



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

REVISED

September 01, 2022, 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

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 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 947 077 522#

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) [August 4, 2022 Planning Commission Meeting Minutes](#)

Public Hearings

Application AX ZC22-01: This is an application to annex an approximately 174,896 square foot (3.97-acre) property, located in the City of Sweet Home's Urban Growth Boundary, into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Farm/Forest Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

Proposed Mountain Fir Dedication of Right-of-Way: continuation of the August 4, 2022 Public Hearing.

- a) [Application AX ZC 22-01 Staff Report](#)
- b) [Mountain Fir Dedication of Right-of-Way Proposal](#)
- c) [Mountain Fir Dedication of Right-of-Way Memo](#)

Staff Updates on Planning Projects:

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 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.

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

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

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
READ: "The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue."
- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

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



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

August 04, 2022, 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 6:30 PM

Roll Call of Commissioners

PRESENT:

Jamie Melcher
Henry Wolthuis
Jeffrey Parker
Greg Stephens
Eva Journey

ABSENT:

Laura Wood
David Lowman

STAFF:

Community and Economic Development Director Blair Larsen
Associate Planner Angela Clegg

GUESTS:

Walt Wendolowski, Morgan CPS Group, 835 Madrona Avenue S, Salem, OR 97302

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) July 7, 2022 Planning Commission Meeting Minutes

Motion to approve the minutes made by Melcher, Seconded by Stephens.

Yea: 5

Nay: 0

Absent: 2

Public Hearings

Proposed Mountain Fir Dedication of Right-Of-Way

The Public Hearing was opened at 6:34 PM

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest, or Personal Bias, there was none.

Staff Report: Associate Planner Clegg read the memorandum and the letter from Mid-Valley Healthcare, Inc. Community and Economic Director Larsen addressed the procedure for the dedication of right-of-way. Larsen stated that staff recommends that the Planning Commission approve the dedication. It meets the city criteria for a city street.

Commission Discussion: Parker asked if the utilities will be included in the property line adjustment. Larsen explained the process. Stephens asked if there would be sidewalks on the south side of the Mountain Fir Street. Clegg and Larsen explained that they are not required. There was further discussion about the sidewalks. Stephens asked about the responsibility of the landscaping on the south side of Mountain Fir Street. Larsen explained the criteria and responsibilities of owners and the City. Larsen stated that staff can address the landscaping with Mosaic. Parker asked if it could be a Condition of Approval to put in sidewalks. Journey asked about the property lines on the northern side of the Spring Terrace Subdivision. Larsen showed a map showing a strip of land that is Owned by Spring Terrace Subdivision running along the south side of Mountain Fir Street. There was further discussion between staff and the Commissioners regarding the landscape responsibilities of the Subdivision, the City, and Mosaic. Larsen asked for clarification regarding the request for a sidewalk on the south side of Mountain Fir Street. Parker and Journey discussed their reasons for wanting a sidewalk. There was further discussion about the care and maintenance of the landscaping and the installation of sidewalks. Journey asked staff if the sewer system will remain private and have the capacity. Larsen stated that the pipe is already built to City standards and connected to the City system. Larsen asked the Commission if they would like to table the discussion and he will reach out to the landowners with the Commissioners questions.

Testimony in Opposition: None

Testimony in Favor: None

Neutral Testimony: None

Motion to continue the Public Hearing to the September 1, 2022 Planning Commission Meeting was made by Journey, Seconded by Stephens.

Yea: 5

Nay: 0

Absent: 2

Revised Sweet Home Municipal Code Adoption

The Public Hearing was opened at 6:58 PM

Commissioner Parker asked of the Committee if there were Ex Parte, Conflicts of Interest or Personal Bias, there was none.

Staff Report: Walt Wendolowski, Morgan CPS, presented the Staff Report and gave a brief summary of the Development Code changes.

Commission Discussion: There was discussion with staff regarding next steps.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:29 PM

Motion to recommend approval of the New Development Code to City Council made by Stephens, Seconded by Journey.

Yea: 5

Nay: 0
Absent: 2

Staff Updates on Planning Projects:

Associate Planner Clegg gave an update on projects.

Staff informed the committee of the Housing Needs Analysis and Buildable Lands Inventory public hearing on September 15, 2022. Immediately after there will be a workshop. The Transportation System Plan is waiting on the State to move forward. The building department is busy with large developments

Adjournment

The meeting was adjourned at 7:36 PM

Jeffrey Parker Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

REQUEST: This is an application to annex an approximately 174,896 square foot (3.97-acre) property, located in the City of Sweet Home's Urban Growth Boundary, into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Farm/Forest Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

APPLICANT/

PROPERTY OWNER: Katherine E Thrash

FILE NUMBERS: AX ZC 22-01

PROPERTY LOCATION: 1118 47th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33D Tax Lot 3800.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s): 17.104.010 and 17.12.025; ORS 222.111

PLANNING COMMISSION

HEARING DATE & TIME: September 1, 2022 at 6:30 PM

CITY COUNCIL

HEARING DATE & TIME: September 13, 2022 at 6:30 PM

LOCATION OF BOTH

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

STAFF CONTACT:

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

REPORT DATE: August 25, 2022

I. PROJECT AND PROPERTY DESCRIPTION

This is an application to annex an approximately 174,896 square foot (3.97-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Farm/Forest Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

The proposed annexation, if approved, would modify the City Limit line to incorporate the subject property. The applicant is seeking annexation in order to include Russell Tract 31, property described in Tax Lot 3800 and connect to City water services.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Current: Linn County UGA-Farm/Forest Proposed: Low Density Residential (R-1)	Low Density Residential
Property North	Low Density Residential (R-1)	Low Density Residential
Property East	Linn County UGA-Farm/Forest and Low Density Residential (R-1)	Low Density Residential
Property South	Linn County UGA-Farm/Forest and Low Density Residential (R-1)	Low Density Residential
Property West	Low Density Residential (R-1)	Low Density Residential

Floodplain Based on a review of the FEMA FIRM Maps; Panel 41043C0918G dated September 29, 2010, the subject property is not located in the 100-year floodplain.

