

ORDINANCE BILL NO. 15 for 1994

ORDINANCE NO. 1081

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP, SAID MAP BEING A PART OF ORDINANCE NO. 1013, TO INCLUDE ADDITIONAL LAND WITHIN THE URBAN GROWTH BOUNDARY AND BY ASSIGNING A MAP DESIGNATION TO EACH OF THE PROPERTIES.

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

WHEREAS, the Planning Commission of the City of Sweet Home has considered this matter in a public hearing as provided by law and has recommended to the City Council that these comprehensive plan map amendments be made as hereinafter provided;

WHEREAS, the City Council has considered this matter in a public hearing as provided by law and hereby finds that the comprehensive plan map amendment conforms with the State Land Use Goals and the Sweet Home Comprehensive Plan;

Section 1. The Sweet Home Comprehensive Plan Map, being a part of Ordinance No. 1013, is hereby amended to include the following real property situated in Linn County, Oregon, which are now designated by the Linn County Assessor as follows:

Map 13S1E31BB Tax Lots 600 and 100;

Map 13S1E31BA Tax Lots 1100, 1201, 1700, 2900, 3600, 3500, 3300, 3001, 2950, 3200 and 3100; 3000

Map 13S1W36A Tax Lots 500, 601, 501, 504, 502, 800, 3400, 3300 and 3200;

Map 14S1E06 Tax Lots 1301, 3900, 3901, 3902 and 3903; and,

Map 14S1E05BB Tax Lot 3000.

Section 2. The comprehensive Plan Map designations are hereby amended as specified in Exhibit A.

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, safety and welfare. 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 by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 13th day of December, 1994.


Mayor

ATTEST:


City Manager - Ex Officio City Recorder

**ATTACHMENT A
FINDINGS OF FACT
SWEET HOME URBAN GROWTH BOUNDARY AMENDMENTS**

UGBA 94-1

I. BACKGROUND INFORMATION

1. General Background

The Sweet Home Urban Growth Boundary was formally adopted by the city and county during 1981. A minor revision was made in March of 1982. No other revisions have been made. With one small exception, the city limits and the UGB are identical.

The current UGB excludes numerous city owned facilities including the Public Works Maintenance yard and office, the water treatment plant and the sewer treatment plant. When the decision to seek an amendment to the UGB to encompass these properties was made, city and county staff began to look at other areas that might be included in the proposal which are adjacent to the city/UGB and may need urban services.

Several areas around Sweet Home were considered and a series of public meetings were held with the property owners from the areas of consideration. Based on the input which was received several areas were eliminated from the original proposal. With the exception of the areas that contain city owned property, the city did not want to bring property into the UGB unless the property owners were agreeable.

2. Description of the Areas

This proposal involves the inclusion of 29 tax lots within the Sweet Home UGB which are grouped into four areas as follows:

Area II consists of 2 tax lots and is located north of the city limits/UGB, and south of the Santiam River, along the east and west sides of the Pleasant Valley Bridge. The property located east of the bridge contains the city's sewer treatment facility. Property located west of the bridge is partially located within the floodplain and is unbuildable due to excessive slopes. The owners have expressed the desire to bring the parcel into the city and develop a memorial, parking area and view point of the Santiam River.

Area III consists of 12 tax lots and is surrounded by city limits on the south and east, and the Santiam river on the north and west. The city currently owns several of these parcels which contain the city public works facility and water treatment plant, and a boat launching facility. The remainder of the parcels are less than an acre in size and most contain dwellings. Several of these properties are receiving city water service.

Area IV consists of 9 tax lots and is located west of the city limits/UGB just north of Highway 228. Many of these lots already contain dwellings and most are less than 3 acres in size. Two parcels along Fern Lane are unbuildable until they are included in the UGB and can obtain city water service.

Area V consists of 6 tax lots, 5 of which are located south of the city limits/UGB on 21st Avenue (Turbyne Road). Each of the parcels are approximately 2.5 acres in size. This area is relatively close to the center of downtown Sweet Home and is located adjacent to residential land which is densely developed.

The remaining tax lot is located close to Old Holley Road and is immediately east of the city limits/UGB. This parcel is approximately 1.30 acres in size. This parcel is also located close to the center of downtown Sweet Home and is adjacent to residential land which is densely developed.

3. Existing Land Use

Table 1 provides specific detail on the existing land use of the 29 tax lots proposed for inclusion in the Sweet Home Urban Growth Boundary. Area II is undeveloped except for the city's wastewater treatment facility. Area III contains numerous dwellings and the city's public works facility, water treatment plant and a boat launching facility. Area IV is largely developed with dwellings. Area V contains three dwellings but is otherwise undeveloped.

4. Plan and Zoning Designations

Area II: These two tax lots are currently designated Limited Industrial on the Linn County Comprehensive Plan, except for the portion of the tax lot immediately west of Pleasant Valley Road which is Rural Residential (RR-2 1/2). Tax lot 100, located south of the Santiam River, is partially located within the 100 year floodplain and is largely unbuildable due to steep slopes. The owners have approached the city and county with a proposal to annex this property to the city and develop a parking area and viewpoint of the Santiam River. If included in the UGB, the city is proposing to designate this property PRC (Planned Recreation Commercial)/DL (Development Limitations), which would allow for park development as a conditional use. Tax lot 600 contains the city's sewer treatment facility.

If included in the UGB, the Urban Low Density Residential (ULDR) designation would be extended north to the river to encompass this property. Governmental facilities are allowed as a conditional use in the R-1 zone, as they are in every city zone.

Area III: The area is currently designated Rural Residential - 2 1/2 Acre minimum on the Linn County Comprehensive Plan map and the current use of these parcels include single-family residences and the city public works facilities. If included in the UGB, the city is proposing to designate these parcels Urban Low Density Residential (ULDR) which allows single-family dwellings outright and governmental facilities as a conditional use. Under the ULDR designation the maximum density allowed is 5.4 dwellings per acre.

