



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

October 06, 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.

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## 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: 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) [September 1, 2022 Planning Commission Meeting Minutes](#)
- b) [September 15, 2022 Planning Commission Meeting Minutes](#)

## Public Hearings

### Application CU22-11

- a) [Application CU22-11 Staff Report](#)

## 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 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.

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*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.*

## 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

September 01, 2022, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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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

Eva Journey  
David Lowman  
Henry Wolthuis  
Jeffrey Parker  
Jamie Melcher  
Greg Stephens

### ABSENT

Laura Wood

### STAFF

Associate Planner Angela Clegg  
Staff Engineer Joe Graybill

### GUESTS

Katherine Thrash, 1118 47th Avenue, Sweet Home, OR 97386

**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.

None

## Meeting Minutes:

- a) August 4, 2022 Planning Commission Meeting Minutes  
Motion to approve the minutes made by Melcher, seconded by Wolthuis.  
Voting Yea: 6  
Voting Nay: 0  
Absent: 1

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## 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

The public hearing was opened at 6:32 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 Angela Clegg gave the staff report and stated the applicant is asking 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. Staff Engineer Joe Graybill corrected his comments in the Staff Report presented to the Planning Commission. Graybill clarified that that the property has city sewer service available in 47th Avenue. At this time however, the property is not connected for use, and is on a private septic system. Water is available also at the corner of 47th Avenue and Kalmia Street, but also is not currently connected.

Commissioners Discussion: Journey asked for clarification of the boundary lines on the maps provided in the packet. Graybill clarified the boundaries. There was further discussion regarding the City limits and urban growth boundary.

Applicant's Testimony: Katherine Thrash testified on behalf of her application. Thrash is wanting to hook up to City services and informed the Commission that her existing septic system has failed and her well is drying up. Wolthuis asked the applicant what her plans are for the property. The applicant stated that she hopes to separate the property into two tax lots.

Testimony in opposition: none

Testimony in favor: none

Neutral testimony: none

The public hearing was closed at 6:49 PM

Commission discussion: Parker stated that the applicant is correcting a past mistake, and this will fix zoning issues in the area. Wolthuis stated that he didn't see a reason not to approve the application.

Motion to recommend the application to City Council was made by Melcher, seconded by Lowman.

Voting Yea: 6

Voting Nay: 0

Absent: 1

b) Mountain Fir Dedication of Right-of-Way Proposal

c) Mountain Fir Dedication of Right-of-Way Memo

The public hearing was opened at 6:51 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 reminded the Commission that it is a continuation of the August 4, 2022 Public Hearing. Clegg read the memo from CEDD Director Larsen.

Commission discussion: Parker asked if the sidewalk would be built at all. Clegg explained the development agreement process and what would trigger the sidewalk being built. Parker asked about the ownership of the eastern property and if they will be responsible for the installation of the sidewalk. When the vacant land to the east is developed, they will be required to install the sidewalk with the development. Graybill confirmed the development agreement process. Parker asked if the property is sold, will the development agreement remain in place with the new owner. Graybill stated that it would. Stephens asked if the street would have been a public street when the original development was first put in, would the sidewalk have been installed. Graybill state that it would have. Clegg stated that it was developed as a planned development. Journey asked who would initiate the development agreement. Graybill stated that the CEDD department creates the agreement and when development occurs, the City would initiate the development agreement criteria. Graybill stated that the agreement is attached to the right-of-way agreement and to the property at the east end of Mountain Fir Street. Graybill explained the process for the development agreement. The Commissioners and staff further discussed sidewalk standards throughout Sweet Home. Wolthuis stated that if the owner is willing to accept the maintenance and landscaping on both sides of the road, he would be in favor of the development agreement. Stephens stated that the sidewalk on the north side of Mountain Fir Street has many driveways that people have to walk over versus a sidewalk built on the south side of Mountain Fir Street that would have no driveways. The driveway slopes and car traffic can be a deterrent to older people.

The Public Hearing was closed at 7:04 PM

A motion to approve the Dedication of Mountain Fir Street and recommend it to City Council was made by Wolthuis, there was no second.

A motion to approve the Dedication of Mountain Fir Street per the Mosaic memo dated September 21, 2022, directing staff to prepare a Development Agreement with Mosaic, and recommend it to City Council was made by Melcher, Seconded by Journey.

Roll Call Vote Yea: Melcher, Journey

Roll Call Vote Nay: Wolthuis, Parker, Stephens, Lowman

Absent: Wood

Commissioner Melcher made a motion to open the public hearing back up at 7:14 PM, Seconded by Wolthuis.

Roll Call Vote Yea: Melcher, Wolthuis, Parker, Stephens, Journey Lowman

Roll Call Vote Nay: None

Absent: Wood

The Commissioners discussed the options for approving the Dedication of Mountain Fir Street.

A motion to approve the Dedication of Mountain Fir Street and recommending it to City Council, including the construction of a sidewalk and maintenance of landscaping on both sides of the road, Seconded by Stephens.

Roll Call Vote Yea: Lowman, Journey, Stephens, Parker, Wolthuis, Melcher

Roll Call Vote Nay: None

Absent: Wood

The Public Hearing was closed at 7:17 PM

**Staff Updates on Planning Projects:**

Clegg gave an update on current projects.

**Adjournment**

The meeting was adjourned at 7:18 PM

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Jeffrey Parker Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



# CITY OF SWEET HOME PLANNING COMMISSION MINUTES

September 15, 2022, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

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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

Laura Wood  
Jamie Melcher  
Henry Wolthuis  
Jeffrey Parker  
Greg Stephens  
Eve Journey  
David Lowman

### STAFF

Blair Larsen, Community and Economic Development Director  
Angela Clegg, Associate Planner (Video)

### GUESTS

Scott Fregonese, 3J Consulting, 9600 SW Nimbus Ave #100, Beaverton, OR 97008  
Tim Wood, FCS Group, 5335 meadows Road, Suite 330, Lake Oswego, OR 97035  
Jim and Joy Kistner, 910 Oak Terrace, Sweet Home, OR 97386

**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.

## Public Hearings

### Housing Needs Analysis and Buildable Lands Inventory

- a) 3J Consulting Presentation

The Public Hearing was opened at 6:32 PM

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Scott Fregonese of 3J Consulting and Tim Wood of FCS Group gave a presentation of the Sweet Home Housing Needs Analysis and Buildable Lands Inventory.

Jurney asked how the housing mix compares to other cities of a similar size in Oregon. Tim Wood explained that it is right in there with other cities.

The public hearing was closed at 7:18 PM

**Adjournment**

The meeting was adjourned at 7:19 PM

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Jeffrey Parker Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



**Staff Report Presented to the Planning Commission**

**REQUEST:** The applicant is requesting a conditional use permit to allow for truck reload station located on 2 acres of the subject property, on the north side of the tracks, and at the end of 24<sup>th</sup> Avenue. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section [SHMC 17.60.030(I)]. Tax Lot 2200 contains approximately 6,400,358 square feet (146.68 acres) and is in the Recreation Commercial (RC) Zone.

**APPLICANT:** T2 Incorporated

**PROPERTY OWNER:** Joshua Victor

**FILE NUMBER:** CU22-11

**PROPERTY LOCATION:** 2210 Tamarack Street, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E29 Tax Lot 2200.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.60.030, 17.80.040

**HEARING DATE & TIME:** October 6, 2022, at 6:30 PM

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

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

**REPORT DATE:** September 29, 2022

**I. PROJECT AND PROPERTY DESCRIPTION**

**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

<b>Property</b>	<b>Zoning Designation</b>	<b>Comprehensive Plan Designation</b>
Subject Property	Recreation Commercial (RC)	Planned Recreation Commercial
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Residential Industrial Transition (RMT)	Medium Density Residential
Property South	Industrial (M) Recreation Commercial (RC) Commercial Highway (C-2)	Light Industrial Planned Recreation Commercial Highway Commercial Public General Industry
Property West	Industrial (M) Residential High Density (R-2) Residential Low Density (R-1)	Light Industrial Medium Density Residential High Density Residential

**Floodplain** Based on a review of the FEMA FIRM Maps; Panels 41043C0912G, 41043C0913G, and 41043C0914G dated September 29, 2010, the subject property is not in the 100-year floodplain.

Based on the City of Sweet Home's ArcGIS Floodplain layer, there is a 100-year floodplain in the upper northwest corner of the property.

**Wetlands:** The subject property does show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map: SSR-48A, SSR-47D, SSR-45, SSR-45B, SSR-44, SSR-43, SSR-42, SSR-47A, SSR-47C, SSR-46A, SSR-46B, and SSR-46C. See Attachment C.

**Access:** The subject property has access from Tamarack Street, 24<sup>th</sup> Avenue, and Clark Mill Road. The applicant has proposed to use 24<sup>th</sup> Avenue for the truck reload station.

**Services:** There are no City water or sewer services on the north side of the railroad tracks at 24<sup>th</sup> Avenue.

**TIMELINES AND HEARING NOTICE:**

Mailed/Emailed Notice: August 23, 2022  
 Notice Published in Newspaper: August 31, 2022  
 Planning Commission Public Hearing: October 1, 2022  
 120-Day Deadline: December 21, 2022  
 Notice was provided as required by SHMC 17.12.120

**II. COMMENTS**

**Adam Leisinger  
 Building Division:**

Will the 2-acre area be fenced off? What do we have in place to prevent the 2-acre Conditional Use from spreading out and becoming a 4-acre operation?

**Joe Graybill  
 Engineering Division:**

Regarding the application of a Conditional Use by T2 for a truck/rail reload station, the primary access point is to be the crossing at the north end of 24<sup>th</sup> Avenue. Recently an approval and Crossing Order has been approved by ODOT Rail Division.

A private crossing should have the minimal appropriate marking and signage. The marking and signage requirements are listed in the Crossing Order in Section 3. For a private crossing the City would require a STOP sign and items "e" through "h" be installed.

The conditions of approval need to include the following 5 items:

1. A STOP sign in the appropriate location installed at this time, for private crossings.
2. Furnish, install, and maintain two stop clearance lines at the crossing according to OAR 741-110-0030 (2) (B), and bear all the costs. Locate the devices as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (3). (ODOT Crossing Order, Section 3, e.).



3. Furnish, install, and maintain four advance warning pavement markings as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (4). (ODOT Crossing Order, Section 3, f.).
  4. Furnish, install, and maintain two grade crossing advance warning (W10-1) signs. Locate the devices as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (4). (ODOT Crossing Order, Section 3, g.).
  5. Furnish, install, and maintain a dynamic envelope pavement markings as depicted in the ODOT 24<sup>th</sup> Avenue crossing order. (ODOT Crossing Order, Section 3, h.).
- (See attachment D)

For any future development:

Any public or commercial crossing there will need to have improvements made according to the approved Crossing Order and Appendix. The pavement and sidewalks stop short of the track line and are within the Railroad Right-Of-Way. Changes will need to be made to both walkways to conform to the conditions of the approved map and Crossing Order. In addition to this, any vehicle traffic needs to progress straight on the 24<sup>th</sup> Avenue alignment for a distance of 100ft north of the Railroad Right-Of-Way before any right or left turning actions are made. The roadway and utilities need to be extended for this distance.

There are no water and sewer utilities on the North side of the railroad track alignment. Water and sewer will need to be extended under the right-of-way and for the 100ft distance so as to not have to excavate a constructed roadway at a later time. The power utility is currently overhead on 24<sup>th</sup> Ave and will need to be converted to underground and extended under the tracks. Gas will need to be extended under the crossing of tracks and Railroad Right-Of-Way. Proposed plans of development will require a boring of the track lines for a sanitary sewer pressure line from a future pump station northward near the City Quarry Park.