Wetlands: The subject property does not contain wetlands on the Sweet Home Local Wetland Inventory. The property also does not contain wetlands identified on the National Wetlands Inventory (NWI) Map.

Services: The subject property is currently served by City sewer. The Subject Property has access to City water and sewer.

The subject property has frontage along 47th Avenue and Kalmia Street.

PROCESS AND NOTICE TIMELINES:

Application Received: July 6, 2022

DLCD 35-Day Notice: July 6, 2022

Mailed Notice: July 11, 2022

Notice Published in New Era: July 20, 2022

Planning Commission Hearing: September 1, 2022

City Council Hearing: September 13, 2022

120-Day Completion Deadline: November 8, 2022

Mailed notice was sent to property owners and residents within 300 feet of the property as well as applicable service agencies and interested parties. Notice was provided as required by SHMC 17.12.120 and ORS 222.120(3).

II. COMMENTS

Adam Leisinger

Building Division: Building Program has no issues with this request for Annexation.

Trish Rice

Public Works: The Public Works Department has no issues with this request for Annexation.

Joe Graybill

Engineering Division: Regarding the annexation request for the property at 1118 47th Ave, CEDD-ES have no concerns. Portions of the property are already within the City Limits and the residence has been receiving city sewer service.

Linn County: No comments as of the issue of this Staff Report.

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

Public Comments: No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION CRITERIA

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

Criteria for Annexation Request: AX 22-01

- A. Upon receiving any petition for annexation of territory to the city, or before initiating any such action on its own motion, the Council shall refer the proposal for annexation to the Planning Commission for its consideration and recommendation.**
[SHMC 17.104.010(A)]

Staff Findings: The subject property is located with the City's UGB, and annexation would bring the subject property into the City limits. The Planning Commission will consider this matter on September 1, 2022.

- B. The Planning Commission shall review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council.** [SHMC 17.104.010(B)]
- C. ORS 222.120. Procedure for annexation without election; hearing; ordinance subject to referendum. [Relevant Sections]**
- a. Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.** [ORS 222.120(1)]
 - b. When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.** [ORS 222.120(2)]
 - c. The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the**

hearing to be posted in four public places in the city for a like period. [ORS 222.120(3)]

- d. **After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: [ORS 222.120(4)]**
 - i. **Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; [ORS 222.120(4)(b)]**

Staff Findings: The provisions of SHMC 17.104.010 do not require that this annexation proposal be submitted to the electors of the City for their approval or rejection. The Planning Commission will hold a public hearing on September 1, 2022 and will make a recommendation to the City Council. The City Council will hold a hearing on this matter on September 13, 2022 at 6:30 PM.

Notice of both public hearings will be published in the New Era Newspaper on July 20, 2022 and August 31, 2022. Notice of the public hearing was posted in four city locations: City Hall, City Library, Post Office, and the community bulletin board at the northeast corner of 18th Ave and Long Street.

If this annexation is approved, the City will follow the procedures for adopting an ordinance and providing notification to affected parties as describes in the SHMC and ORS 222.

- D. In the event that the Council finds that immediate action is necessary to initiate proceedings for annexation, either before the proposal is referred to the Planning Commission, or before recommendations are received from the Planning Commission, the Council may proceed, but the Planning Commission shall be promptly advised, so that it may have an opportunity to make recommendations to the Council during the Council proceedings. [SHMC 17.104.010(C)]**

Staff Findings: The Planning Commission will review this application and make a recommendation to City Council. The applicant did not request that immediate action be taken under this section. Staff recommends that the Planning Commission make a recommendation on this matter at their September 1, 2022 meeting so that the City Council may consider the recommendation at their September 13, 2022 hearing.

- E. When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. [ORS 222.111(1)]**
- F. A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)]**
- G. A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. [OAR 660-014-0060]**

Staff Findings: The subject property is contiguous to the city limits of Sweet Home to the south and to the north. The north property line borders Kalmia Street, which is within the jurisdiction of

the City of Sweet Home; however, the southern portion of the subject property is located in Linn County. This is considered contiguous under ORS 222.111(1).

The SHMC does not provide specific criteria for annexations; however, as discussed below, the City of Sweet Home Comprehensive Plan requires that upon annexation that the zoning of the subject property be changed to a City zoning classification that is consistent with the Sweet Home Comprehensive Plan Map. This application for an annexation is therefore linked to the application for a zone change. For this reason, staff recommends that these applications be either both approved, or both denied. This annexation proceeding was initiated at the request of the property owner.

This annexation decision will be made in conformance with the City's acknowledged comprehensive plan; and therefore, would comply with the Oregon Statewide Planning Goals pursuant to OAR 660-014-0060.

Criteria for Zone Change Request: ZC 22 -01

H. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

a. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]

i. Upon annexation, all lands shall be zoned consistently with the Comprehensive Plan and its designations and should be based on public need, special studies or other information which will serve as the factual basis to support the change. [SHCP Chapter 2; Land Use Element, Policy 16]

ii. Table 1. Summary of Comprehensive Plan Land Use Designations

Land Use Designation	Purpose
Low Density Residential	To provide appropriate lands for low density, single-family homes. This category has the lowest density of the residential designations, providing larger lots for single-family homes.