Area IV: The tax lots included in Area IV are all designated Rural Residential - 2 1/2 acre minimum on the Linn County

TABLE 1

AREA	MAP PAGE	TAX LOT	PRES ZONE	PROP DESIG	ACRES	EXISTING LAND USE	OWNER
II	31BB	600	LI	ULDR	3.98	WASTEWATER FACILITY	CITY
II	31BB	100	LI/RR-2.5	PRC	0.74	VACANT	WHITE
III	31BA	1100	RR-2.5	ULDR	0.55	BOAT LAUNCH	CITY
III	31BA	1201	RR-2.5	ULDR	0.83	VACANT	BLACK & MAGUREN
III	31BA	1700	RR-2.5	ULDR	*	VACANT	VICTOR
III	31BA	2900	RR-2.5	ULDR	1.71	PW FACILITY	CITY
III	31BA	3600	RR-2.5	ULDR	0.02	VACANT	WILLIS
III	31BA	3500	RR-2.5	ULDR	0.11	SFD	RODGERS
III	31BA	3300	RR-2.5	ULDR	0.11	SFD	COPELAND
III	31BA	3100	RR-2.5	ULDR	0.19	SFD	GUTCH
III	31BA	3000	RR-2.5	ULDR	0.17	SFD (MH)	FRANCE
III	31BA	3001	RR-2.5	ULDR	0.05	VACANT	CITY
III	31BA	2950	RR-2.5	ULDR	0.71	VACANT	CITY
III	31BA	3200	RR-2.5	ULDR	0.45	SFD	MCMAHONE
IV	36A	500	RR-2.5	ULDR	5.16	SFD	THRASH
IV	36A	601	RR-2.5	ULDR	2.76	SFD	MCQUEARY
IV	36A	501	RR-2.5	ULDR	2.25	SFD	UPDEGRAVE
IV	36A	504	RR-2.5	ULDR	0.95	DUPLEX	SAFT
IV	36A	502	RR-2.5	ULDR	0.90	VACANT	SAFT
IV	36A	800	RR-2.5	ULDR	0.26	VACANT	MONTGOMERY
IV	36A	3400	RR-2.5	ULDR	0.16	VACANT	MONTGOMERY
IV	36A	3300	RR-2.5	ULDR	0.33	SFD	SCHMITT
IV	36A	3200	RR-2.5	ULDR	0.25	SFD	SCHMITT
V	06	1301	RR-5	ULDR	1.30	SFD	DEAN
V	06	3900	F/F	ULDR	2.20	SFD	BRANDT (JENSEN)
V	06	3901	F/F	ULDR	2.50	VACANT	CHELSTAD
V	06	3902	F/F	ULDR	2.50	VACANT	BRANDT (CHELSTAD)
V	06	3903	F/F	ULDR	2.50	VACANT	JENSEN
V	5BB	3000	RR-2.5	ULDR	0.22	SFD	STIDHAM

* Only a negligible portion of this parcel is located outside the UGB.

County Designations:

RR-2.5; Rural Residential - 2.5

LI: Limited Industrial

F/F: Farm/Forest

City Designations:

M: Industrial

PRC: Planned Recreation Commercial

ULDR: Urban Low Density Residential

Comprehensive Plan map and those which are developed contain single-family residences and one duplex. If included in the UGB, the ULDR designation would be extended to cover this area which allows single family residences on interior lots and duplexes on corner lots. Under the ULDR designation the maximum density allowed is 5.4 dwelling units per acre.

Area V: Four of the tax lots included in this area are designated Farm/Forest on the Linn County Comprehensive Plan map and two of the tax lots are designated Rural Residential on the Linn County Comprehensive Plan map. Three of the lots contain single-family dwellings. If included in the UGB, the ULDR designation would be continued south to encompass these parcels. The ULDR designation permits a maximum of 5.4 dwelling units per acre.

5. Surrounding Land Use and Plan Designations

Area II: The Santiam River is located north of the subject properties and the OE railroad runs along the southern property line.

Area III: Property to the south and east is located within the city limits/UGB, is designated ULDR on the comprehensive plan map and contain single-family residential development. The Santiam River is located north and west of this area.

Area IV: This area abuts the city limits/UGB to the north, east, and south, is designated ULDR on the comprehensive plan map and contain single-family residential development. Property to the west is located within the county, contains forest land and is designated Farm Forest on the Linn County Comprehensive Plan.

Area V: Property to the north of the area adjacent to 21st Avenue is located within the city limits, is designated ULDR on the comprehensive plan map and contains single-family residential development. Properties to the south and west are currently undeveloped, contain forest land and are designated Farm-Forest on the Linn County Comprehensive Plan. Property to the east across 21st Avenue contains single-family residential development and is designated Rural Residential - 2 1/2 on the Linn County Comprehensive Plan.

Property to the northwest of the lot located adjacent to Old Holley Road is located within the city limits, is designated ULDR on the comprehensive plan map and contains single-family residential development. Property to the south and east is designated Rural Residential on the Linn County Comprehensive Plan and contains single-family residential development.

6. Landform, Wetlands and Flooding

The following information was obtained from the Soil Survey of Linn County prepared by the Soil Conservation Service.

Area II: A small portion of this area along the Santiam River is located within the 100 year floodplain. One small wetland

is indicated on the NWI map.

Area III: A small portion of this area along the Santiam River is located within the 100 year floodplain. No wetlands are indicated on the NWI map.

Area IV: This area does not contain land within the 100 year floodplain. No wetlands are indicated on the NWI map.

Area V: This area does not contain land within the 100 year floodplain. No wetlands are indicated on the NWI map.

7. **Transportation**

Area II: Both lots have street access from Pleasant Valley Road.

Area III: Access to all properties located within this area is provided from 9th Avenue, except for tax lot 1100 which has access from Pleasant Valley Road.

Area IV: Access to the tax lots 600, 3400, 3300, and 3200 is provided from Fern Lane. Access to tax lots 501, 502, and 504 is provided from a private drive located off of Highway 228. Access to tax lot 500 and 600 is provided from Fern Ridge Road. Interior streets will be needed to accommodate further development of these parcels.

Area V: Direct access from 21st Avenue is provided to tax lots 3000, 3900 and 3903. Interior street(s) or easements will be needed to provide access to tax lots 3901 and 3902, or as 3900 and 3903 develop.

