted site plans (attachment B C), the length of the subdivision block from 27th Avenue to 23rd Avenue is approximately 953 feet. The proposed length is similar to and in some cases shorter in length than blocks in the surrounding neighborhoods.

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

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

Applicant Comments: See Attachment B C, Page 8. Foothills Drive is proposed to be extended through the subject property and connect with Twenty Third Avenue. A partial street improvement of Twenty Third Avenue to Harding Street is also proposed to improve vehicular and pedestrian connectivity. These improvements are in accordance with the City’s adopted Transportation System Plan.

Staff Findings: The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A stop sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a “half street” which is really a “3/4 street” on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be a curb on that side too because residents will travel to and from the subdivision in both directions on 23rd

Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Avenue and Harding Street.

Relevant to street standards 27th Avenue is a 40 foot right-of way, 28th Avenue is a 50-foot right-of-way, 29th Avenue is a 60-foot right-of-way, Mountain View is a 40-foot right-of-way, and Harding Street is a 40 foot right-of-way.

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

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

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

Applicant Comments: See Attachment B C, Pages 8 and 9. The proposed extension and improvement of Foothills Drive through the subject property provides for street and pedestrian connectivity to the city’s existing street and pedestrian network.

Staff Findings: No reserve strips or stub-end streets are required for this proposed subdivision.

The proposed subdivision block is longer than 600 feet, however staff finds the proposed public accessway provides safe, efficient and direct connection of Foothill Drive from 23rd Avenue to 27th Avenue.

Attachment B C, Sheet C102 shows the access and utility easements as shared driveways for all lots abutting the easements.

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

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

Applicant Comments: See Attachment B C, Page 9. Foothills Drive is classified as a Local Street in the Sweet Home Transportation System plan; therefore, this standard is not applicable.

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

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

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

Applicant Comments: See Attachment B C, Page 9. As shown on the Tentative Subdivision Plat, the proposed extension and improvement of Foothills Drive conforms to the city’s Local Street standards, which include sidewalk and on-street bicycle improvements.

Staff Findings: SHMC 17.42.040 Local Streets standards show a minimum required bike lane of 7 feet, however this is a topographical error that will be amended in a future code amendment.

Staff finds that the on-street bicycle improvements, matching the surrounding neighborhoods, is adequate.

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

17.58.060 IMPROVEMENT REQUIREMENTS - SUBDIVISION

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

- 1. Frontage improvements. Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.**
- 2. Project streets. Streets within the subdivision shall be constructed as required by City Engineering Standards.**
- 3. Monuments. Monuments shall be established as required by the Engineering Design Standards.**
- 4. Surface drainage and stormwater system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.**
- 5. Sanitary sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.**
- 6. Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.**
- 7. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.**
- 8. Street lights. The installation of street lights is required at locations, and of a type required by City standards.**
- 9. Street signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.**
- 10. Other requirements.**

- a. **Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.**
- b. **Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.**

Staff Findings: The maintenance of private stormwater basins is up to the local residences with or without a HOA, who benefit from the subdivision development and the stormwater basin, not the city. That property needs to remain under the ownership of the developer, or a HOA.

The proposed site plan (Attachment B C) shows an access and utility easement serving Lot 20 on Lot 21 25, terminating ~~at the rear lot line of Lot 21~~ *just south of the north boundary line of Lot 25*. The City of Sweet Home recommends a provision for a public waterline easement in the common driveway serving Lot 20 on Lot 21, extending to the rear lot line of Lot 20. The easement would run from the south ROW line of Foothills Drive to the south line of Lot 20. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek Road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The city has placed 250 feet of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

Attachment B C, Sheet C102 shows a 3-foot planter strip.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A stop sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be a curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Avenue and Harding Street.

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

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

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

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

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The city has placed 250 feet of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

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

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

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

~~SHMC 17.42.040 requires a minimum 3-foot planter strip for Local Streets which the narrative and plan do not show. Foothills Drive is wide enough for planter strips to be constructed and are required.~~ The proposal shows a 50-foot right-of-way, which provides adequate width on each side for 5-foot sidewalk, 3-foot planter, and a 6 inch curb which provides the minimum 7ft parking and travel lanes, etc.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A stop sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be a curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Avenue and Harding Street.