The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [SHCP Chapter 2; Land Use Element, Portion of Table 1: Summary of Comprehensive Plan Land Use Designations]

Staff Findings: The Comprehensive Plan Map Designation of the subject property is Low Density Residential. See Attachment B. The goals and policies of the Comprehensive Plan are implemented through the application of zoning that implements the Comprehensive Plan Map designation of the property. The Low Density Residential (R-1) Zone implements the Low Density Residential Comprehensive Plan Map designation.

Based on a review of the Sweet Home Local Wetlands Inventory Map and the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands. As a

result, it would not be appropriate to apply the Natural Resources Zone to the property. The subject property is located outside of the 100-year floodplain.

Based on the above findings, the application of the R-1 Zone to the subject property would be consistent with the goals and policies of the Comprehensive Plan. The application complies with this criterion.

- b. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]**

Staff Findings: The subject property is located within the City's Urban Growth Boundary, which has been identified as the planned location for urban development in the City. The subject property is contiguous to the Sweet Home City Limits. For these reasons, staff finds that the application complies with this criterion.

- c. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]**

Staff Findings: The Engineering Department provided comments to this annexation and zone change proposal which are included in Section II of this Staff Report. The subject property is currently served by City sewer. The applicant is seeking to include Russell Tract 31, property described in Tax Lot 3800 and connect to City water. Costs associated with the extension of water and other services would be the responsibility of the property owner.

The subject property contains approximately 3.97-acres; and if approved, it would be possible to divide the property into lots as small as 8,000 square feet through a future subdivision or partition application process. The applicant has not requested a subdivision or partition at this time. If the applicant seeks to divide the property in the future, approval of those applications may require sidewalk or road improvements as required under the Sweet Home Municipal Code. A host of other development permits may also be required upon future development of the property; however, no specific development has been proposed at this time.

The subject property contains one single-family dwelling and accessory structures. Utilities and services could be efficiently provided to the subject property.

- d. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]**

Staff Findings: This criterion does not apply to a zone change, because the proposal does not require an amendment to the City's Comprehensive Plan Map. The Comprehensive Plan Map designates the subject property as Low Density Residential, and the applicant is proposing to apply the corresponding Low Density Residential (R-1) zone. The proposed zoning is consistent with the City's Comprehensive Plan; which has been acknowledged to be consistent with the Statewide Planning Goals.

IV. CONCLUSION AND RECOMMENDATION

Pursuant to SHMC 17.104.010(B), the role of the Planning Commission is to "review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council."

Staff recommends that the Planning Commission adopt the findings listed in Section III, above.

Based on those findings, staff recommends that the Planning Commission move to recommend that the City Council approve application AX ZC22-01 (Option 1 below).

Options:

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

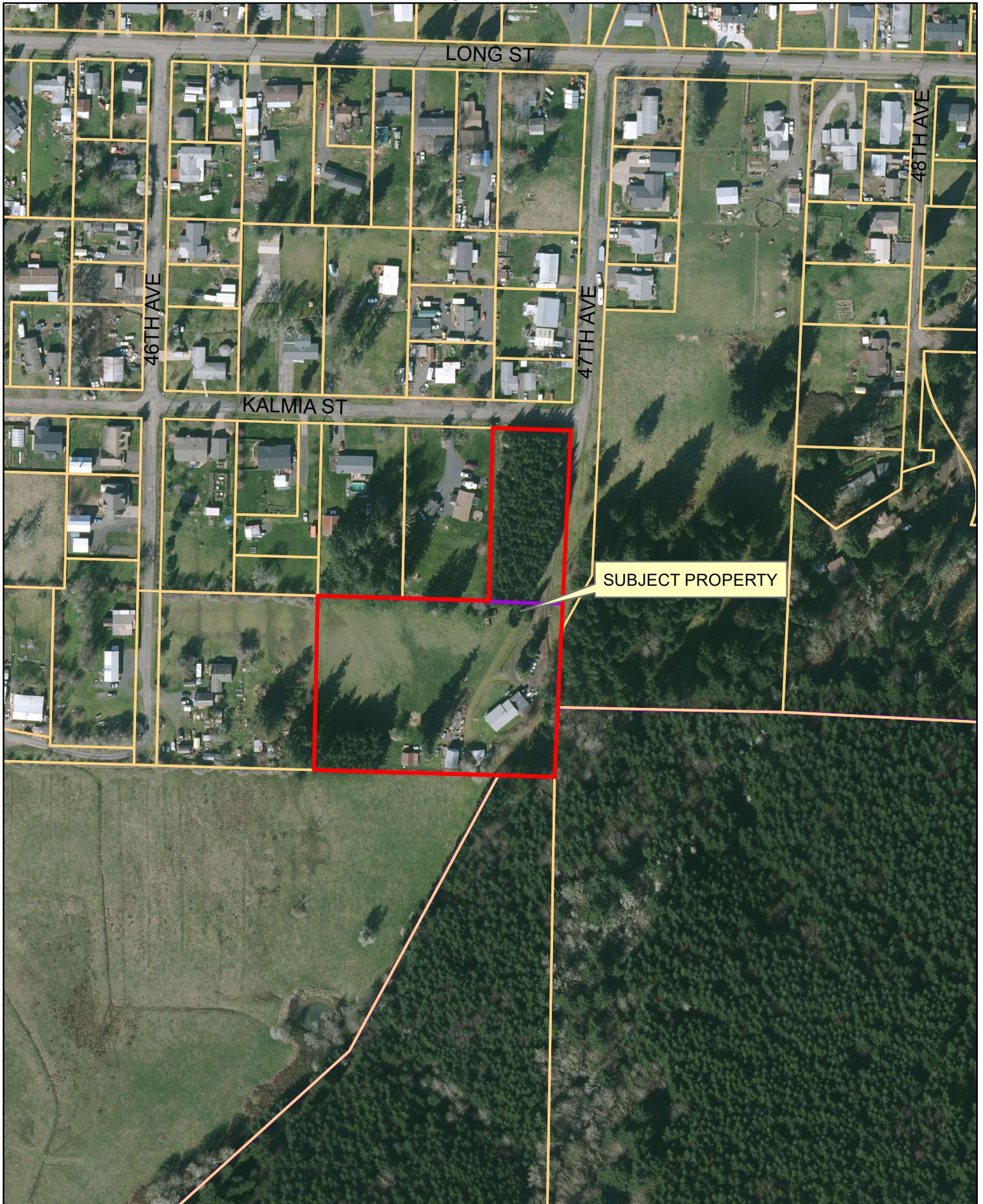
1. Move to recommend that the City Council approve application AX ZC22-01;
2. Move to recommend that the City Council deny application AX ZC22-01;
3. Other.