Lot 1301 does not have direct access onto Old Holley Road. Interior street(s) or easements will be needed to provide access before this lot can be further developed in the future.

8. **Public Utilities**

Area II: Tax Lot 600 is city owned and has water and sewer service. The same utilities would be available to Tax Lot 100. However, development is not likely, due to the size of the property and the topography.

Area III: City water and sewer service is currently available to all lots within this area. Research of city records have indicated that tax lots 3000, 3100, 3300, 3500, and 3200 are currently obtaining city water service.

Area IV: There is a 4" water line located in Fern Lane north to the intersection with West Pine Street. An 8" water line also exists along Highway 228 to the western-most boundary of the city limits. Water service to tax lot 500 has been approved as a portion of this tax lot is located inside the city limits.

There is an 8" sanitary sewer line located along Fern Lane between Highway 228 and West Pine Street. Water and sewer

could be extended to serve the remaining parcels once included in the urban growth boundary.

Area V: There is an 8" sanitary sewer line and a 6" water line located just north of this area at the intersection of Cedar Street and 21st Avenue (Turbyne Road). Water and sewer could be extended to serve these parcels once they are included in the UGB.

The nearest water line to lot 1301 is a 10" line located in the old railroad right-of-way immediately north of this parcel. The nearest sewer line is located near the intersection of 7th Avenue and Birch Street.

9. **Fish and Wildlife Habitat**

Area II: This area abuts the Santiam River which contains anadromous fish runs.

The Development Limitations Overlay zone is applied to any property identified on the city's Base Mapfolio as being within a floodway hazard area or containing steep slopes which applies to most of the land within this area which is adjacent to the Santiam River. Development within these areas is restricted, if not prohibited, by the zoning ordinance and comprehensive plan.

Area III: This area abuts the Santiam River which contains anadromous fish runs.

The Development Limitations Overlay zone is applied to any property identified on the city's Base Mapfolio as being within a floodway hazard area or containing steep slopes which applies to most of the land within this area which is adjacent to the Santiam River. Development within these areas is restricted, if not prohibited, by the zoning ordinance and comprehensive plan.

Area IV: There is not any significant fish and wildlife habitat in this area.

Area V: There is not any significant fish and wildlife habitat in this area.

II. RELEVANT CRITERIA

1. City of Sweet Home Comprehensive Plan

a. Land Use Planning Goal and Policies

City Goal: To encourage an orderly conversion of lands for urban uses and simultaneously protect those lands best suited for non-urban type land uses.

City General Development Policy #1: That gradual outward development of the city of Sweet Home, which is based upon the availability of public urban services and transportation improvements should be encouraged. This type of development pattern should be promoted as it will:

- a. Limit the proliferation of haphazard urban development over the countryside.
- b. Preserve prime agricultural and commercial forest lands situated near the city.
- c. Maintain public facility costs at the lowest possible level.
- d. Provide the opportunity to closely coordinate urban development with the provision of urban services.
- e. Maximize the conservation of all forms of energy, based on sound economic principles.

General Development Policy #5: That land allocation for the various urban uses (residential commercial and industrial) should be based on anticipated needs for development.

b. Public Facilities Goal

City Goal: To provide a timely, orderly and efficient arrangement of a public facilities and services to serve as a framework for community development within the urban growth boundary.

c. Urbanization Goal and Policies

City Goal: To include urbanizable land inside the Sweet Home urban growth boundary that will adequately provide for the growth needs of Sweet Home without posing unrealistic pressures on land and development costs.

City Policy #1: Urban lands shall be distinguished from urbanizable lands by the level of urban service provided or anticipated. Urban lands shall be served by City Police and Fire Departments, water (city water should be encouraged in most areas), City sewer and storm drains, streets to city standards, parks, and schools. Urbanizable lands require fewer services and shall remain

at a much lower density until urban services are extended.

City Policy #2: The City of Sweet Home is recognized as the sole provider of urban services.

City Policy #3: The existing city boundary line (May 1979) shall be designated as the Sweet Home Urban Service Boundary - a phased development boundary based on the ability of the city to extend urban services to urban designated areas within a five year period. The initial urban service boundary line, however, contains an area larger than can be served within the next five years because of the recent (1976) health hazard annexation. This initial boundary line should not be adjusted until urban services (particularly city water) can be extended to all urban areas. Thereafter, the urban service boundary line should be adjusted to coincide with the capabilities of a five year capital improvement program. The capital improvement program should be based on population forecast and the financial ability of the city to extend urban level services and facilities efficiently. Areas not included within the urban service boundary maybe annexed if all the following conditions exist:

- a. Contiguous to the city limits;
- b. Within the urban growth boundary; and,
- c. Services can be extended at no cost to the city.

City Recommended Action #3: No extension of public facilities serves to areas outside the UGB shall occur until the UGB is amended so as to include the areas in need of service. Such amendment shall take place in conformance with the provisions of the Urban Growth Management Agreement with Linn County as well as conform to notice and procedural requirements of the Department of Land Conservation and Development.

d. Keeping The Plan Updated

Amendment procedures identified in this element are as follows:

1. The plan and data base may be amended at any time by the city council - except for situations which require joint city/county decisions - but it should first be referred to the Planning Commission for recommendation.
2. Changes to the plan and data base shall be made by ordinance amendment after a public hearing.
4. A proposed amendment to the Comprehensive Plan policies and standards shall be considered when one or more of the following conditions exist:
 - a. updated data demonstrates significantly

different trends than previous data;

- b. new data reflects new or previous undisclosed public need(s);
- c. new community attitude represents a significant departure from previous attitude as reflected by CPAC, Planning Commission and/or City Council;
- d. statutory changes significantly affects the applicability or appropriateness of the existing plan goal or policy; or
- e. a demonstratable error major inconsistency in the existing plan goal or policy.

5. Application for a Comprehensive Plan amendment can only be made by affected property owners, their authorized agents, or by the city or county governing body. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proving that all of the following conditions exist:

- a. there is a need for the proposed change;
- b. the identified need can best be served by granting the change requested;
- c. the proposed change is not in violation of state land use goals; and,
- d. the proposed change is compatible with all other elements of the city comprehensive plan.