If the crossing is to be used as an accessible two-lane roadway as it currently is, there will need to be certain crossing safety features installed. The sidewalk extensions shall be configured to cross the tracks at a right angle as the approved plan shows. Stop Bar markings and signage, and the Railroad Crossbuck markings with signage. Bike lane markings and signage are required also per the Crossing Order. The crossing may need the first group of signal lights at this time also. Drop bars may also be required but will be determined upon review by ODOT.

Further activities and expansion of public use will require additional approved crossing safety features.

**Trish Rice**  
**Public Works Dept.**

Any ODOT Rail requirements to make use of the public railroad crossing, and coordination for future roadway alignment through the property. We are master planning a water transmission main from 18<sup>th</sup> Avenue to Clark Mill Road which would cross somewhere on the north side of the property, but that is not involved with the 2 acres on the south side that this CU pertains to.

**Chief Tyler**  
**Sweet Home Fire**  
**District:**

No comments as of the issuance of this Staff Report.

**Bob Stolle**  
**ODOT Crossing Engineer** See Attachment D

**Jacob Snodgrass**  
**Albany & Eastern Railroad** See Attachment E

**Public Comments:** No comments as of the issuance 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.

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

Staff Findings: Tax lot 2200 is in the Recreation Commercial (RC) Zone. The applicant is applying for a Conditional Use based on Sweet Home Municipal Code Chapter 17.60.030(I). 17.60.030(I) states: Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-11.

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

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

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

Staff Findings: The applicant is requesting a conditional use permit to allow for a two-acre truck reload station in a Recreation Commercial (RC) Zone.

The applicant states that the neighboring properties are all commercial. There shouldn't be any dust or odors, only wood chips. The property is hundreds of yards from residential properties, so there should be no complaints for noise or other conditions that would disturb residential neighbors.

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

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

Staff Findings: Staff has not identified any negative impacts to adjacent properties. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section IV of this report.

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

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

Staff Findings: The subject property has no access to City water or sewer services.

Per the Staff Engineer's comments in Section II: There are no water and sewer utilities on the North side of the railroad track alignment. Water and sewer will need to be extended under the right-of-way and for the 100ft distance so as to not have to excavate a constructed roadway at a later time. The power utility is currently overhead on 24<sup>th</sup> Ave and will need to be converted to underground and extended under the tracks. Gas will need to be extended under the crossing of tracks and Railroad Right-Of-Way. Proposed plans of development will require a boring of the track lines for a sanitary sewer pressure line from a future pump station northward near the City Quarry Park.

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

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

- 1. The home occupation shall be secondary to the residential use.**
- 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.**
- 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.**
- 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.**

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

**F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]**

**G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]**

**H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]**

**I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]**

Staff Findings: The applicant is not proposing to establish a marijuana facility.

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

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

To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval listed in Section IV of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

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

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

#### **IV. CONCLUSION AND RECOMMENDATION**

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

Recommended Conditions of Approval for CU22-08:

1. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
2. Staff recommends a boundary containment, such as a fence, to ensure the proposed use remain inside the proposed 2-acres.
3. Furnish, install, and maintain two stop clearance lines at the crossing according to OAR 741-110-0030 (2) (B), and bear all the costs. Locate the devices as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (3).
4. Furnish, install, and maintain four advance warning pavement markings as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (4).
5. Furnish, install, and maintain two grade crossing advance warning (W10-1) signs. Locate the devices as depicted in the ODOT 24<sup>th</sup> Avenue crossing order, and in accordance with OAR 741-110-0040 (4).

6. Furnish, install, and maintain a dynamic envelope pavement markings as depicted in the ODOT 24<sup>th</sup> Avenue crossing order.
7. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

## V. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, 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. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is 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 decides, 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.

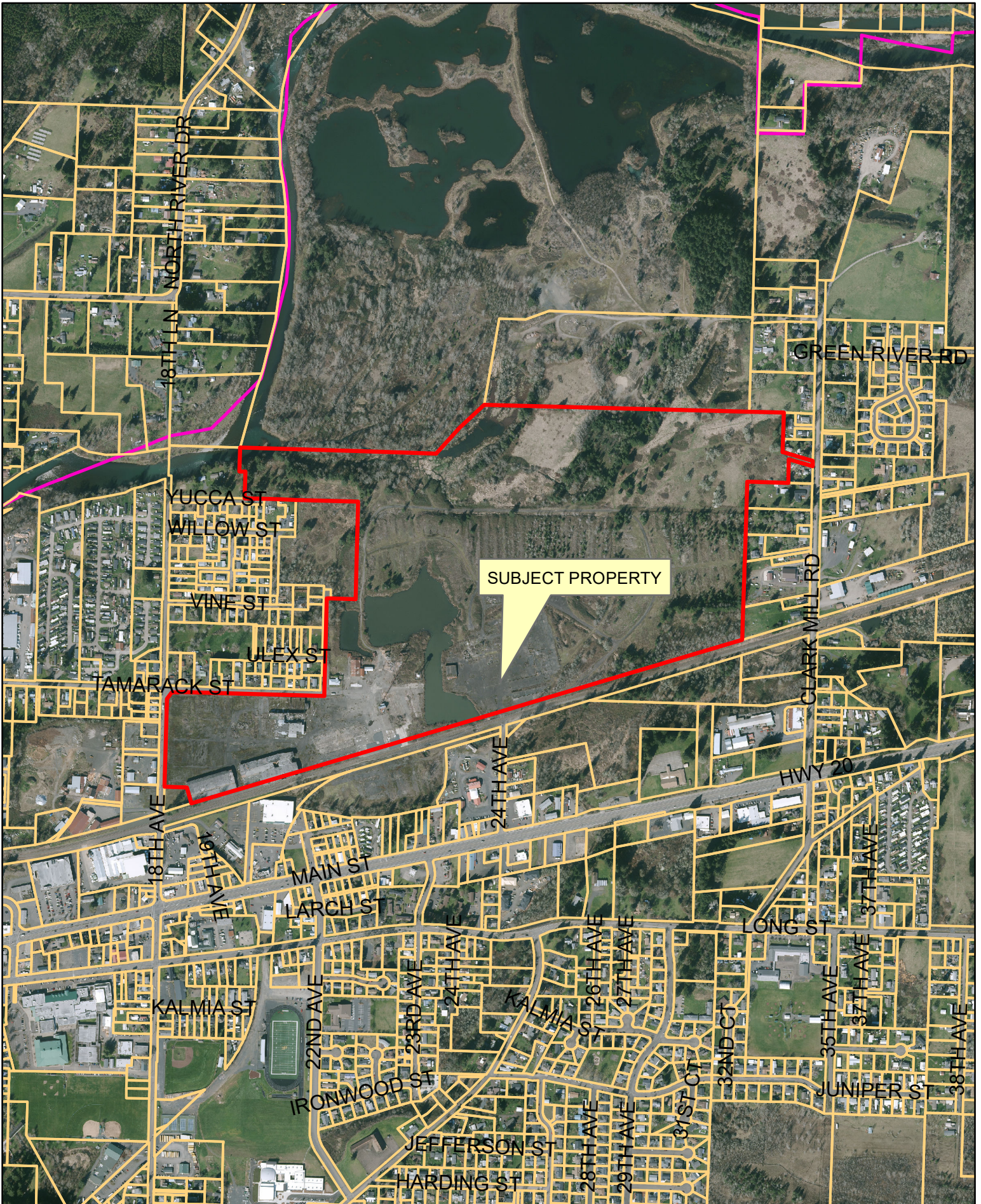
Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-11, which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU22-11; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

## VI. ATTACHMENTS

- A Subject Property Map
- B Site Plan
- C Wetland Map
- D ODOT Railroad Comments
- E Albany & Eastern Railroad Comments
- F Application