V. PROCESS MOVING FORWARD

The City Council will hold a public hearing on September 13, 2022 and will consider the recommendation of the Planning Commission. If this application is approved, the City Council will read and adopt an ordinance to formally annex the property and apply the proposed City zoning. Staff would provide notice of the decision as required by the SHMC and ORS.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Comprehensive Plan Map
- C. Zoning Map
- D. Planning Record Dated as of August 25, 2022; Including Applications and Supporting Documentation



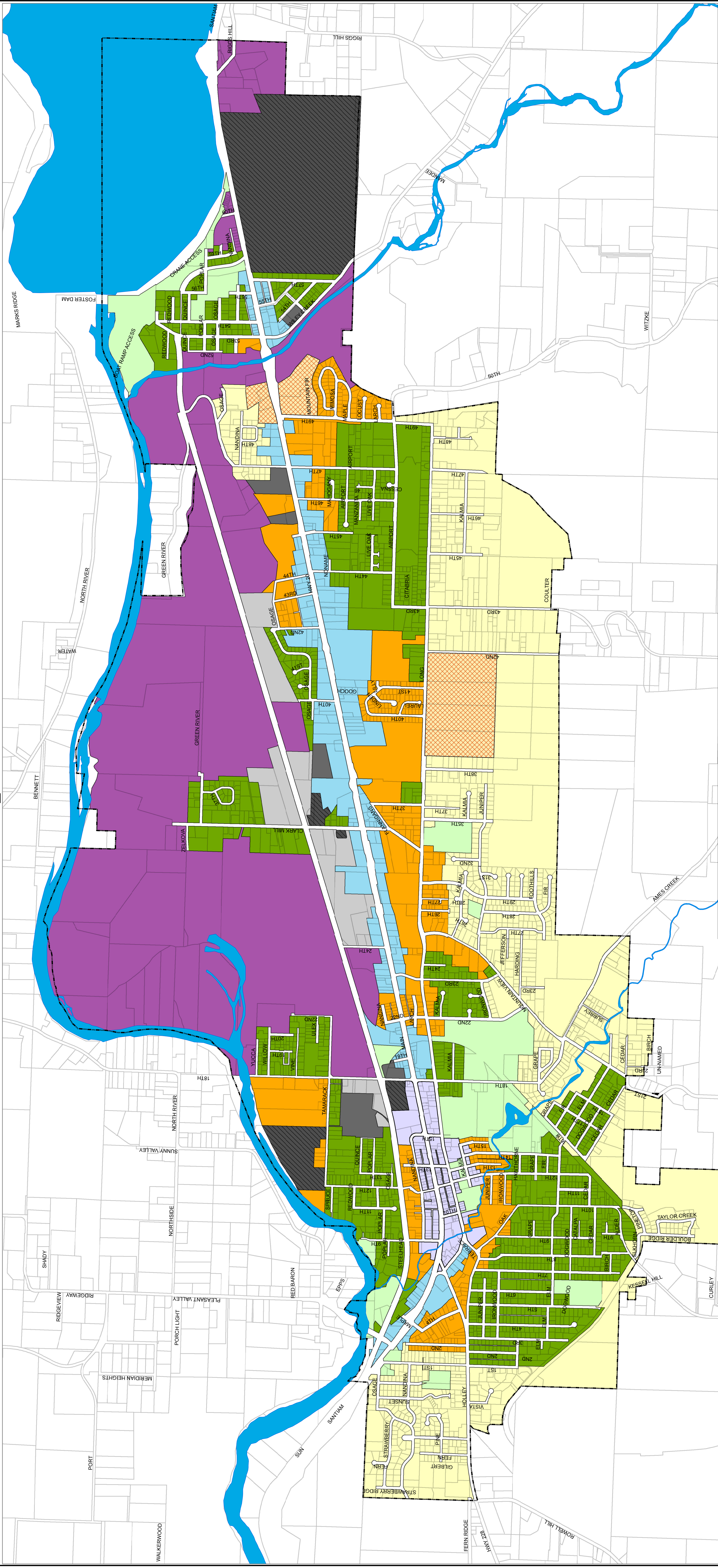
Subject Property Map
AX ZC22-01



1 inch = 217 feet

Date: 7/8/22

Sweet Home Comprehensive Plan



AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07

Legend

CompPlan	
Central Commercial	
Highway Commercial	
Light Industrial	
General Industry	
Heavy Industrial	
Low Density Residential	
High Density Residential	
Medium Density Residential	
Mixed Use Residential	
Planned Recreation Commercial	
Public	