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

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

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 C). The applicant shall subdivide an approximately 282,704 square foot (6.49 acre) property into ~~29~~ 27 residential lots, 1 storm detention lot and associated roadway and utility improvements. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E32CA Tax Lot. Lot sizes would range in size from ~~7,206~~ 7,309 square feet to ~~8,626~~ 12,478 square feet. All lots would be eligible to be developed with single, family dwellings and or duplexes [SHMC 17.10.020(A and B)]. The subject property is in the Residential Low Density (R-1) Zone. The subject properties are in the Residential Low Density (R-1) Zone.
2. Approval of *the amended* Variance Application VR24-01.
3. The applicant shall provide the City a copy of the completed wetland delineation report before development can commence.
4. The applicant shall provide a public waterline easement through Lot ~~24~~ 25 in the common driveway that serves Lot ~~20~~ 26. The easement would be the same size as the proposed shared utility and access easements as noted on the attached site plan (Attachment B C). The easement would run from the south right-of-way line of Foothills Drive to the south line of Lot ~~20~~ 25, and shall be shown on the final plat.
5. The applicant shall link the proposed water system on Foothills Drive to Harding Street. The proposed subdivision shall connect to the new 6-inch waterline end point, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.
6. The applicant shall install a street name sign at the intersection of Foothills Drive and 23rd Avenue.
7. The stormwater basin shall remain under private ownership and not be transferred to the City of Sweet Home. The maintenance of private stormwater basins is up to the local residents with or without a HOA.
8. The applicant shall either provide an easement on the adjacent Lot to the storm water detention area (751 23rd Avenue) or provide a public right-of way connection to provide a connection from the storm water detention area to the storm water ditch.
9. The applicant shall provide stormwater collection easement along Lots ~~12-20~~ 13-26 to accommodate the run-off from the south hillside. The storm water collection will be through the utility easements to Foothills Drive.
10. On 23rd Avenue, the applicant shall develop "half street" improvements," on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. The improvements on 23rd Avenue need to extend to Harding Street.
11. The applicant shall provide each lot with its own sewer lateral line.

12. The applicant shall comply with all requirements identified by the CEDD Engineering and Public Works Engineering Department.
13. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46.
14. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48.
15. The applicant shall comply with all Street Standard requirements in SHMC 17.42.
16. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential Low Density (R-1) Zone.
17. In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:
 - A. City approval required. Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
 - B. Notification. Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
 - C. Inspections. Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.
 - D. Installation of utilities. All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
 - E. As-built drawings. A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements. [SHMC 17.58.070]
18. Within ~~two~~ *three* years of the Final Decision, a final approved plat (or first phase) shall be recorded with the County. If the first phase final plat is not recorded within two years, the preliminary approval shall lapse and a new application shall be required. All phases of an approved plat shall be recorded within 10 years of the final date of decision. [SHMC 17.110.080(A)]
19. Effective date for final plat approval. The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County. Approved final plats shall become void ~~one~~ *three* years after final City approval if they are not recorded. [SHMC 17.110.080(G)]
20. The applicant shall obtain all applicable development permits which include, but are not limited to: Public Works permits, development permits including building permits, and erosion control permits. The applicant shall obtain a 1200-C Stormwater Permit from the Oregon Department of Environmental Quality and any Department of State Lands permits as applicable.

V. PLANNING COMMISSION ACTION

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

conditions of approval. Staff's recommended conditions are included in Section IV.

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

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

Motion:

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

1. Move to approve application SD24-01; 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 SD24-01; 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. Applicant's amendments for the public hearing continuation on September 5, 2024
- B. Subject Property Map
- C. Application, Narrative, Tentative Subdivision Maps
- D. Public Comments

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.