2. Linn County Comprehensive Plan

a. Public Facilities Policies

2. Cities are the preferred providers of urban levels of service, especially sewer and water service.

b. Agricultural Resource Land Goals

B. Minimize conflicts where agricultural resource lands border lands with other uses.

D. Recognize the high quality agricultural land in Linn County as having important local economic and aesthetic importance.

c. Agricultural Resource Land Policies

3. Linn County shall utilize an agency involvement program to solicit comments on the impact of proposed comprehensive plan amendments, zone changes and other land use actions on agricultural resource lands.

10. A plan amendment and a Goal 2 exception shall be required before agricultural resource land may be amended to a non-resource designation.

3. City of Sweet Home Plan Map Amendment Provisions:

Section 17.25.025 states the following:

An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- 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;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

4. Linn County Comprehensive Plan Amendment Provisions

Section 6 -- Criteria For Decision

2. To approve a plan map amendment, findings shall be made that:

- A. The amendment is consistent with and does not alter the intent of applicable section(s) of the comprehensive plan;
- B. The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area;
- D. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat;
- E. The amendment will not have a significant adverse impact upon the provision of public facilities including police and fire protection, sanitary facilities, and storm drainage facilities;
- F. The amendment will not have a significant adverse impact upon the transportation facilities;
- G. The presence of any development limitations including geologic hazards, flood hazards, or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment;

- H. An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria; and
- I. The amendment is consistent with the statewide planning goals.

III. SUMMARY OF CRITERIA

1. The proposal meets all applicable procedural requirements of the City of Sweet Home.

Criteria:

- a. Sweet Home "Keeping the Plan Updated".

2. Coordination has occurred with other local governments in the area and with state agencies.

Criteria:

- a. Sweet Home Plan: Urbanization Goal Recommended Action 3.
- b. Linn County Plan: Agricultural Policy 3.

3. The proposal addresses all applicable plan policy, goal, and exception requirements.

Criteria:

- a. Linn County Plan: Agricultural Policy 10.
- b. Sweet Home Plan: Amendment Criteria A.
- c. Linn County Plan: Amendment Criteria A, C, H, and I.

4. Local economic development and land development policies have been addressed.

Criteria:

- a. Sweet Home Plan: Land Use Planning Goal
- b. Sweet Home Plan: Land Use Policies 1 and 5.

5. The proposal will provide land within the Sweet Home urban growth boundary that will meet the growth needs of the community.

Criteria:

- a. Sweet Home Plan: Urbanization Goal.
- b. Sweet Home Plan: Amendment Criteria B.

6. City and county policy has been addressed with respect to compatibility with surrounding land use. The proposal is compatible with nearby agricultural land and will not take farm land out of production.

Criteria:

- a. Linn County Plan: Agricultural Goal B and D.
- b. Linn County Plan: Amendment Criteria B.

7. There will be assurance of the orderly and economic provision for public facilities and services.

Criteria:

- a. Sweet Home Plan: Public Facilities Goal.
 - b. Sweet Home Plan: Urbanization Goal Policies 1, 2, & 3; and Recommended Action #3.
 - c. Sweet Home Plan: Amendment Criteria C.
 - d. Linn County Plan: Public Facility Policy 2.
 - e. Linn County Plan: Amendment Criteria E.
8. The capacity of the transportation network will be maintained.

Criteria:

- a. Linn County Plan: Transportation Policy 3.
 - b. Linn County Plan: Amendment Criteria F.
9. Land uses permitted through the amendment will not be negatively impacted by development limitations such as geologic or flood hazard.

Criteria:

- a. Linn County Plan: Amendment Criteria G.
10. The amendment will not have a negative impact on sensitive fish or wildlife habitat.

Criteria:

- a. Linn County Plan: Amendment Criteria D.

IV. FINDINGS ¹

1. Informal work sessions were initially held between city staff, county staff and the owners of property within several areas proposed for inclusion in the UGB. Based on the discussion and input received, city and county staff narrowed the proposed UGB amendment area down to 5 areas within the county.

All procedural requirements identified in the Sweet Home Comprehensive Plan and Linn County Comprehensive Plan have been followed, which includes providing notice of the scheduled hearings in local newspapers at least 10 days prior to the hearing, personal written notice to all affected land owners and owners of property within 300 feet of the subject areas at least 20 days prior to the public hearing.

2. The decision to amend the Sweet Home UGB was a mutual decision by City and County staff and the City Planning Commission, Council and the County Board of Commissioners and is in accordance with the provisions of the UGB Agreement by the City and County. Staff has utilized the county's agency involvement program to solicit comments from other affected agencies. All procedural requirements of the city, county and state have also been met as noted under Finding No. A.
3. An exception to Goal 2 is attached.
4. The proposed amendment will comply with the Land Use Goal and Policies of the city in that the subject proposal will allow for the gradual outward development of the city. All of the areas included in this proposal are adjacent to the city limits/UGB and are located relatively close to the core area of Sweet Home (west of Clark Mill Road), adjacent to areas which are fully developed and serviced with city water and sanitary sewer.

There are properties within Area 2 which are connected and receive city water service.

Area 3 contains parcels which have in most cases already been developed at urban densities and in some cases currently receive city services including water. With the exception of Area 1, water and sewer service is located in the immediate vicinity of all identified areas proposed for inclusion within the UGB.

Because each of the areas is adjacent to city limits the amendment would not promote haphazard development but would allow for the natural extension of city services.

The proposal is consistent with General Development Policy #5 in that the proposed land allocation within different map designations will be consistent with the existing pattern of development within each of the areas.

¹ The Findings apply to the Summary of Criteria listed in Section III.