SUBJECT PROPERTY

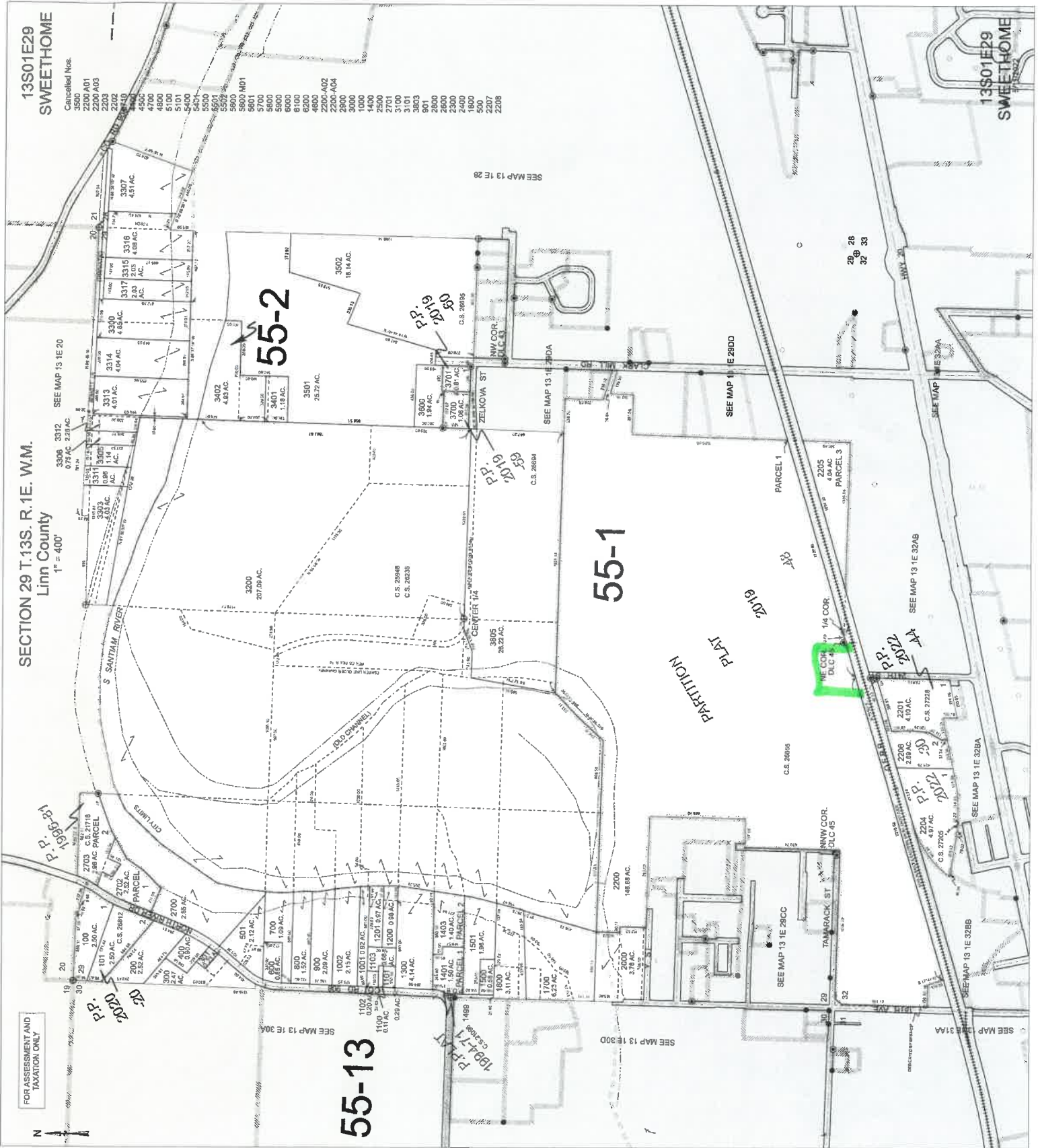
Subject Property Map  
CU22-11



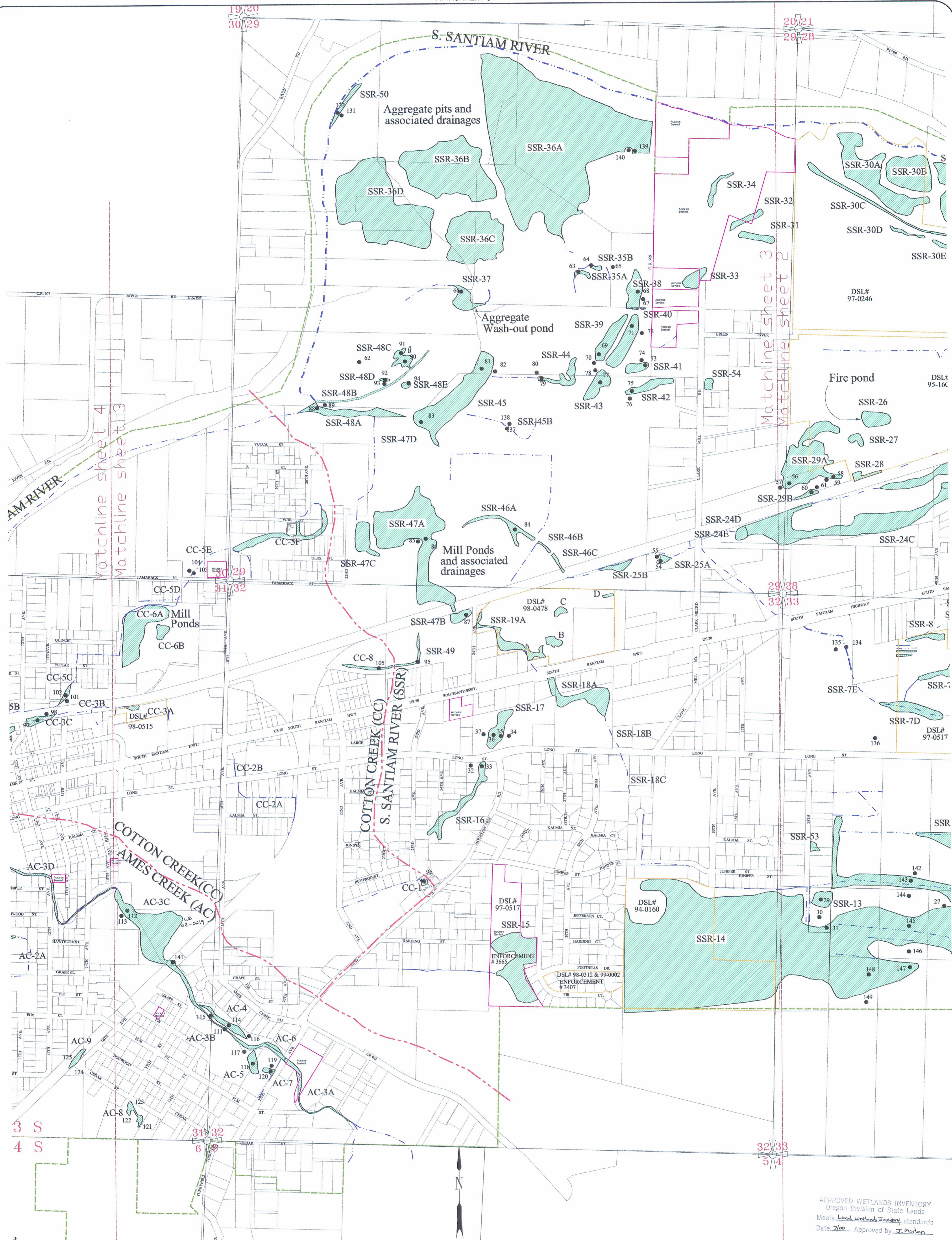
1 inch = 838 feet



ATTACHMENT B





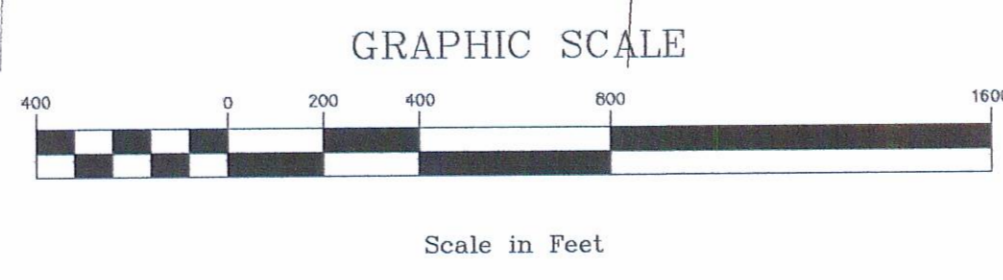


APPROVED WETLANDS INVENTORY  
 Oregon Division of State Lands  
 Meets Local Wetland Inventory standards  
 Date 7/00 Approved by J. Madan

THIS MAP IS FOR PLANNING PURPOSES ONLY  
 WETLAND BOUNDARIES ARE APPROXIMATE  
 AND SUBJECT TO CHANGE

This map has NOT been approved by the wetland regulatory agencies for permitting purposes. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions. There may be additional wetlands within the study area that have not been identified. All wetlands, whether mapped or not, are subject to Federal and State permit requirements. There may also be areas of non-wetland within areas identified as wetlands on this map. In all cases, Federal and State agencies will use actual field conditions, rather than this map, to determine wetland boundaries.

- Watershed Boundary
- Drainage
- Urban Growth Boundary
- Access Denied
- Wetland
- Wetland Code
- Sample Point
- SSR-1



Funding for this project was provided by a grant from the Oregon Division of State Lands, Wetlands Planning Assistance grant program. This grant program is supported by a grant from the U.S. Environmental Protection Agency under authority of the Clean Water Act.

DATE: June, 2000  
 BASE MAP INFO: Supplied by City of Sweet Home, and Linn County  
 JOB NO.: 9-1884

# Sweet Home Local Wetlands Inventory

Pacific Habitat Services, Inc.  
 9450 SW Commerce Circle, Suite 180  
 Wilsonville, Oregon 97070  
 Phone: (503) 570-0800

Sheet: 3  
 of: 4



## ATTACHMENT D

**From:** [STOLLE Bob L](#)  
**To:** [Angela Clegg](#)  
**Cc:** [PRICE Ruth E](#); [Joe Graybill](#)  
**Subject:** RE: CU22-11 Notice of Public Hearing  
**Date:** Friday, August 26, 2022 9:36:41 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[24th Avenue Sweet Home Signed Final Order.msg](#)

---

Note I have attached the final order for a future crossing at 24<sup>th</sup> Avenue. The project requesting comment is at the future crossing and should be subservient in design regarding the future of 24<sup>th</sup> Avenue to avoid requiring a new or amended crossing order. Note private access to 24<sup>th</sup> Avenue within 100 feet of the crossing is problematic and would not be allowed in a typical crossing configuration.

I have copied Joe Graybill to validate recent conversations about this request and to allow for comment or clarification if necessary.

Bob Stolle, PE  
Crossing Engineer  
Commerce and Compliance Division  
3930 Fairview Industrial Dr. SE | Salem , OR , 97302-1166  
C. 503-551-0618 | [Bob.Stolle@odot.oregon.gov](mailto:Bob.Stolle@odot.oregon.gov)

---

**From:** Angela Clegg <[aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)>  
**Sent:** Tuesday, August 23, 2022 3:00 PM  
**To:** Angela Clegg <[aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)>  
**Subject:** CU22-11 Notice of Public Hearing

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Attached is the Notice of Public Hearing and Request for Comment for Application CU22-11. Please respond with any comments by 5:00 PM on September 16, 2022.



CONNECT WITH US



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

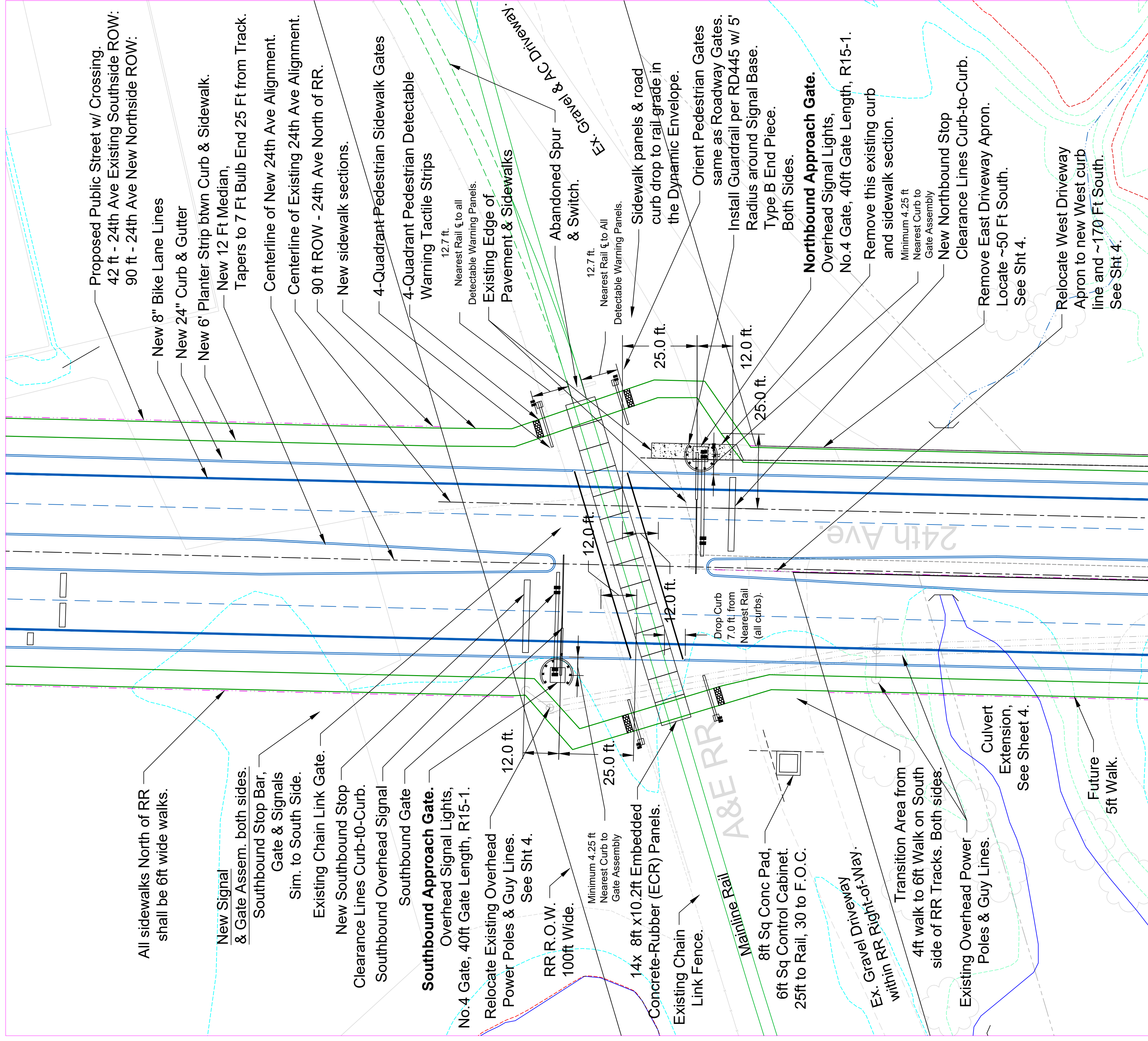
**Confidentiality Notice:** This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us. Do not review, disclose, copy or distribute it. Thank you.