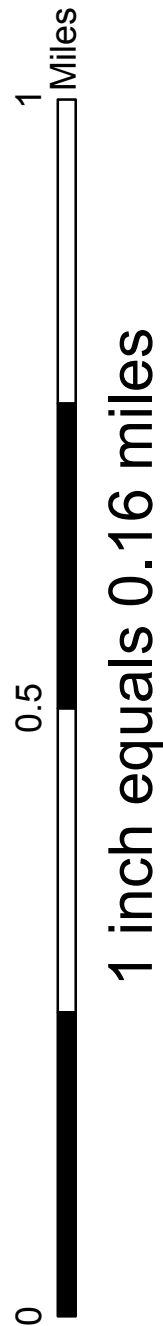
	Urban Growth Boundary
	Lakes, Rivers, Streams
	Taxlots

Official Comprehensive Plan Map

Adopted September 23, 2003

By Ordinance Number 1151

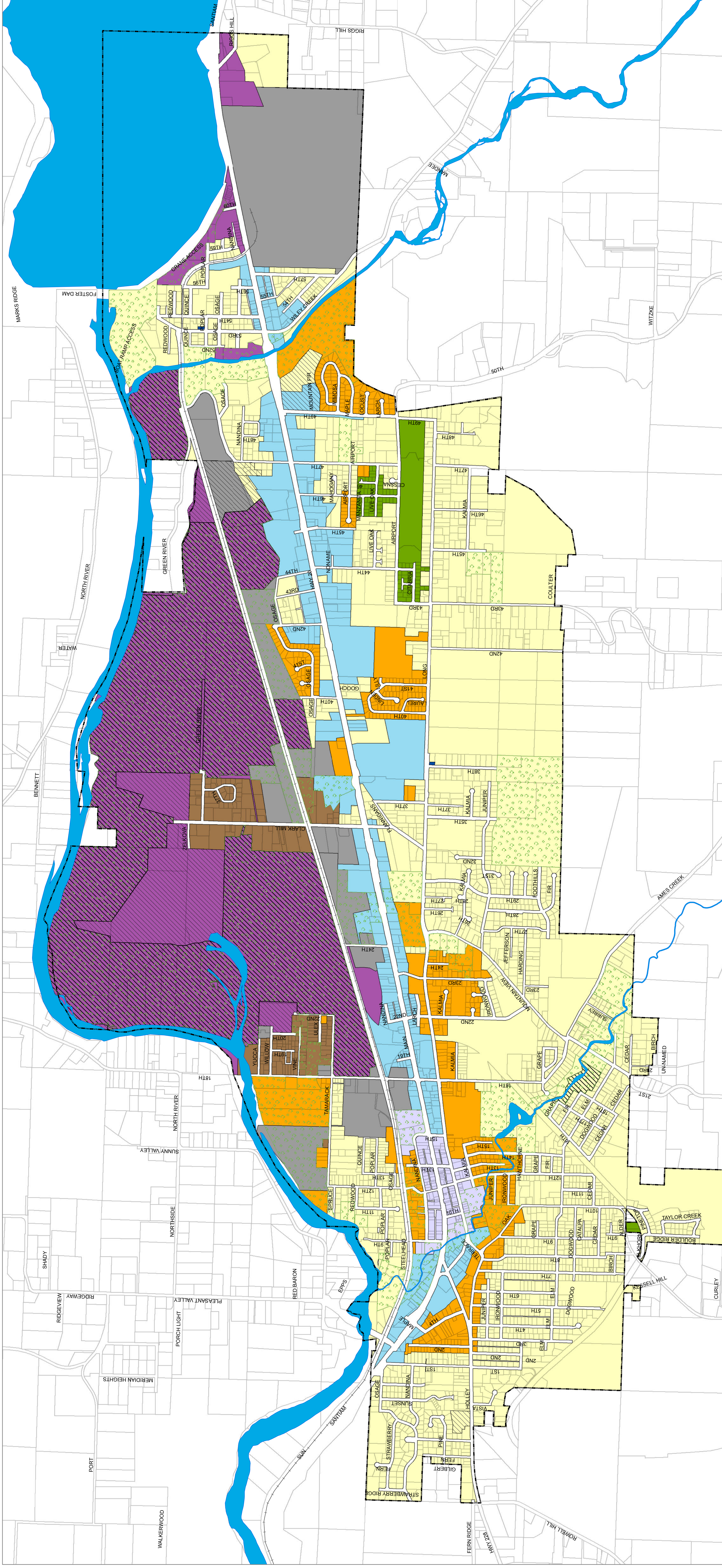
Updated by Later Annexation Ordinances



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Created By:
City of Sweet Home
Community Development

Sweet Home Zoning



Official Zoning Map

Adopted September 23, 2003
By Ordinance Number 1152
Updated by Later Zoning Ordinances

00.51Miles

1 inch equals 0.16 miles

Zoning Ordinances

Ord.	Date	Ord.	Date
906	09-13-83	1089	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1070	11-08-94	1181	03-14-06
1080	12-13-94	1192	07-24-07
1083	06-19-96	1193	09-11-07
1099	09-10-96	1197	12-11-07
1102	04-22-97	1200	05-27-08
1105	05-27-97	1206	12-25-08