CLIENT:
QUALITY PLUS INTERIORS, INC.
ATTN: LAZAR
11220 PORTLAND RD NE
SALMON, OREGON 97135
(503) 572-2878
PINC@AOL.COM

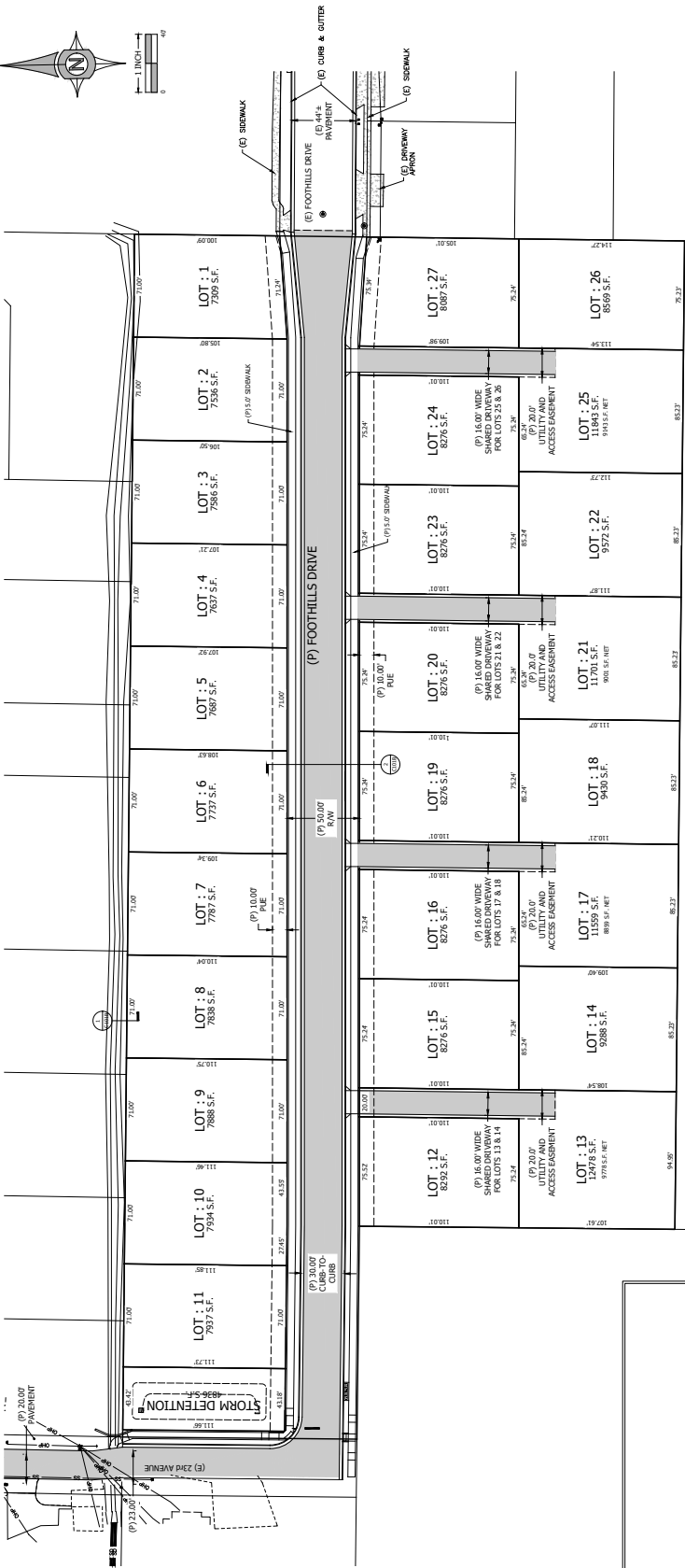
UDCELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

PRELIMINARY LOT PLAN
TENTATIVE SUBDIVISION
TAX MAP: 13S01E32CA
LOT: 04403
SWETHOME, OREGON

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

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

PLAN REVISIONS
DATE
SCALE: SEE BARSCALE
C101B
SHEET

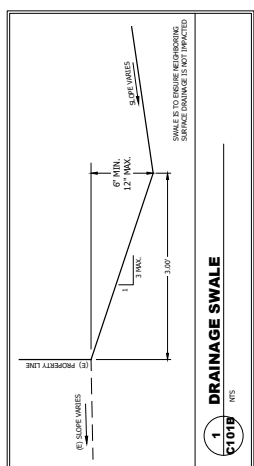
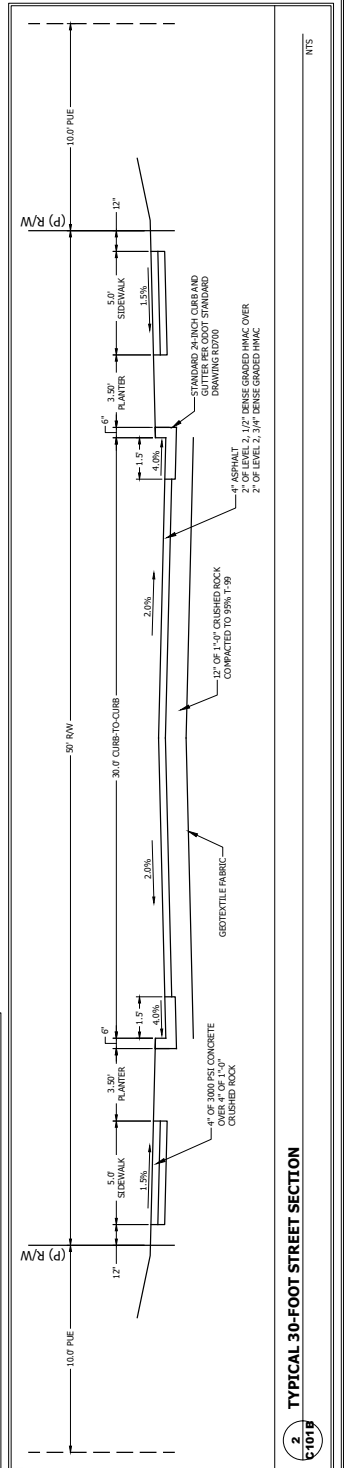