**Public Records Law Disclosure:** This e-mail is a public record of the City of Sweet Home and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

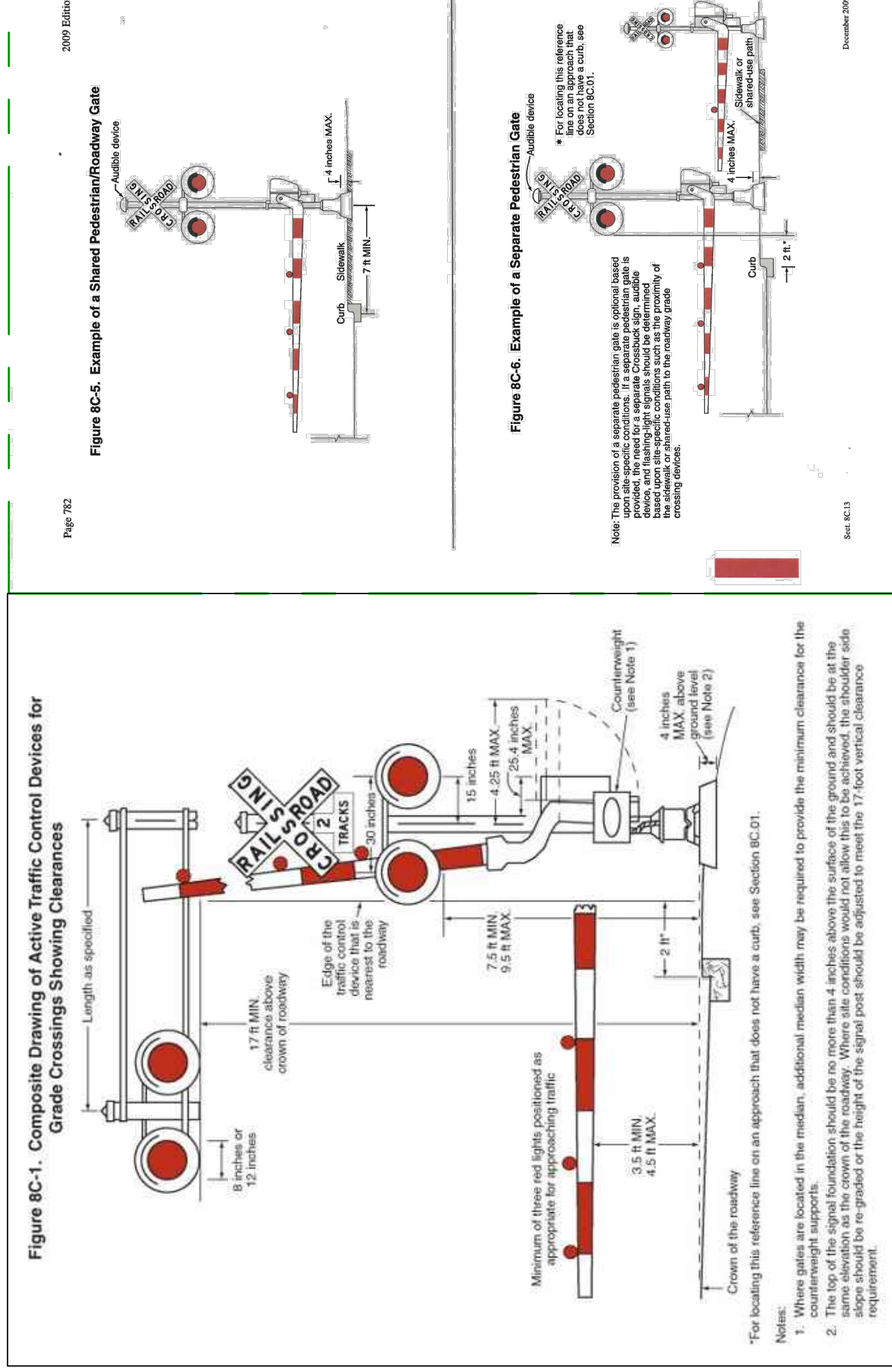
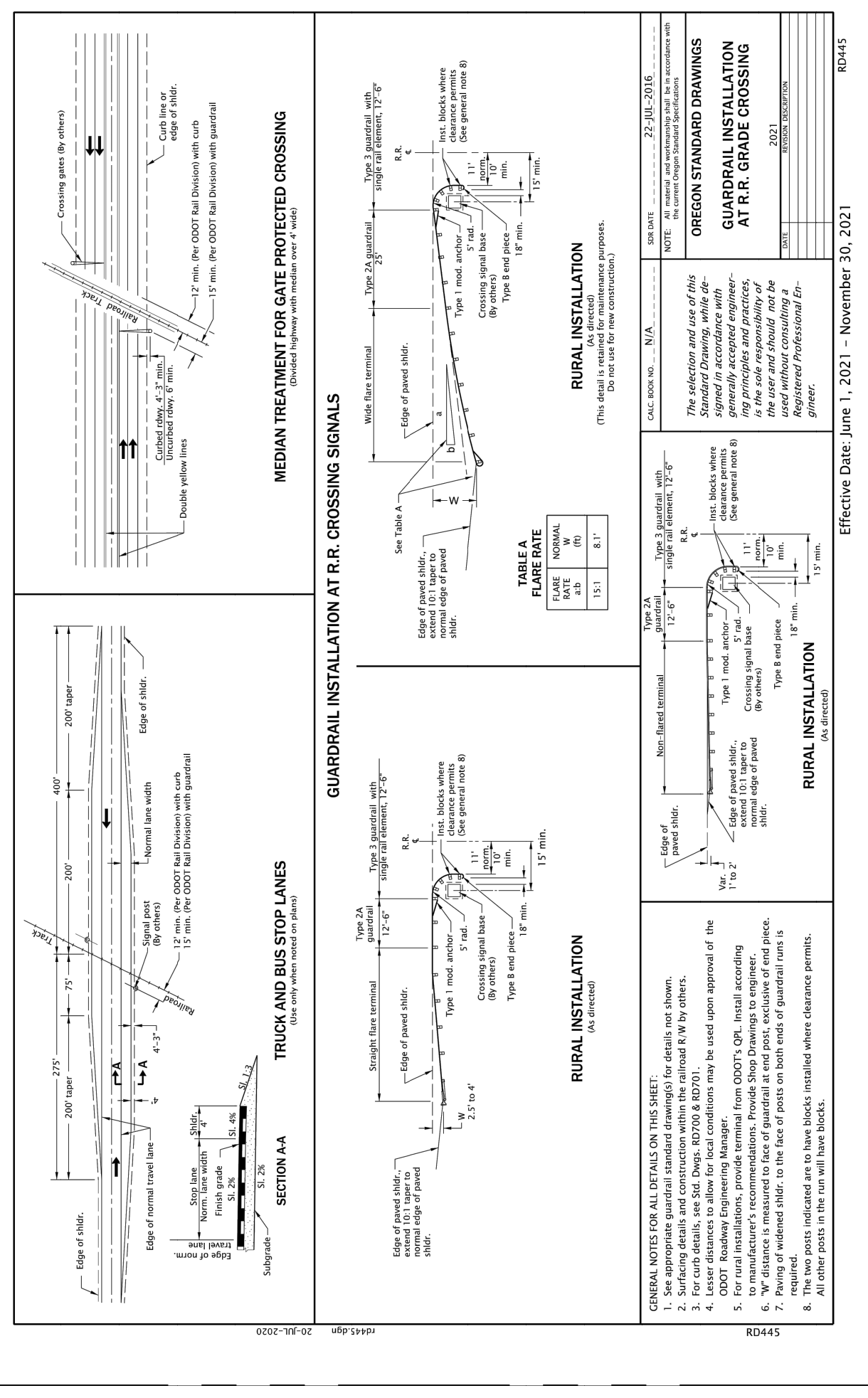
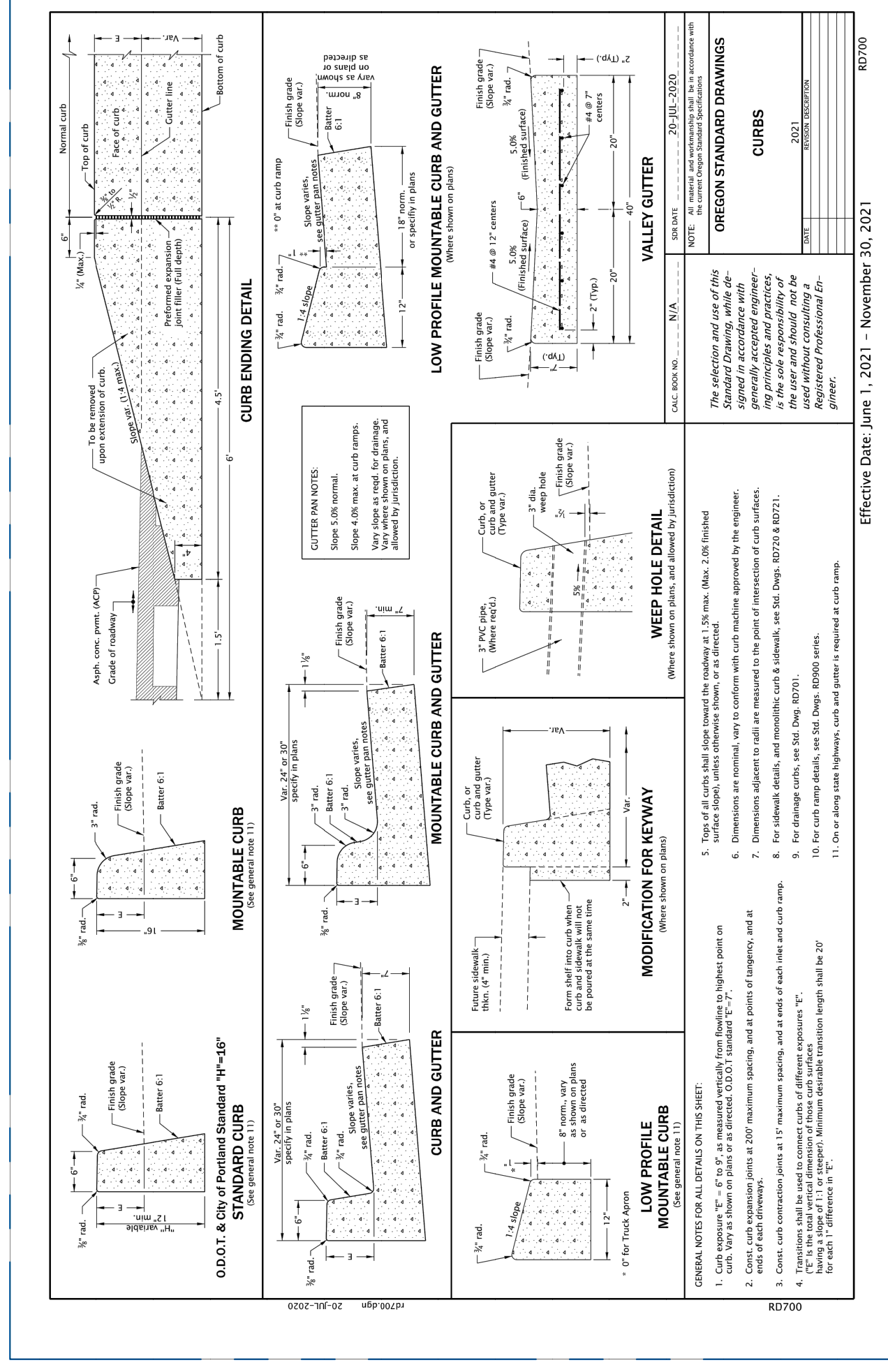