5. The amendment will assure that the growth needs of Sweet Home are adequately provided for without posing unrealistic pressures on land and development costs. This amendment is orderly and timely considering the following facts:
 - a. Development within the city has approached the city limit/UGB line adjacent to each of the areas proposed for inclusion in the UGB.
 - b. Each of the areas are located near the core of Sweet Home which is most densely developed and contain full utility services.
 - c. The amendment will allow for the continuation of existing land uses, where full development has occurred.
6. The amendment will be compatible with adjacent land uses and will not adversely impact the overall land use pattern in Areas II and III.
7. The proposed amendment will assure that urbanizable land will be located within the UGB to provide for the growth needs of the community, since development has occurred to the existing boundary or is already encroaching within the areas proposed for inclusion.

The proposed amendment will assure compliance with the comprehensive plans of Sweet Home and Linn County by providing an orderly and economic provision of public facilities and services. Water and sewer service has already been extended into Areas II and III and city water service is currently being provided to some of the dwellings in this area. City emergency service is also currently being provided to these areas in cases of emergency.

The amendment will not have a negative impact on the provision of urban services since the city is already equipped to handle these areas.

8. The inclusion of these properties within the UGB will not have an adverse impact upon the existing transportation facilities. Although interior street will be needed to serve the properties as development occurs to urban densities, the existing streets can accommodate additional traffic generated in the event maximum build out of the areas occurs.
9. For the most part, land uses permitted through the amendment will not be negatively impacted by development limitations. In fact, there is little developable land left in Areas II and III.

The PRC designation is proposed for Area II which allows various recreation and commercial related activities. Due to the topography of this site it is not buildable. The property owners have proposed using the site for open space and developing a small parking area on the east portion of the property to be used as a view point of the Santiam River.

10. The amendment will not have a negative impact on sensitive fish or wildlife habitat. There are no existing or potential conflicting uses if included in the UGB. River and riparian areas are protected by the Sweet Home comprehensive plan and zoning ordinance through the Development Limitations zone.

V. GOAL 2 EXCEPTION

I. OREGON ADMINISTRATIVE RULE 660-04-010(1) (c)

CRITERIA:

Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

1. Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);
2. Areas which do not require a new exception cannot reasonably accommodate the use;
3. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
4. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

FINDINGS:

1. Compliance with the seven factors of Goal 14.

FACTOR 1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

The areas involved are developed or committed for development. Some infilling can occur, particularly in Areas IV & V, where up to 60 more dwellings could be provided at full development when both public water and sewer is available. Potential population increases resulting from infill would be in the neighborhood of 150 people, or a negligible percentage considering the current population of 7,055 and the year 2010 projection of 8,200.

FACTOR 2. Need for housing, employment opportunities and livability.

- a. The area involved would provide for only a negligible change in overall housing needs in the community.
- b. Placement of Areas II and III within the Sweet Home Urban Growth Boundary would give the City direct land use control over its water and sewer facilities and public works operation. This would provide greater assurances of development in accordance with city standards.

- c. A small viewpoint memorial park would be developed in Area II. Development of this park would enhance livability within the city.
- d. In general, livability is enhanced in all residential areas through the availability of public water and sewer for existing and potential residences instead of the use of individual wells and septic tanks as is currently the situation.

FACTOR 3. Orderly and economic provision for public facility and services.

See items b and d under Factor 2 above.

FACTOR 4. Maximum efficiency of land uses within and on the fringe of the existing urban area.

- a. Availability of urban services to the semi-developed properties in Areas IV and V would increase the possibility of orderly development to an urban density rather than the random acreage type development that has previously occurred. The city can assure an orderly development pattern with adequate roads and utilities through future subdivision and partition review.

FACTOR 5. Environmental, energy, economic and social consequences.

a. Environmental

- (1) The orderly provision of public roads, water and sewer which is available under city control would provide for a preferred development pattern with less possibility of environmental health risk than what would occur with private wells and septic tanks serving each lot.
- (2) The small lot development with wells and septic tanks in Area III would now be eligible for public water and sewer.
- (3) Major public water and sewer facilities under city land use jurisdiction through being within the urban growth boundary would put the city in a better position to assure the orderly development of lots, blocks and streets.

b. Energy

There is limited impact in terms of energy consequences, except through the probable benefits resulting from more efficient infill development.

c. Economic

The major economic benefits would result from the facilitation of a more efficient development pattern.

d. Social

The major social consequences would be the opportunity to replace wells and septic tanks with public water and sewer systems in existing development, thereby reducing possible public health risks.

FACTOR 6. Retention of agricultural land as defined with Class I being the highest priority and Class VI the lowest.

None of the areas involved include agricultural land as the existing parcelization pattern precludes any potential agricultural development. This factor is not applicable.

FACTOR 7. Compatibility of the proposed uses with nearby agricultural activities.

Areas II, III, & IV have no relationship to agriculture. Area V is a few hundred feet away from agricultural lands. This factor is not applicable.

2. Areas which do not require a new exception cannot reasonably accommodate the use.

The areas involved are developed to the point where they are more urban than rural in character. (See subsequent sections for detailed explanation). With circumstances where property is either developed or committed to future development, this standard is not applicable.

3. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.

All four areas covered by this exception are developed or committed to development. In some instances infill would occur but there is no negative impact on the properties in question. For the existing and proposed public uses covered by this exception, there is no alternative location. Existing residential areas will be improved by being eligible for public water and sewer rather than through the continuing use of wells and septic tanks. Infill through an orderly process of subdivision and partition review and approval will enhance the properties and make development more beneficial than in other locations.

4. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
 - a. Incompatibilities with other uses will not result from this exemption.
 - b. In Area II, current use as a sewage treatment plant has already been established. Development of a small

viewpoint memorial park on property west of Pleasant Valley Road will serve to enhance the entire community.

- c. In Area III, current public uses are well established. Residential uses would become more compatible with surrounding development through the eventual provision of public water and sewer to replace private wells and septic tanks.
- d. In Area IV & V, existing residences can be provided with public water and sewer to replace wells and septic tanks. Infill can occur through the subdivision and partitioning process which will eventually serve to enhance the areas with an adequate local street network. Development in the west side of Area IV should take into consideration the need to protect the utilization of forest land on abutting property.