DEVELOPER
QPI INC
ATTN: LAZAR
1802 CENTRAL STREET
LEBANON, OREGON 97031
(503) 572-2878

OWNER
QUALITY PLUS INTERIORS, INC.
11220 PORTLAND RD NE
SALMON, OREGON 97135

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

PROJECT AREA SUMMARY
GROSS LAND AREA: 6.49+ ACRES
R.O.W. DEDICATION AREA: 0.95+ ACRES
STORMWATER TRACT AREA: 0.15+ ACRES
NET LAND AREA: 5.39+ ACRES



2 TYPICAL 30-FOOT STREET SECTION
C101B
NTS

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

Good Morning Angela and Blair,

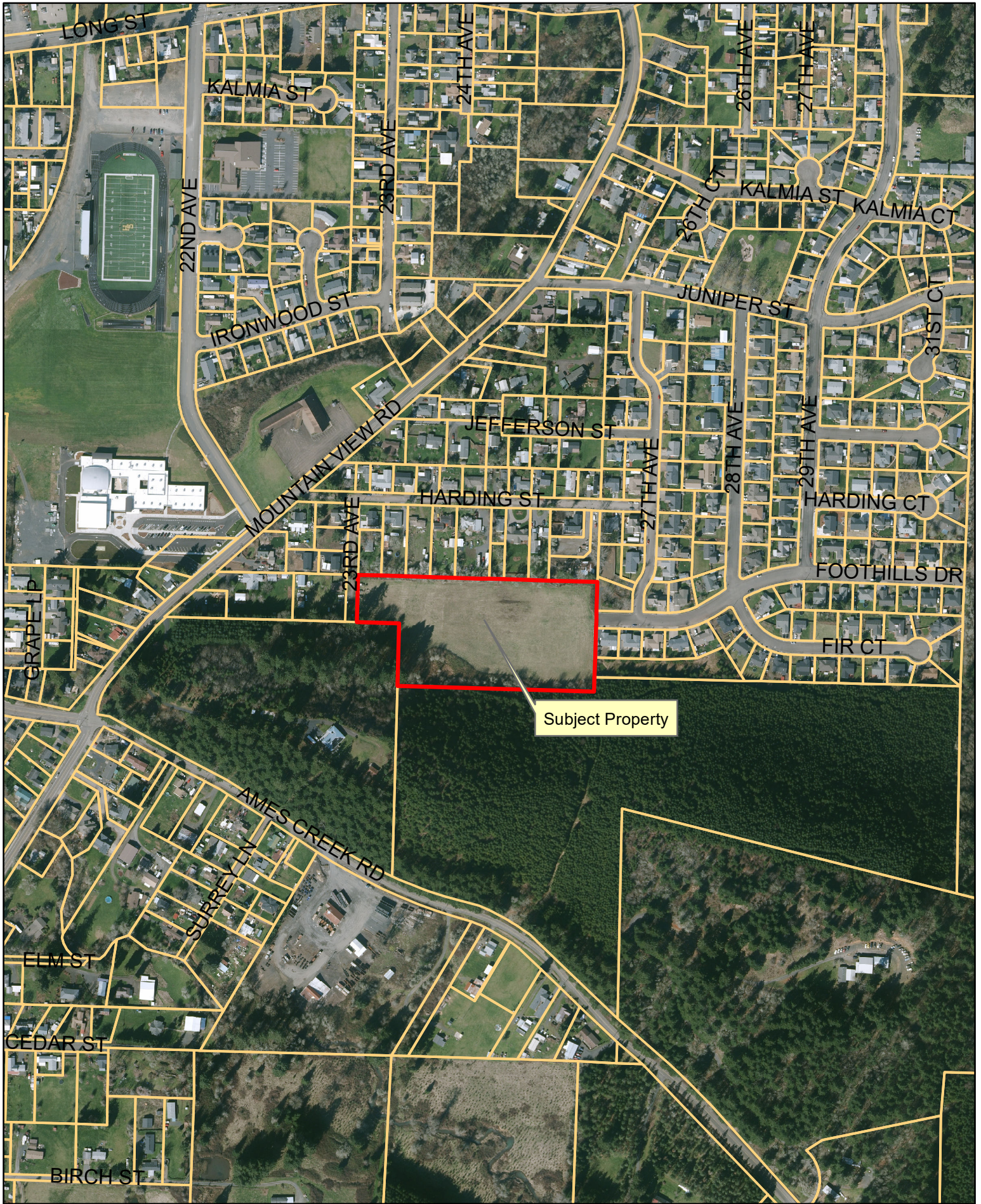
Sorry for the delay on this. Attached is an alternative lot layout for this subdivision. In this layout lots 13, 17, 21, and 25 are flag lots and lots 14, 18, 22, and 26 are access via easement. The 10% standard for subdivision lots accessed via easement is only slightly exceeded in this scenario (3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