Legend

Zoning

C1 (Central Commercial)
C2 (Highway Commercial)
C3 (Neighborhood Commercial)
M (Industrial)
R1 (Low Density Residential)
R2 (High Density Residential)
R3 (Medium Density Residential)
RC (Recreation Commercial)
RMT (Residential Industrial Transition)

Overlay Zones

Natural Resources
Natural Resources/Planned Development
Planned Development
City Limits
Taxlots
Lakes, Rivers, Streams
Railway

Created By:
City of Sweet Home
Community Development
541-367-8113

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Reproduced by PR 3/26/15 from original by SV 01/09/09



City of Sweet Home

Community and Economic Development Department- Planning Program

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

Application for an Amendment to the Comprehensive Plan or Zoning Maps or Text

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

Date Received: 07.06.22

Date Complete: _____

File Number: AX 2022-01Map/Text Amendment Application Fee \$: \$1,030.00Zoning Application Fee \$: \$1,030.00

Receipt #: _____

Planning Commission Hearing Date: 09.01.22

Applicant's Name: _____

KATHERINE E THRASH

Applicant's Address: _____

1118 47th AVE Sweet Home, OR 97386

Applicant's Phone and e-mail: _____

541-409-1226 KETHRASH@COMCAST.NET**Comprehensive Plan Map or Zoning Map Amendment**

Subject Property Address: _____

1118 47th AVE Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot: _____

1351E 33 D TL3800

Subject Property Size: _____

THREE (3) ACRES AND TRACT 31 RUSSELL TRACTS total 3.97 ACRES.

Current Zoning Classification _____

Farm/Forest

Current Comprehensive Plan Classification: _____

Purpose of Request

RECALL ORDINANCE BILL #23 FOR 1981 ORDINANCE #847 SO AS TO INCLUDE RUSSELL TRACT 31 AND PROPERTY DESCRIBED IN TAX LOT 3800 IN THE ANNEXATION INTO THE CITY OF SWEET HOME.

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed: _____

Proposed language for change: _____

Attach proposed text to this form.

Purpose of Request

TO ANNEX PROPERTY DESCRIBED IN TAX LOT 3800 INTO THE CITY OF SWEET HOME. RUSSELL TRACT 31 AND THREE ACRES DESCRIBED TOTAL 3.97 ACRES ARE WITHIN THE URBAN GROWTH BOUNDARY.

Submittal Requirements

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

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

Applicant's Signature: _____

Date: _____

July 6, 2022

Property Owner's Signature: _____

Date: _____

July 6, 2022

FOR ASSESSMENT AND
TAXATION ONLY



S.E. 1/4 SEC. 33 T.13S R.1E W.M.

Linn County

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OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR, LINN COUNTY, OREGON

263604

13	1E	33	D			3800	55-3 55-1 55-2	55-2 Tr 31(Adj Ac) 3.05		
TWP.S	RG.	SEC.	1/4	1/16		TAX LOT NO.	CODE NO.	ADDITION	TOWNSHIP OR BLOCK	RANGE WM.
MAP NO.										
ACCOUNT NO.										

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
↓	Beg at the SW cor of Tract 32 of Russell Tracts in T 13 S, R 1 E	1-1-60	287	40	intg
	th N 89°54' W 148.38 ft				
	th S 0°16' E 309.50 ft	11-29-63	297	45	
	th S 89°54' E p11 to the S li of Russell Tracts		JV 22394		
	426.06 ft to the E li of the Newton Russell				
	DLC #41 in sd T and R				
	th N 1°08' E along the E li of Cl 41 309.54 ft				
	to the S li of Russell Tracts				
	th N 89°54' W 285.29 ft to pob	JV 34071	4-16-65		(Adj) 3.05
	That pt. in 55-2 1.0 Ac.				
	That pt. in 113-4 2.05 Ac.				
	Also Tax Lot 13 1E33A 3800 9600	JV B 25968	3-7-77	Ord# 674 annex	
	(being Tr 31, Russell Tracts M-511-82 JVD 8272			Ord# 682 W/for R.F.F.	
	W/dr fr City of Sweet Home, Ord #847, MF328-24 JVD 9389	12-29-82	297	45	
	(for 1983-84)		MF326-164	Dth Ctf	
	JVE 23679	4-6-83	code change		
	Data:	9-5-89	MF505	4596	Agts add
		3-7-90	MF521	563	BSA
		1-31-95	751	441	WD
		7-25-95	MF753	405	
	Annex to Sweet Home RFPD by Ord.96-041 (M-138-96) EV 1996-225	6-11-96	code chng		
	Recomputed to show TOTAL AC. of Tax Lot	6-11-96	recompute		3.97

ORDINANCE BILL NO. 23 for 1981

ORDINANCE NO. 847

AN ORDINANCE TO WITHDRAW CERTAIN TERRITORY THAT WAS ERRONEOUSLY INCLUDED IN THE HEALTH HAZARD ANNEXATION OF THE FOSTER-MIDWAY AREA, AND DECLARING AN EMERGENCY.

Whereas, the Health Division of the Oregon State Department of Human Resources determined that a danger to public health existed in a certain area known as the Foster-Midway area; and

Whereas, in accordance with the health hazards annexation law of the State of Oregon, Oregon Revised Statutes 222.850 to 222.915, the City of Sweet Home annexed the said Foster-Midway area by Ordinance No. 674, passed and approved on December 28, 1976; and

Whereas, there was erroneously included in the area that the Health Division found to have conditions evidencing a danger to public health, and therefore, erroneously included in the area annexed by said Ordinance No. 674, the territory described as follows:

Tract 31, RUSSELL TRACTS, Linn County, Oregon.