# Proposed Public Railroad Crossing

## 24th Avenue Extended Right-of-Way Urban Street Standard Roadway w/ Active Signal Crossing.



**Crossing Area Detail**  
Horizontal Scale 1" = 20'



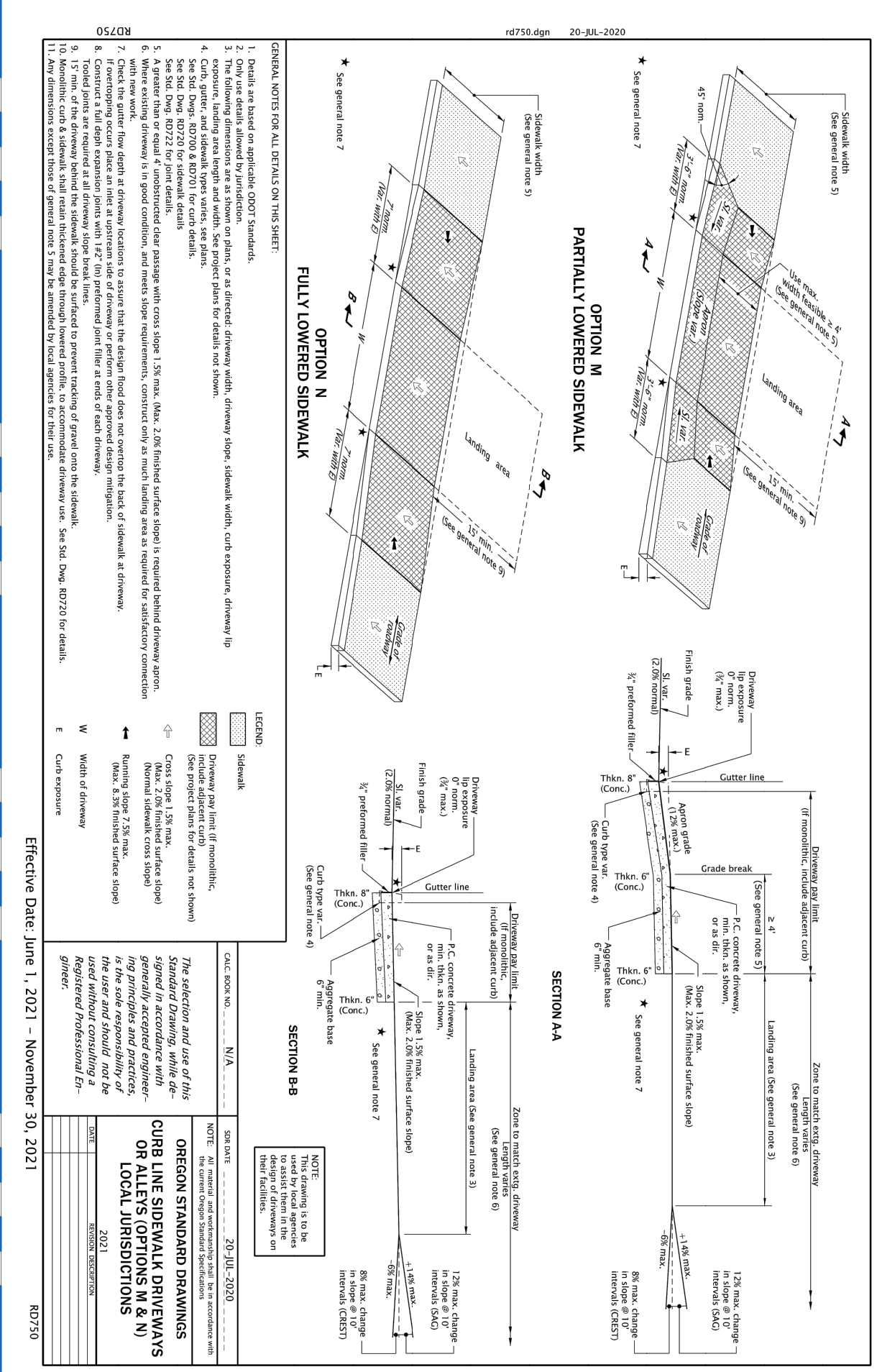
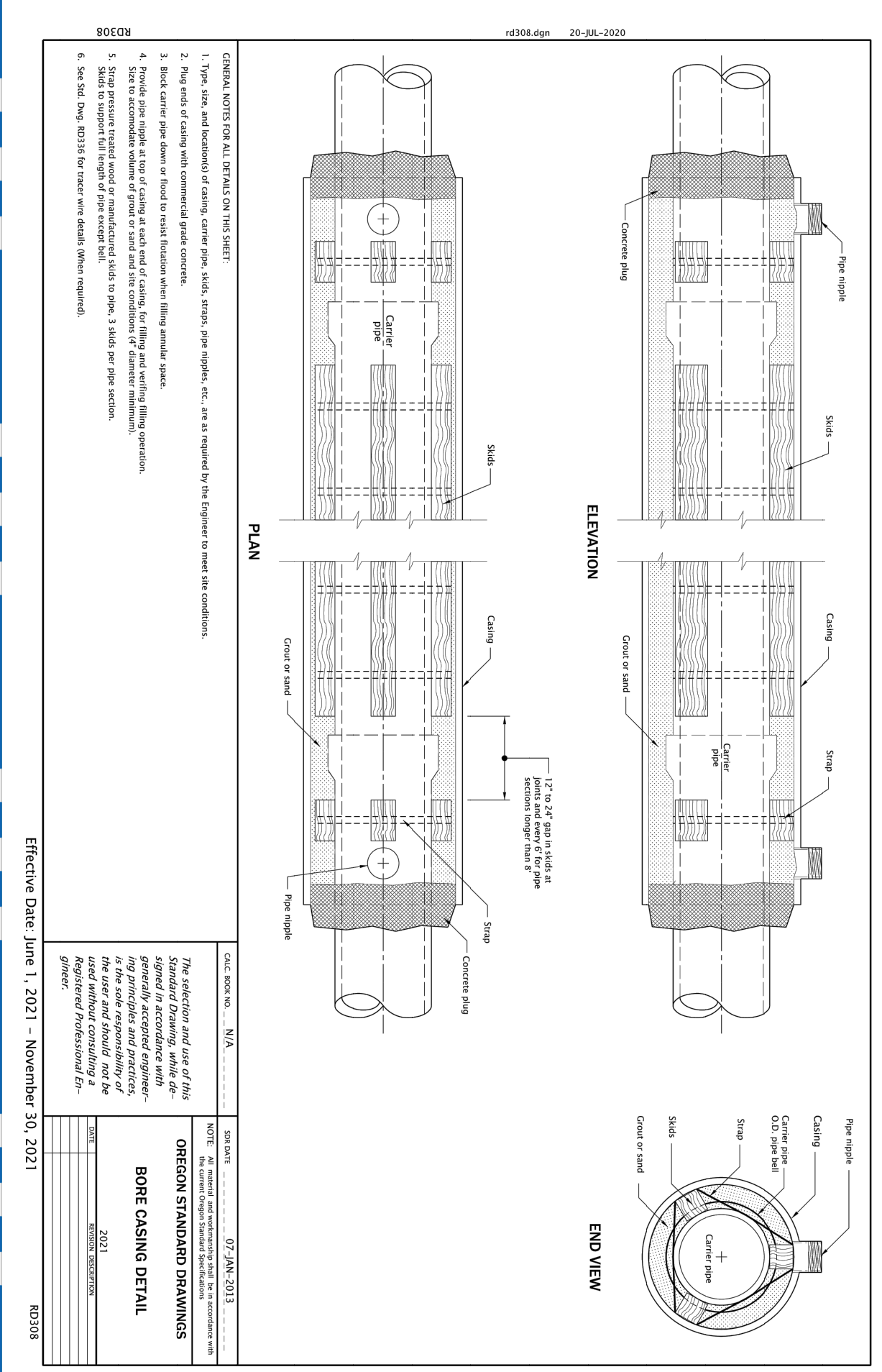
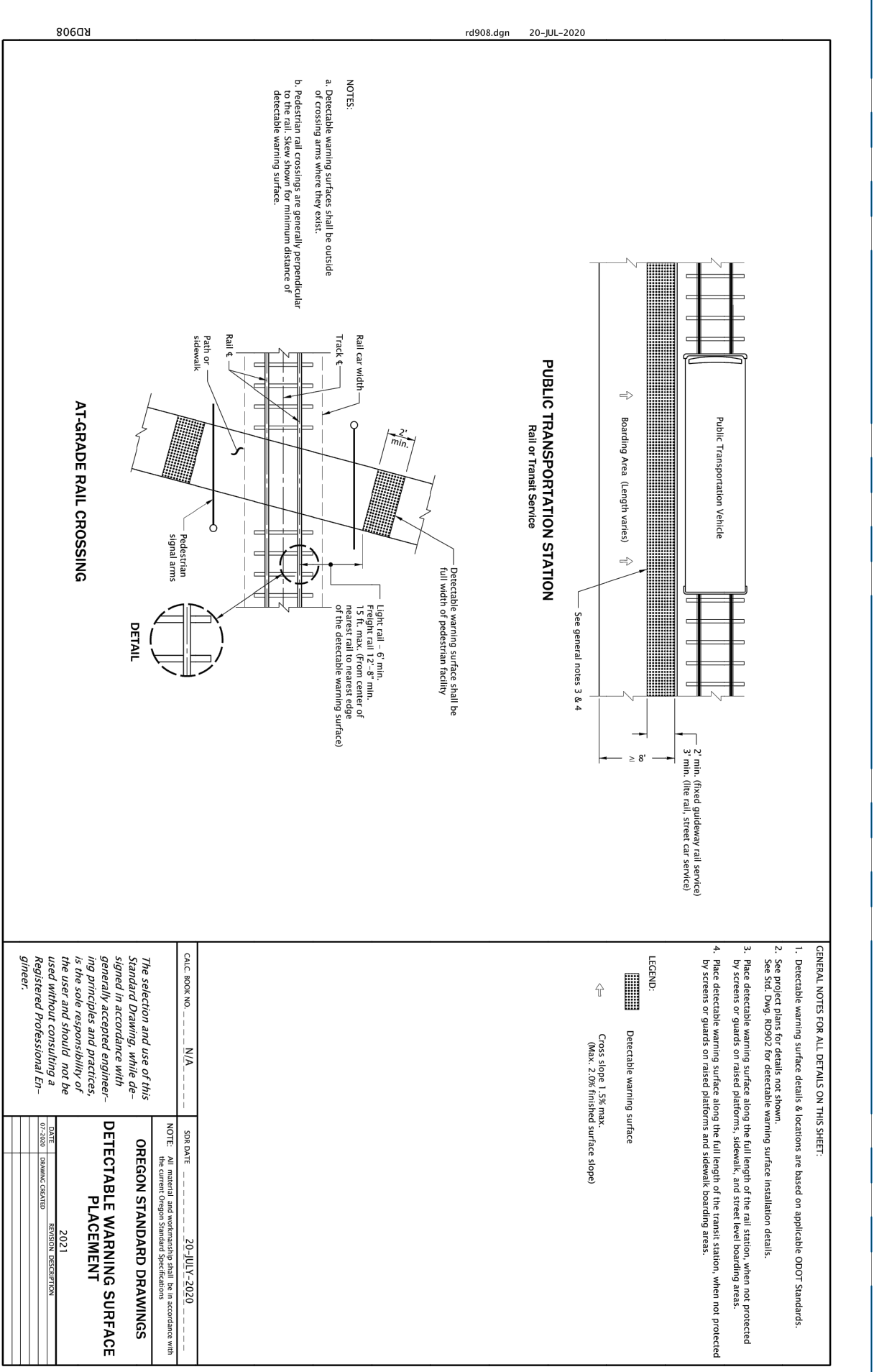
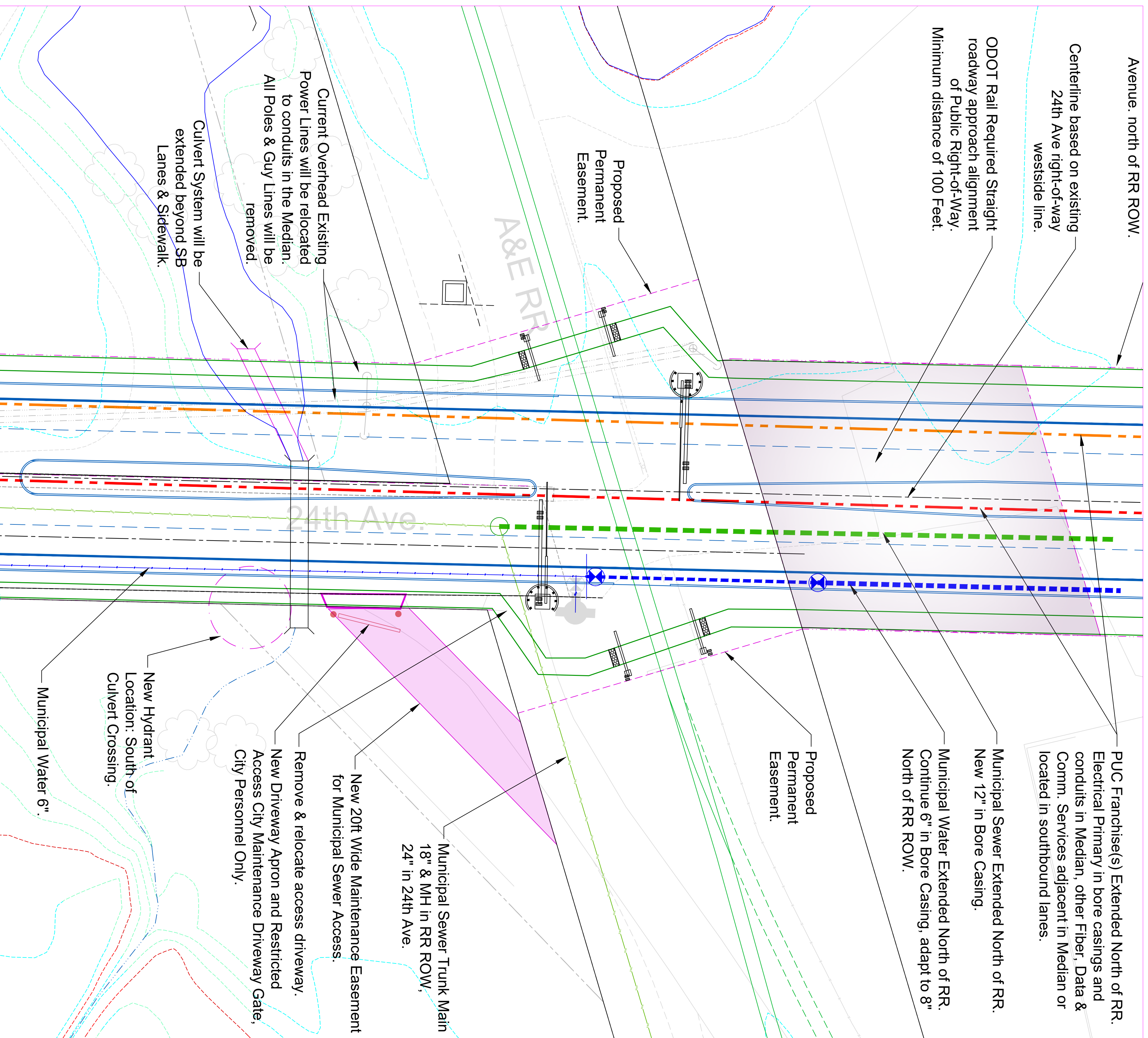
**MUTCD Sign R15-1 Crossbuck Vehicle Gate & Pedestrian Gate.**  
**MUTCD & ODOT Standard Details, Markings.**