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

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

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

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



Subject Property



1 inch = 422 feet

Subject Property Map
VR24-01 and SD24-01

Date: 6.25.2024



Land Use Application

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

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

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

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

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

Property A

Owner's Name: Lazar Kalugin: Quality Plus Interiors, LLC
 Owner's Address: 11220 Portland Rd. Scien, OR 97305
~~4802 Centennial St. Woodburn, OR 97071~~
 Owner's Phone Number: (503) 572-2878
 Owner's Email: qplinc@aol.com
 Property Address: unassigned
 Assessor's Map and Tax Lot: 13S-01E-32CA Tax Lot 4403
 Property Size Before: 6.49-AC Property Size After: 29-lots
 Zoning Classification: R1 Comprehensive Plan: Low Density Res.

Property B

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

Nature of Applicant's Request

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

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

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

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

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

TENTATIVE SUBDIVISION PLAT & VARIANCE APPLICATIONS

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

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

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

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

Site Location: Unassigned Address

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

Site Size: ±6.49-acres

Existing Land Use: Unimproved

Comprehensive Plan Designation: Low Density Residential

Zone Designation: Low Density Residential (R1)

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

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



I. Executive Summary

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

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

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

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

II. Analysis of Development Code Criteria

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

III. 17.110.050 Decision Criteria

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

Criterion A

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Criterion B

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

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

18. Per SHDC 17.58.020 Scope, a land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

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

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

- i. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot,*



shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.

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

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

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

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

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

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



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

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

- 20. Nine of the proposed lots proposed to have access via 20-foot-wide access easements. Variance to SHMC 17.58.030(C)(3) to allow 31 percent as opposed to 10 percent of lots within the proposed subdivision to be accessed by private access easement.
 - iv. *Flag Lots. Flag lots shall be subject to the following development standards: 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width. 2. The access strip shall not be included in the lot area calculation. 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.*
- 21. Finding: No flag lots are proposed in association with this request. Lots 12-20 will have access to Foothills Drive via access easement; therefore, these standards are not applicable.
 - v. *Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.*

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



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

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

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

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

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

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

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

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

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

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

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



nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.

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

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

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

- xiii. *Design standards. Pedestrian/bicycle accessways shall meet the following design standards: 1) Minimum dedicated width: 10 feet; 2) Minimum improved width: 8 feet; 3) The accessway shall be designed to prohibit vehicle traffic.*

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

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

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

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

- a. *Frontage improvements. Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.*
- b. *Project streets. Streets within the subdivision shall be constructed as required by City Engineering Standards.*
- c. *Monuments. Monuments shall be established as required by the Engineering Design Standards.*
- d. *Surface drainage and stormwater system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers*



outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

- e. Sanitary sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.*
- f. Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.*
- g. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.*
- h. Streetlights. The installation of streetlights is required at locations, and of a type required by City standards.*
- i. Street signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.*
- j. Other requirements.*
 - i. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.*
 - ii. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be in the planting strip. An additional*



tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

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

Criterion C

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

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

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

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

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

Criterion D

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

IV. 17.110.050 Decision Criteria

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

Criterion A

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

33. This following two variances are requested:

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



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

Criterion B

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

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

Criterion C

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

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



Criterion D

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

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

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

Criterion E

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

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

Criterion F

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

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

V. OVERALL CONCLUSION

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

VI. ATTACHMENTS

A. Tentative Subdivision Plat



RECEIVED
07.22.24

TO: Sweet Home Planning Commission

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

RE: File # SD21-01
Foothills Ridge Subdivision

My concerns about this project are as follows:

Extra traffic that these houses will generate. Will there be an egress on 23rd or will it only be at 27th and Foothills Drive? If there is an egress on 23rd will the street be improved and widened to accommodate the extra traffic. That also brings up the condition of Harding St. Will it be improved also to accommodate the extra traffic?