AND ALSO:

Beginning at the Southwest corner of Tract 32, of Russell Tracts in Township 13 South, Range 1 East of the Willamette Meridian, Linn County, Oregon; and running thence North 89° 54' West 148.38 feet; thence South 0°16' East 309.50 feet to a 3/4 inch pipe; thence South 89°54' East, parallel to the South line of Russell Tracts, 426.06 feet to the East line of the Newton Russell Donation Land Claim No. 41 in said township and range; thence North 1°08' East along the East line of Claim No. 41, a distance of 309.54 feet to the South line of Russell Tracts; thence North 89°54' West 285.29 feet to the place of beginning.

Whereas, Homer I. Pack and Betty D. Pack, being the owners of all of the real property in the said territory hereinabove described have petitioned the Council of the City of Sweet Home to withdraw said territory from the City of Sweet Home; and

Whereas, the Assistant Director for Health, Health Division, Department of Human Resources, State of Oregon, has given her written consent to the withdrawal of the said territory from the City of Sweet Home; now, therefore,

THE CITY OF SWEET HOME DOES ORDAIN:

Section 1. Territory Withdrawn. The territory described below is hereby withdrawn from the City of Sweet Home in accordance with 1981 Oregon Laws, Chapter 888, which has been enacted and added to and made a part of Oregon Revised Statutes 222.850 to 222.915; and said territory is described as follows:

Tract 31, RUSSELL TRACTS, Linn County, Oregon.

AND ALSO:

Beginning at the Southwest corner of Tract 32, of Russell Tracts in Township 13 South, Range 1 East of the Willamette Meridian, Linn County, Oregon; and running thence North 89° 54' West 148.33 feet; thence South 0°16' East 309.50 feet to a 3/4 inch pipe; thence South 89°54' East, parallel to the South line of Russell Tracts, 426.06 feet to the East line of the Newton Russell Donation Land Claim No. 41 in said township and range; thence North 1°08' East along the

East line of Claim No. 41, a distance of 309.54 feet to the South line of Russell Tracts; thence North 89°54' West 285.29 feet to the place of beginning.

Section 2. Record. The city recorder shall file with the Secretary of State of Oregon a copy of this ordinance, a copy of the consent of the Assistant Director of the Health Division, and a copy of the petition of the owners of the real property in the said territory, requesting that it be withdrawn from the City of Sweet Home. The City of Sweet Home shall also file a copy of this ordinance, which contains the legal description of the territory to be withdrawn, and an accurate map of the territory to be withdrawn, with the Linn County Assessor and also with the Department of Revenue, State of Oregon. The city recorder shall also file a copy of this ordinance with the Linn County Clerk.

Section 3. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 29th day of September, 1981.

Robert D. Harbaugh
Mayor

ATTEST:

Randall E. Sauer
City Manager

January 28, 1983

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

Volume ME 328 Page 24

At 2:28 P.M. 1/28/83
Witness My Hand and Seal

DALE W. HALEY
Linn County Clerk

Robert D. Harbaugh
City of Sweet Home
1/29-12/81
Linn County, Ore

97306

MEMORANDUM



TO: Planning Commission
FROM: Angela Clegg, Associate
DATE: Planner July 28, 2022
SUBJECT: Mountain Fir Street Dedication of Right-Of-Way

Mid-Valley Health Care has submitted a request letter to dedicate a portion of Mountain Fir Street to the City of Sweet Home (Exhibit A).

Statement from Joe Graybill, Staff Engineer: Regarding the request from Mosaic to have the roadways of the private street, Mountain Fir Street and Mountain Fir Court, be dedicated to the City for public road purposes. The road and utilities were built to city standards in 1996 and appear to be in good condition. Public Works will also need to look at it.

The design drawings from September 1996 had details indicating the roadway structure is to City standards at the time. The cross-section details indicate a 52-foot Right-Of-Way width, with notes for “future” north and south right-of-way lines. The roadway base rock is 9” deep, 3-1/2” of Asphalt Concrete paving, with curb and gutter system with catch basins and 12” stormwater pipelines. A sidewalk is on the north side only with the residences and main building, on both sides in the cul-de-sac, while the south side has only a grass landscape area since there are no building structures to access.

The other utilities of water and sewer are built to city standards as well and are in easements on private properties. The 8” sewer and the 10” and 8” water system were constructed in 1996. The water system is already a city utility. The sewer system is currently a private collection network – the entire property was under single ownership at the time. With the recent change of ownership of the lots, the sewer system may be evaluated if intended to change.

The dedication of the roadway to future right-of-way property line boundaries, would include all utility services below ground.

Exhibits:

- A: Request Letter from Mid-Valley Healthcare, Inc.
- B: Subject Property Map

EXHIBIT A

July 20, 2022

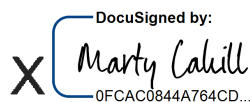
City of Sweet Home
Planning Commission
3225 Main Street
Sweet Home, OR 97386

Re: Dedication of a Portion of Mountain Fir Street

To Whom It May Concern,

Please consider this letter as a request for a portion of Mountain Fir Street to be dedicated to the City of Sweet Home. The portion of interest is from the intersection of 49th Avenue extending east to the eastern terminus just beyond Mountain Fir Court as well as the entirety of Mountain Fir Court from Mountain Fir Street to its terminus to the north.

The described portion of the road has been built to City standards.