II. OREGON ADMINISTRATIVE RULE 660-04-028(2)

CRITERIA:

- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
 1. The characteristics of the exception area;
 2. The characteristics of the adjacent lands;
 3. The relationship between the exception area and the lands adjacent to it; and
 4. The other relevant factors set forth in OAR 660-04-028(6).

FINDINGS:

1. The characteristics of the exception area:
 - a. Area II. This area consists of two parcels located immediately to the south of the South Santiam River and the Pleasant Valley Bridge. The parcel east of the bridge contains part of the City of Sweet Home Sewer Treatment Facility.

The parcel west of the bridge is a part of a much larger property which extends north of the South Santiam River. This parcel is currently vacant, but most of it is very steep. The buildable portion is on the west side of the road connecting to the Pleasant Valley Bridge. It is the intent of the property owner to assure development of a view point memorial park on about one acre of this property. The property provides an excellent view of the South Santiam River. Upon completion of the

project, the property would be deeded to the city.

- b. Area III. This area consists of 12 tax lots. It is bounded by the South Santiam River on the north and by the city in all other directions (except where it abuts Area II). The area contains 4.90 acres. Five of the 12 parcels contain single-family residences. Four others are owned by the city and contain water intake and treatment facilities; the public works department offices, shops and storage area; and a small park and boat launching facility. Three lots with a total acreage of 0.85 acres are privately owned and vacant. Almost all of this vacant acreage (0.83 acres) is in one parcel. The development limits on that parcel caused by a steep slope and flooding preclude it from development by anything more than a single-family house. Only one of the residential lots could be partitioned so the overall holding capacity would involve only four more residences.

Except for land along the river edge, this area is relatively flat. Most development has been in place for many years.

- d. Area IV. This area has city limits on three sides and forest lands on the west side. It is composed of nine parcels on 13.02 acres for an average of 1.45 acres per parcel. Six parcels have residences (five single-family and one duplex) and three are vacant. At urban density of 4 units per acre with 30 percent of the land reserved for future streets and public use, there is room for up to 30 more dwellings on this property at full development. It is unlikely that this can be achieved.

The area is not served by either water or sewer except that the residence on tax lot 500 has city water services. Both city water and sewer are adjacent to this area. If full development with infill is to be achieved, it will be necessary to provide for interior street access on the property.

- e. Area V. This area is located immediately south of the city. It is made up of 6 parcels, of which 3 have residences and 3 are vacant. There are 11.52 acres which results in an average parcel size of 1.92 acres. Most of the land is developed with only some property fronting on 21st Avenue being steep. Access would have to be developed to serve future lots if full development were to be achieved. Also, it would be necessary to extend city water and sewer to the property. At full development, this area could accommodate 30 new residences.

2. The characteristics of the adjacent lands:

- a. Area II. This area is bounded by the South Santiam River on its north side and the city on its south side. To the southwest the property is bounded by the Oregon Electric tracks. The sewage treatment plant extends inside the city as far as the railroad tracks. The tracks and the river effectively separate the property from other areas.
- b. Area III. Area III is bounded by the river on the north side and the city on the south and east sides. Land adjacent to this area consists largely of older residential development on fairly small lots.
- c. Area IV. This area is surrounded by city residential land on the north, west and south sides and by forest lands on the west side. Residential development to the north is of higher quality while to the south and east it is more modest. The forest lands to the west are classified as Farm Forest by the Linn County Comprehensive Plan and Zoning Ordinance.
- d. Area V. The portion of this area located near 21st Avenue adjoins the city limits and residential development on its north side. Lands to the east contain half acre developed residential lots which are zoned Rural Residential 2-1/2 by Linn County. Lands to the south and west contain relatively small lots varying from 1 - 20 acres in size. This area is semi-developed with single-family housing.

The portion of this area located near Old Holley Road adjoins the UGB/city limits and residential development on the west side. Lands to the east and south are zoned Rural Residential 5 by Linn County and contain relatively small lots which contain single-family dwellings. Property to the north, across the former railroad right-of-way, is located within the city and contains residential development.

3. The relationship between the exception area and the lands adjacent to it:
 - a. Area II. Area II is a thin strip of land between the river and the city limits. The area east of Pleasant Valley Road is used for the city's sewage treatment plant. The plant extends south inside the city to the railroad tracks. The area west of Pleasant Valley Road consists of very steep undevelopable land next to the river and a small area proposed as an overlook memorial park. The property is similar in character to contiguous riverfront property but only the proposed park site is developable.
 - b. Area III The west end of Area III is park with a

boat launching ramp. It receives access through the sewage treatment plant property to the west. It is across the river from other non urban-growth boundary land. The property is urban in character and has no relationship to rural lands in the vicinity.

The remainder of Area III consists of the city's water intake and treatment facilities, the public works offices and shop; and a number of older small-lot residences. The closest rural property is across the river. This area is completely separated from rural development and is similar in character to the city residential area to the north.

- c. Area IV. Area IV contains a group of small to mid-size rural lots which are partially developed. It is less urban than the city residential areas to the north, east and west, but is much more urban than the large forest tract to the west. This area is transitioning from a rural to an urban character. Because it is surrounded on 3 sides by the city and only one side by resource land, it belongs within the urban growth boundary.
 - d. Area V. Area V is more clearly of a transitional character than areas I, II, III & IV. It is semi-rural in character with 3 houses on 6 lots containing 11.52 acres. There are no resource intensive uses on the abutting rural lands. The development character is large lot semi-rural residential which could easily fit within the Urban Growth Boundary.
4. The other relevant factors set forth in OAR 660-04-028(6):

See Section 3 below:

III. Oregon Administrative Rule 660-04-028(6)

CRITERIA:

- (6) Findings of fact for a committed exception shall address the following factors:
 - a. Existing adjacent uses;
 - b. Existing public facilities and services (water and sewer lines, etc.);
 - c. Parcel size and ownership patterns of the exception area and adjacent lands;
 - d. Neighborhood and regional characteristics;
 - e. Natural or man-made features or other impediments

treatment facilities, the public works offices and shops, and a boat launching ramp in Area III. In addition, a proposed view point-memorial park is located in Area II.