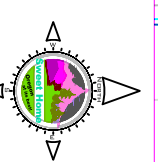
# Proposed Public Railroad Crossing

## 24th Avenue Extended Right-of-Way.

### Urban Street Standard Roadway w/ Active Signal Crossing.



Public Utility Extensions, City & PUC.



Horizontal Scale 1" = 20'

MUTC& ODOT Standard Details, Markings.

Rev.	Description.	Date.	DWG No.
Original		03-13-2015	Projects\RailRoad\24thAve RR-Crossing\Rail Application Map-1.dwg
	Layout update and detail notes.	5 30 2019	

PRINT DATE	08-15-2020	SIZE	D
SCALE	1" = 100'	Drawn:	
		Checked:	
		Approved:	
		Approved:	

TITLE	Proposed Rail Crossing, 24th Avenue, City of Sweet Home, Oregon. Crossing Area Detail, Road and Railroad Profiles.
SHEET NUMBER	4 of 5

CITY OF SWEET HOME, Public Works Department  
Engineering Division, 1140 12th Avenue,  
T:541-367-6977, F:541-367-6440

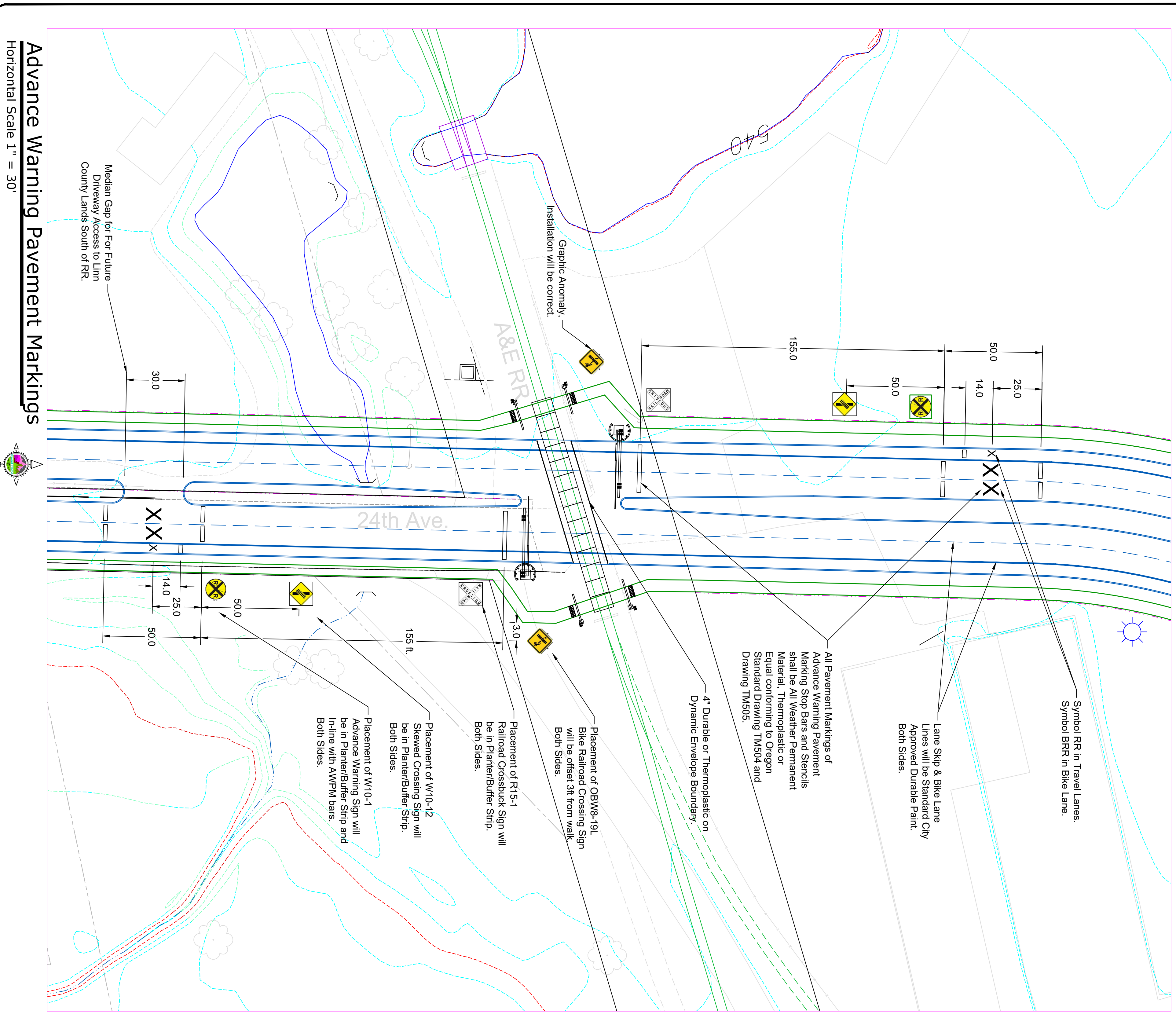
LINE IS 2 INCHES FULL SIZE  
IF NOT 2" SCALE ACCORDINGLY



# Proposed Public Railroad Crossing

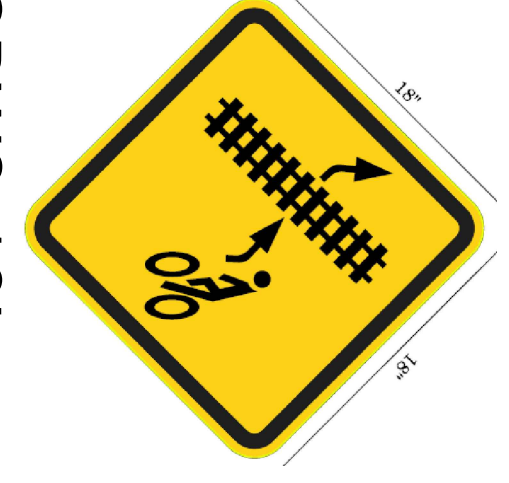
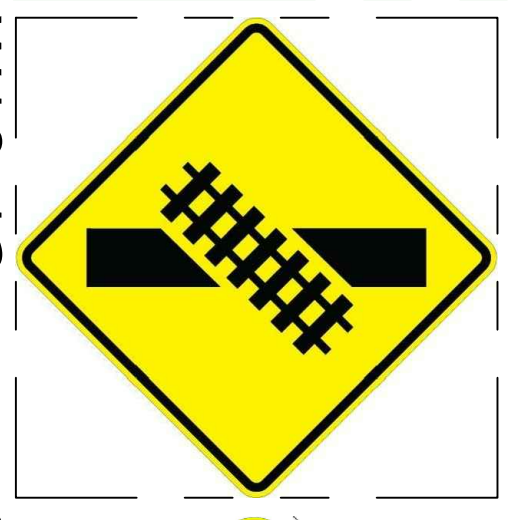
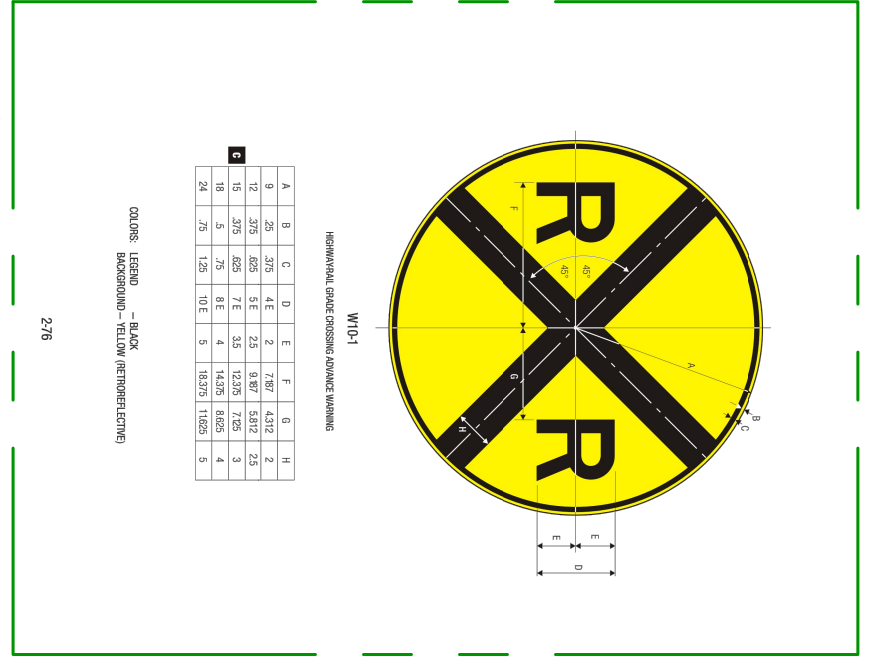
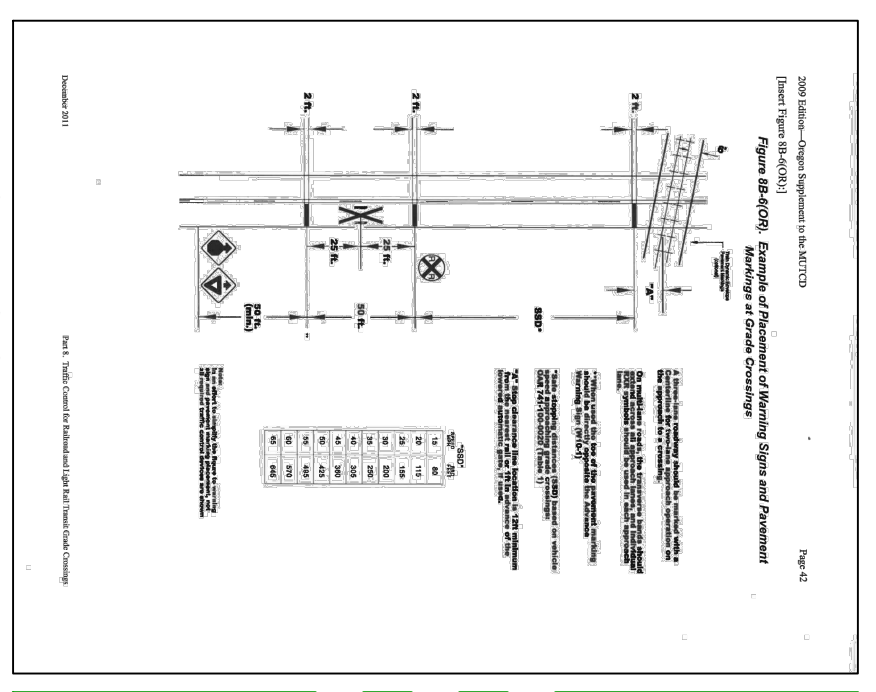
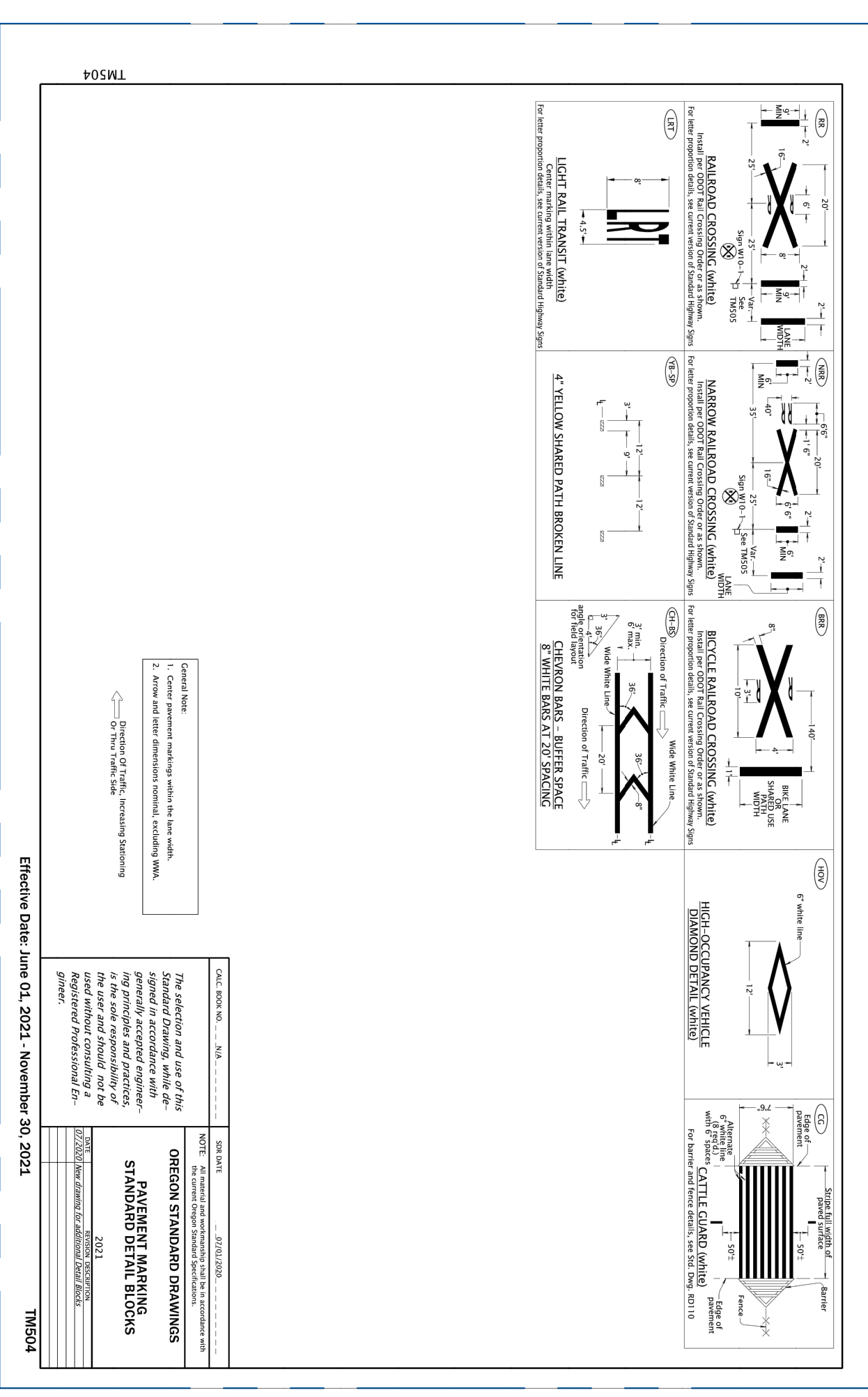
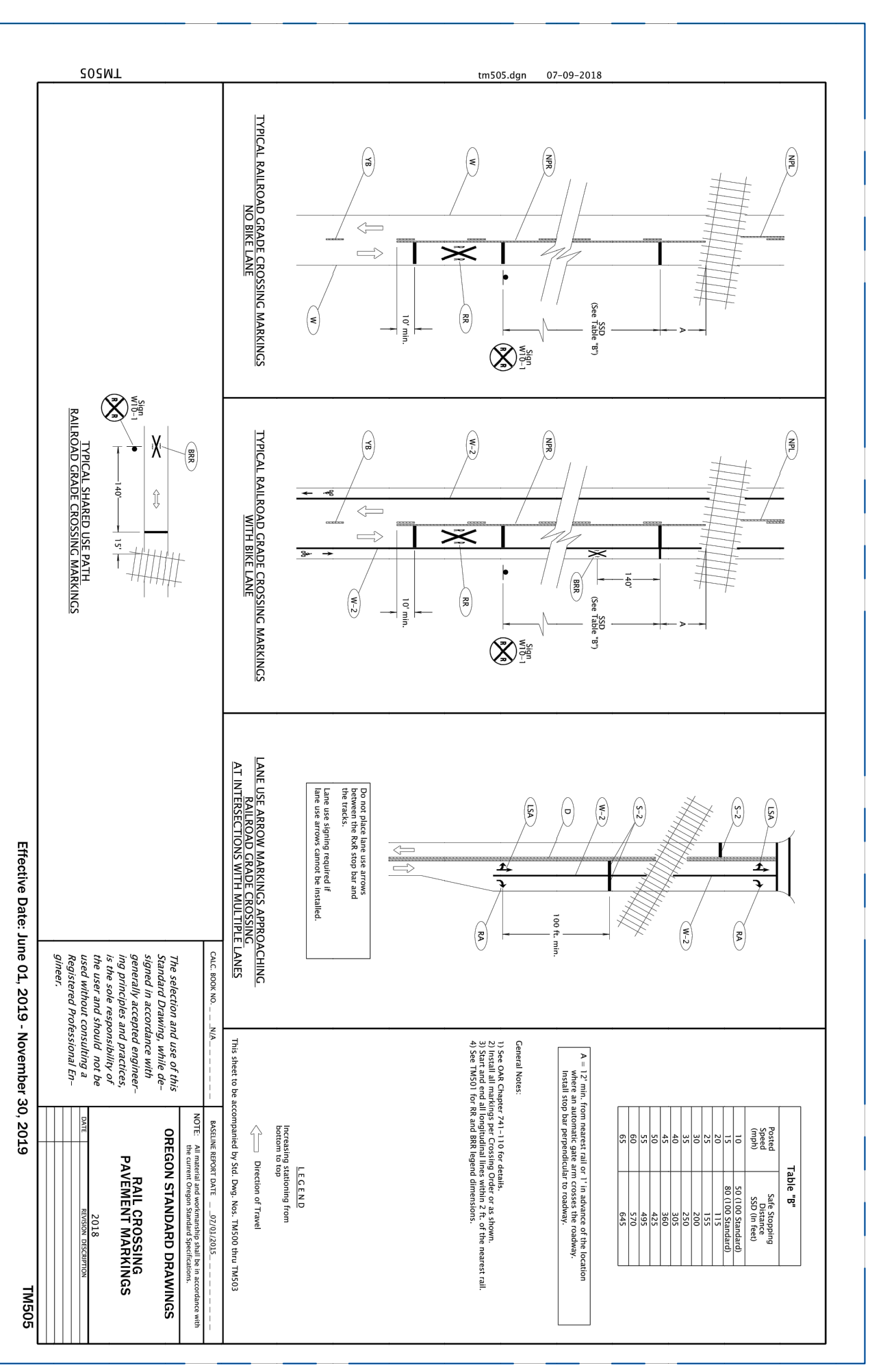
## 24th Avenue Extended Right-of-Way.

### Urban Street Standard Roadway w/ Active Signal Crossing.



Advance Warning Pavement Markings

Horizontal Scale 1" = 30'



MUTCD SSD

Pavement Markings

MUTCD & ODOT Standard Details, Markings.