Why so many houses? One whole row of those will not have direct access to the street. They must pass by the house in front to reach their house/driveway. Where will available parking be for those houses in the back. There is only so much room on the street. It is beginning to look like California cramming houses one on top of the other.

How will emergency vehicles get to those houses in the back? Will there be enough room to get there and turn around? Will they be able to get to the house using 23rd or will they have to come around to enter at 27th and Foothills?

With the extra houses you will get more families with children. Since there will be houses on top of each other where will the children play since there will be little yards. They would have no place to go but the street. As you know kids do not pay attention to traffic.

Respectfully



Pamela J Heberle

To: City of Sweet Home Planning Commission

From: Ron and Linda Walker
2631 Foothills Drive
Sweet Home, Or 97386
Preferred contact phone: (707)350-3430

Re: SD24-01 & VR24-01
(Please note that references will be made to SD21-01 since the previous application has already had comment and input that is still applicable to this application.)

CONCERNS:

- 1) Access: Primary is Foothills Drive which is 60' wide. It is to be reduced to 30' through to 23rd Avenue which is 35' to exit to Harding Street. This creates a severe bottleneck with an "hourglass" effect and many dangerous traffic and pedestrian situations. Example would be 27th Avenue which is 35' wide and is very often difficult to navigate due to that narrowing.
- 2) Egress: 23rd Avenue. Insufficiencies were addressed during the application process for SD21-01 and provided they stay the same are reasonably adequate.
- 3) Easements: Proposed easements lots 12 through 20 are grossly inadequate and hardly even qualify as a driveway or alleyway. Major problems would be for Emergency and large vehicle access that is severely impacted if not nonexistent. 10' easements create potential problems with parking of additional and guest vehicles and invites civil issues among neighbors. (Please refer to input from Fire Dept. and Police Dept during SD21-01.) Proposed access at that time was deemed inadequate and is worse with the current application. For these reasons we strongly oppose VR24-01.
- 4) Drainage: This area, and existing adjacent subdivisions have problems with water drainage. Many of the homes in Southridge Estates phase 1 and 2 have sump pumps under their homes and standing water in their yards during rainy season. Additionally, the East end of Foothills Drive has a literal stream flowing down the gutters from Hobart Reserve. The proposed development needs adequate provisions to get storm water to the detention area from lots 12 through 20.
- 5) Population: The addition of 29 homes creates many additional concerns in regards to more people, more kids, more speeding cars, and more traffic. Having a reduction in access, egress, and especially street size doesn't seem like the right solution. Most of us in the immediate area feel strongly that 29 parcels are far too many and would appreciate a scenario that would be more palatable. (Example: SD-21-01 had proposed in Option B, which was favored by the Commission at the time, had 25 parcels with Foothills Drive being 50' curb to curb and adequate access to all parcels.) Additionally, this option had addressed all the aforementioned concerns as well as those of the neighbors, City, Fire, Police, and various other entities, and was generally well accepted. Southridge Estates phase 1 and 2 remains one of the nicer neighborhoods in town and its owners enjoy the current ambiance which will be severely impacted.

SUMMARY: We are generally in favor of expansion and development of our city if done properly and for the betterment of the city and its property owners both present and future. There was a lot of research, thought, and time put into prior proposal SD21-01 by your staff as well as the property owners that addressed many concerns, especially the "easement" and access situation as well as the

compatibility of existing developed subdivisions such as Southridge Estates. Again, we strongly oppose VR24-01 as previously stated.

In short: Just because 29 parcels fit the property doesn't necessarily mean it is functional or the prudent thing to do. We must be cautious about how we set precedent. We feel that this development is not consistent with the vision the citizens and the City of Sweet Home are trying to create for our future. We can do better!!! And did with the final proposal of SD21-01. What has so drastically changed?

In advance, we thank you for your re-consideration of our concerns and those of our neighbors.

Ron Walker 09-16-2024
Luinda Walker