- b. In a very few instances, city water has been extended to residential properties. Otherwise, properties are dependent on wells and septic tanks, even in situations where there are very small lots.
 - c. All areas are adjacent to urban services.
3. Parcel size and ownership patterns of the exception area and adjacent lands:
- a. Area II. Two parcels. A 3.79 acre parcel is used as part of the city's sewage treatment plant. The usable portion of the other parcel where the viewpoint-memorial would be located is about one acre. Adjoining and nearby parcels are generally less than one acre in size.
 - b. Area III. 12 parcels. Four are owned by the City of Sweet Home and the other eight are each under separate ownership. The private lots are all less than one acre in size and seven are less than 0.5 acres. The average private parcel size is 0.23 acres. Almost all adjoining and nearby parcels are less than an acre in size.
 - c. Area IV. This area has 9 parcels in 6 ownerships. The parcels range in size from 0.16 to 5.16 acres. Three parcels are over 2 acres in size and the other six contain less than one acre. The average parcel size is 1.45 acres. Contiguous and nearby properties within the city are almost all less than one acre in size. The forest parcel west of Area IV contains 41.02 acres.
 - d. Area V - Near 21st Avenue. There are 5 lots under 3 ownerships in Area V. Four of the lots have 2.5 acres and one lot has 0.22 acres. Contiguous and nearby lots within the city are generally less than 0.25 acres in size. Lots to the east average about 0.6 acres. Lots on the more rural parcels to the south range from 1 to 20 acres in size and average about 8.7 acres in size.
 - e. Area V - Near Old Holley Road. There is only one lot in this portion of Area V. This lot is 1.3 acres in size. Contiguous and nearby lots within the city and west of this lot are generally less than 0.50 acres in size. Lots to the north, south and east are below 2 acres in size.
 - f. There have been no significant changes in the parcelization pattern either within or outside the city limits of Sweet Home.

4. Neighborhood and regional characteristics:

When the Sweet Home Urban Growth Boundary was established through the late 1970's and early 1980's, it was determined that the city must use its existing city limits as its growth boundary. This was required as the current city limits included a great deal of developable vacant land which was large enough to provide room for anticipated growth for 20 years into the future. The Sweet Home City limits had been expanded a few years previously due to the health hazard annexation of the Foster-Midway area.

This meant that the city limits and urban growth boundary on the west side of Sweet Home could not be altered even though major public facilities and existing urban development were outside city jurisdiction.

Areas II, III, IV, & V are all on the west side of the city where there have been no major changes in city boundaries for many years. This urban growth boundary proposal was intended to bring major public facilities such as the water plant, the sewer plant, and the public works offices and shops into the urban growth boundary and the city. This proposal was also intended to bring existing contiguous development of similar character and of an urban scale into the growth boundary. They would then be eligible for urban services, particularly water and sewer.

All properties in question either (1) contain major public facilities of city-wide importance, or (2) share basic similarities with other properties in the neighborhood or general vicinity.

5. Natural or man-made features separating the exception area from adjacent resource land:

- a. Areas II and III are separated from resource areas by the South Santiam River.
- b. Area IV adjoins resource land on its west side. However, it is bounded by the city and urban development on the other three sides. It shares more similarities with developed areas than with the resource land.
- c. The portion of Area V located near 21st Avenue is contiguous to land which is designated for resource use on its south and west sides. However, the closest land in full resource is a few hundred feet away to the south. The portion of Area V located near Old Holley Road is surrounded by residential development on lots varying in size from 0.36 to 1.76 acres.

6. Physical development according to OAR 660-04-025:

See section 4 below.

separating the exception area from adjacent resource land.

- f. Physical development according to OAR 660-04-025; and
- g. Other relevant factors.

FINDINGS:

1. Existing adjacent uses:

- a. **Area II.** North side of property - South Santiam River; South side at West end - Oregon Electric Railroad tracks; South side at East end - the portion of the Sweet Home Sewage Treatment Plant within the city; West side - continuation of the steep undevelopable slope between the railroad tracks and the river; East side - boat launching ramp which is within Area III.
- b. **Area III.** North side of property - South Santiam River; South and east sides - smaller lot older residential within the city; West side - Sweet Home Sewage Treatment Plant.
- c. **Area IV.** North side of property - newer high quality city residential area; East and south sides - established residential areas within the city; West side - forest lands which are zoned Farm-Forest by Linn County.
- d. **Area V - Near 21st Avenue.** North side - established residential area within Sweet Home; East side - acreage residential properties zoned Rural Residential 2-1/2 acre by Linn County; South and west sides - medium to small rural lots which are semi-developed. No agriculture or forest resource land in use. Zoned Farm-Forest by Linn County.
- e. **Area V - Near Old Holley Road.** North side - former railroad right-of-way; East and south sides - small rural lots which are zoned Rural Residential 5 and contain single-family dwellings; West side - city lots zoned R-1 and contain single-family dwellings.
- f. **Summary.** Only on the west side of Area IV is there actively managed resource land which adjoins the subject area. In almost all other instances the subject area use is similar in character to the adjoining city development or in the case of Area V, to the adjoining rural residential development.

2. Existing public facilities and services:

- a. Major public uses are located within the exception areas including the Sweet Home Sewage Treatment Plant in Area II; and the city water intake and

7. Other relevant factors:

Not applicable.

IV. OREGON ADMINISTRATIVE RULE 660-04-025

CRITERIA:

Exception requirements for land physically developed to other uses:

1. A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
2. Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area (s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

FINDINGS:

This factor is dealt with largely in preceding sections. It is briefly summarized below for each exception area.

- a. Area II. This area consists of two lots. One is part of the Sweet Home sewage treatment plant. The other is largely steep and underdeveloped with a small portion planned for use as a viewpoint memorial park.
- b. Area III. This area consists of 12 lots, of which 4 are owned and used by the City of Sweet Home and 8 are privately owned. The 8 private lots average 0.23 acres in size and contain 5 residences. The city-owned lots include a boat launching ramp, the city water intake and treatment facilities, and the public works offices and shops. There is no resource land in the area or on adjacent parcels.
- c. Area IV. This area consists of 9 parcels averaging 1.45 acres in size. There are dwellings on six of the parcels. The area borders forest resource land on one side.
- d. Area V. This area has 6 lots with 3 dwellings. The average parcel size is 1.92 acres. None of the parcels have resource use and adjacent parcels to the south and

west have very limited resource activity. The lot on Old Holley Road is surrounded by rural lots which are fully developed.