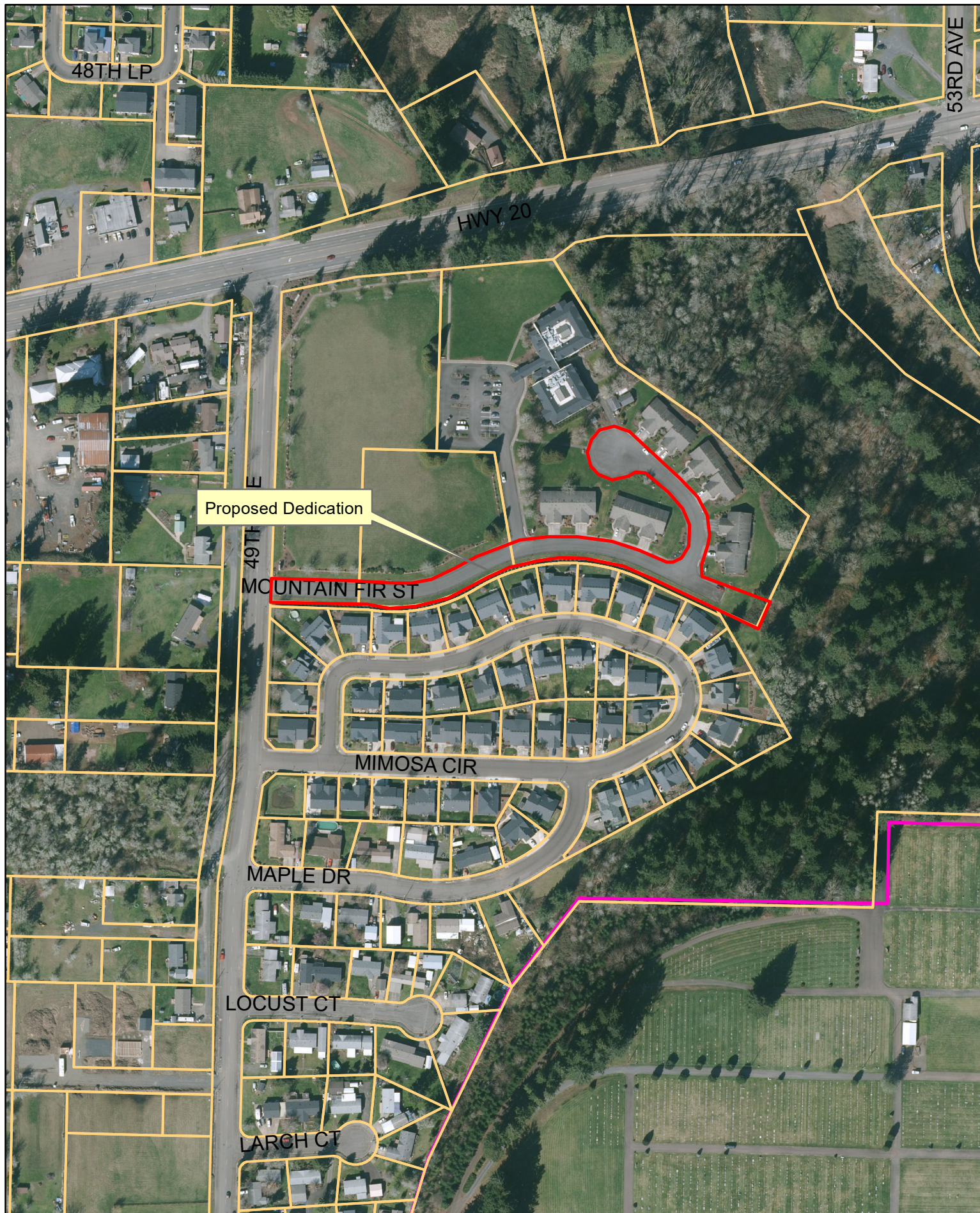
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Mid-Valley Healthcare, INC.,
Marty Cahill, CEO


Sweet Home AL, LLC
Douglas Sproul, Manager


Sweet Home MC, LLC
Douglas Sproul, Manager

EXHIBIT B



1 inch = 250 feet

Proposed Dedication of Right-Of-Way
Mountain Fir Street

Date: 7/28/2022

23

MEMORANDUM

TO: Sweet Home Planning Commission
Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: September 1, 2022

SUBJECT: Mountain Fir Street Right-of-Way Dedication



As you are aware, Mosaic Development Services, the owners of the Wiley Creek Assisted Living facility and the Wiley Creek Memory Care facility that is now under construction are seeking to dedicate a public right-of-way to the City that is currently two private roads, known as Mountain Fir Street and Mountain Fir Court. When the existing infrastructure was built, it was constructed to meet City specifications so that it could eventually be dedicated over to the City.

When the Planning Commission discussed the matter at their August 4th meeting, commissioners expressed two concerns: maintenance of any landscaping on the south side of the roadway, and the construction of a sidewalk on the south side of the roadway where none currently exists. Staff have investigated options and discussed the matter with Mosaic, and I believe we have come to an agreement that meets all the Planning Commission's concerns.

First, Mosaic has agreed to retain a strip of land on the south side of the roadway, bordering the strip of land owned by the neighboring homeowners' association. By retaining this strip of land, Mosaic would also be retaining responsibility to maintain the landscaping on the south side of the roadway.

Second, given the lack of any development on the south side of Mountain Fir Street, City Staff believe that a sidewalk is not necessary at this time. City practice has been to require sidewalks on streets where development is present, and to allow developers to enter into development agreements with the City to construct such sidewalks when development occurs. We have suggested such an agreement to Mosaic, and they have indicated that they are willing to commit to building a sidewalk on the south side of Mountain Fir when future development occurs on that side of an extension of the street.

Staff recommends that the Planning Commission approve the dedication of Mountain Fir Street and Mountain Fir Court under these conditions.