W10-1 Advance Warning

W10-12 Skewed Crossing

OBW8-19L Bike Railroad Crossing

TITLE	Proposed Rail Crossing, 24th Avenue, City of Sweet Home, Oregon. Crossing AWPM, W10-1 Advance Warning, Stop Bars, Tactile Strips.			CITY OF SWEET HOME, Public Works Department Engineering Division, 1140 12th Avenue, T:541-367-6977, F:541-367-6440	 LINE IS 2 INCHES FULL SIZE IF NOT 2" SCALE ACCORDINGLY
	SHEET NUMBER	5 of 5			
Rev.	Description.	Date.	DWG No.	PRINT DATE 08-15-2020 SCALE 1" = 100' SHPW2372	SIZE D
	Original	03-13-2015	03-13-2015		
	Layout update and detail notes.	5 30 2019		Drawn: Checked: Approved: Approved:	



ORDER NO. 51372

ODOT CROSSING NO. 3S-029.33

U.S. DOT NO. 938945S

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 1940**

**RX 1940: In the Matter of Constructing a New )  
Railroad-Highway Grade Crossing at 24th Avenue ) FINAL ORDER  
and the Albany & Eastern Railroad Company )  
(AERC), Sweet Home Branch in the City of Sweet )  
Home, Linn County, Oregon. )**

Pursuant to ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (Department) has authority over the construction, alteration and protection of railroad-highway crossings in the State of Oregon. On 8<sup>th</sup> of April, 2021, the City of Sweet Home (City) made application under ORS 824.204 and ORS 824.206 seeking authority to construct the subject railroad-highway grade crossing (hereafter “crossing”). The affected railroad is the Albany & Eastern Railroad (AERC). The affected public authority in interest is the City of Sweet Home (City).

The Appendix to this Order depicts the scope of the proposed crossing project. The average daily traffic (ADT) volume at the new crossing is estimated to be ≈1400 vehicles. The posted speed of vehicles is 25 miles per hour (mph). The roadway intersects the track at an angle of ≈82 degrees. There is a daily average of 1 freight train and 1 passenger trains over the crossing. The maximum authorized speed on this track is 20 mph.

Applicant proposes to construct a new grade crossing, No. 3S-029.33. The new crossing will provide access to the Linn County property on the north for economic development and to the City owned park property alongside the Santiam River. Applicant proposes that the crossing be equipped with gates and lights, cantilevers for additional flashing lights, and pedestrian gates for sidewalks. Roadway will be four lanes with medians and bike lanes.

From the foregoing, the Department finds the proposed grade crossing is required by the public safety, public convenience and general welfare.

IT IS THEREFORE ORDERED that:

1. Construction of crossing No. 3S-029.33 shall be substantially in progress within **five years** from the entered date of the Final Order. Otherwise, the authority expires on that date. No authority to establish a Quiet Zone is granted by this Final Order.
2. The new grade crossing shall not be opened to public use until the ordered automatic signals and circuitry are installed and operational.
3. Applicant (City) shall:
  - a. Construct and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the sidewalks shall comply with OAR 741-120-0025 (1), (2), and (3).
  - b. Furnish, install, and maintain two guardrails adjacent to the ordered automatic signals at the crossing, as depicted in the Appendix to this Order, and bear all the costs. Guardrails shall be installed according to ODOT Standard Drawing No. RD 445, and located according to OAR 741-110-0040 (6).
  - c. Furnish, install, and maintain standard curb according to OAR 741-110-0030 (7) adjacent to the ordered automatic signals at the crossing, and bear all the costs. Curb shall commence not less than 10 feet from the centerline of nearest track and extend at full height not less than 50 feet in advance of the automatic signals.
  - d. Furnish, install, and maintain four tactile warning strips on the sidewalk approaches to the crossing, and bear all the costs. The tactile strips shall have a minimum width of two feet and be placed a minimum of 12 feet 8 inches from the nearest rail per ODOT Standard Drawing No. RD 759, and as depicted in the Appendix to this Order.
  - e. Furnish, install, and maintain two stop clearance lines at the crossing according to OAR 741-110-0030 (2) (b), and bear all the costs. Locate the devices as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (3).
  - f. Furnish, install, and maintain four advance warning pavement markings as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (4).
  - g. Furnish, install, and maintain two grade crossing advance warning (W10-1) signs. Locate the devices as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (4).
  - h. Furnish, install, and maintain a dynamic envelope pavement markings as depicted in the Appendix to this Order.

ORDER NO. 51372

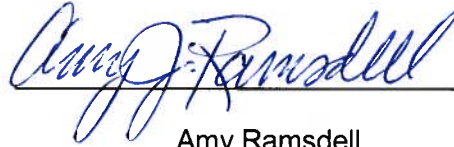
- i. Furnish, install and maintain 172 lineal feet of non-traversable 6 inch raised median and a minimum of 200 lineal feet of non-traversable 6 inch raised median as depicted in the Appendix to this Order.
  - j. Furnish, install, and maintain two bicycle advance warning pavement markings as depicted in the Appendix to this Order.
  - k. Furnish, install, and maintain two bicycle severe angle warning (OBW8-19L) signs as depicted in the Appendix to this Order.
  - l. Furnish and install two skewed crossing advance warning (W10-12) signs. Locate the devices as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (4).
  - m. Bear all the cost of work items ordered in paragraphs 4 a, b, and c below.
4. Railroad (AERC) shall:
- a. Subject to reimbursement by applicant, construct that portion of the crossing lying between lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order. The roadway shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the sidewalks shall comply with OAR 741-120-0025 (1), (2), and (3).
  - b. Subject to reimbursement by Applicant, furnish and install two flashing light cantilevered signals and two automatic gates at the crossing according to OAR 741-110-0030 (3) (a) and OAR 741-110-0030 (3) (d), respectively. Locate the devices as depicted in the Appendix to this Order.
  - c. Subject to reimbursement by Applicant, furnish and install four pedestrian gates. Locate the devices as depicted in the Appendix to this Order.
  - d. Maintain the ordered items in paragraphs 4 a, b, & c, and bear all the costs.
  - e. Notify the Department in writing not less than five working days prior to the date that the ordered automatic signals will be activated and placed in service.
5. Each party shall notify the Department in writing upon completion of its portion of the project.
6. All previous Orders of the Public Utility Commission or the Department relating to the subject crossing, not in conflict with this Order, remain in full effect.



ORDER NO. 51372

Made, entered, and effective

9/30/2024



Amy Ramsdell

Commerce and Compliance Administrator

**RIGHT TO APPEAL**

Parties to this Order have the right to appeal this Order to the Oregon Court of Appeals pursuant to OAR 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 60 days from the day this Order was served on you. The date of service is the day this Order was mailed. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.



# Oregon

Kate Brown, Governor

**Department of Transportation**  
Transportation Development Division  
555 13<sup>th</sup> Street NE, Suite 2  
Salem, OR 97301  
Phone: (503) 986-3420  
Fax: (503) 986-4173

**DEPARTMENT OF TRANSPORTATION  
CERTIFICATE OF SERVICE  
RX 1936**

I, Bob Stolle, Crossing Safety Engineer of the Rail and Public Transit Division for the Department of Transportation of the State of Oregon, hereby certify that on the 11th day of July, 2019, I served copies of the Staff Service Letter, and the Notice of Proposed Alteration (NPA) upon the appropriate parties listed below via Certified Mail, Salem, Oregon, with postage prepaid and addressed as their addresses appear in the records of the Department of Transportation.

**Signed Order distribution Certified Mail:**

AERC  
Rick Franklin  
263 Industrial Way, Lebanon,OR, 97355

Ray Towry  
City of Sweet Home,  
3225 Main St., Sweet Home, OR 97386

---

*Prescott Mann, Crossing Compliance Specialist  
Oregon Department of Transportation  
Commerce and Compliance Division  
Rail Crossing Safety*

September 7<sup>th</sup>, 2022



263 Industrial Way  
info@albanyeastern.com

Lebanon, Oregon 97355  
Website: albanyeastern.com

Office: (541) 259-6470  
Fax: (541) 259-4130

City of Sweet Home, Oregon  
Community and Economic Development Department  
Attention: Angela Clegg  
Subject: File Number CU22-11

To Whom this May Concern,

We are writing to provide comment concerning T2 Incorporated's request for a Conditional Use Permit to operate on Tax Lot 2200 in Sweet Home, Oregon. The Albany & Eastern Railroad Company is the property owner to the south of subject property. The Albany & Eastern Railroad supports the use of the subject property for a truck reload station and any other industrial use necessary for T2 Incorporated's business model. The Albany & Eastern Railroad Company is a supporter of any industry that brings steady and reliable family wage employment to the community of Sweet Home. Thank you for your time and consideration regarding our comments in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob Snodgrass", with a long, sweeping underline.

Jacob Snodgrass  
General Manager  
(541)-619-0368  
Jacob@albanyeastern.com

ATTACHMENT F



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

Application for a Conditional Use Permit

Date Received: 08.16.22  
Date Complete: \_\_\_\_\_  
File Number: CU22-11  
Application Fee \$: 615.00  
Receipt #: 4992  
Hearing Date: 10.06.22

Applicant's Name: T2 Incorporated  
Applicant's Address: 28689 Santiam Hwy Sweet Home OR  
Applicant's Phone and e-mail: \_\_\_\_\_

Property Owner: Joshua Victor  
Owner's Address: P.O. BOX 451 Sweet Home OR 97586  
Owner's Phone and email: 541-401-3193

Subject Property Address: 2210 Tanager St (at the End of 24th Ave)  
Subject Property Assessor's Map and Tax Lot: 13501E290002200  
Subject Property Size: 146.68 acres  
Subject Property: Zoning Classification RC Comprehensive Plan Classification: Planned Recreation Commercial

Nature of Applicants Request

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

See Attached

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

See Attached

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: [Signature]

Date: 8/16/22

Property Owner's Signature: [Signature]

Date: 8/16/22

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.

8-15-22

I would like to request a conditional use permit to allow T2 Incorporated to Rent 2 acres on the end of 24<sup>th</sup> Ave, across the railroad tracks, to set up a reload station for trucks. There will be no new construction, or alteration to the property. T2 Incorporated used this site prior to it being foreclosed on by the County and will not need to make any alterations to start using it again. There are no buildings to be used, and only a couple employees that will be parked on site at a time, in the designated spot shown on my map. Trucks will pull in off 24<sup>th</sup> Ave and dump their chips and exit the lot. 1 large loader will then be used to load either other trucks, or train carts. The neighboring properties are all commercial, so there shouldn't be any issues with disturbing neighbors. The road accessing 24<sup>th</sup> Ave is plenty wide, so traffic shouldn't be an issue. There shouldn't be any dust, or odors, only wood chips. The subject property is 100's of yards from any residential properties, so there should be no complaints for noise or other conditions that would disturb residential neighbors.

13S01E29  
SWEETHOME

13S01E29  
SWEETHOME

SECTION 29 T.13S. R.1E. W.M.  
Linn County  
1" = 400'

- Cancelled Nos.
- 2200 A01
  - 2200 A03
  - 2203
  - 2202
  - 2201
  - 4855
  - 4700
  - 4800
  - 5100
  - 5101
  - 5000
  - 5500
  - 5501
  - 5502
  - 5800
  - 5801
  - 5800 M01
  - 5901
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  - 6000
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  - 2200-A04
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  - 3000
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  - 1400
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  - 2700
  - 3100
  - 3101
  - 3603
  - 901
  - 2800
  - 2800
  - 2300
  - 2400
  - 1800
  - 500
  - 2207
  - 2208

FOR ASSESSMENT AND  
TAXATION ONLY