V. OREGON ADMINISTRATIVE RULE 660-04-028(4)

CRITERIA:

4. A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception areas.

FINDINGS:

1. See the response in Section 3 above as it pertains to OAR 660-04-028(2).
2. Area II and III abut the South Santiam River, properties within the city of Sweet Home, or each other. Development in the subject study areas is similar to development within the city. In areas II and III the development is urban in character.
3. Areas II and III have no relationship to resource lands.
4. Area IV abuts urban use on three sides and resource use on one side. Development in Area IV is more similar in character to the urban lands than to the resource land.
5. Areas II and III include major public facilities which have city-wide use.
6. Area V is semi-developed and abuts land which is only somewhat less developed. There are no significant resource lands within a few hundred feet of this area.
7. All four areas are urbanized or committed to urbanization. None of the areas have a relationship to resource lands which require their maintenance in a resource land use classification.

EXHIBIT B

MAPS OF PROPERTY TO BE INCLUDED

WITHIN SWEET HOME URBAN GROWTH BOUNDARY

UGBA 94-1

AREA 2

POSSIBLE USE EXTENSIONS

N

1"=400'

PART OF T.L. 100

C. R. 908

PART OF T.L. 600

36 31

WESTWOOD LN

AVE

2ND AVE

4TH AVE

MAPLE LN

ANES CREEK

VICINITY MAP
MAP PAGE 131E31B

AREA 3

POSSIBLE USE PATTERNS

C. R. 908

TAMAR

N
1"=400'

EFFECTED TAX LOTS

- 1101
- 1201
- 2900
- 2950
- 3000
- 3001
- 3100
- 3200
- 3300
- 3500
- 3600

O. + E. + R. + R. +

AMES
CREAK

9th
AVE.

MAIN ST.

HARDING

HOLLEY RD.

LONG

LONG AVE.

LONG

LONG

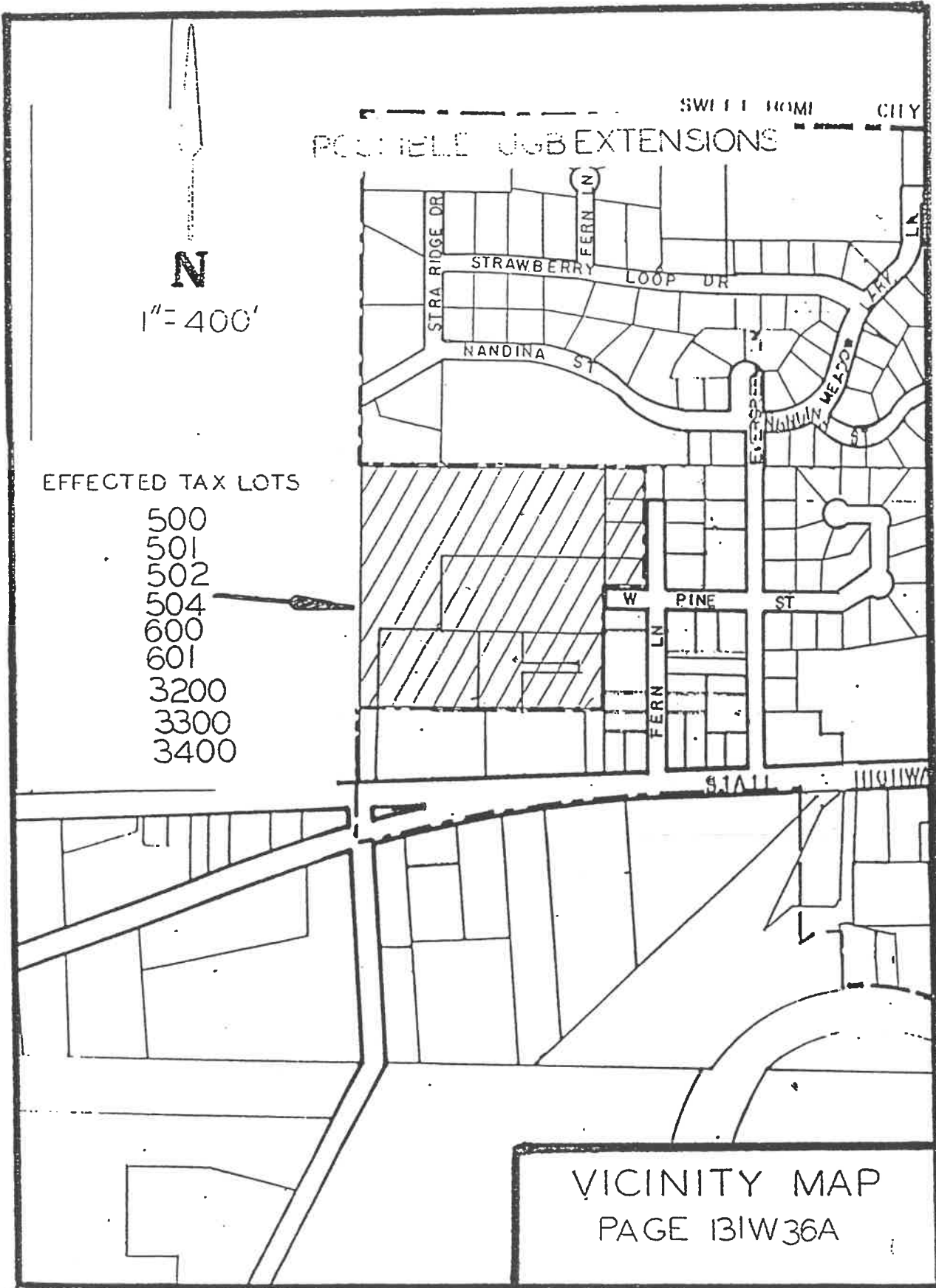
TERRACE

TERRACE LN.

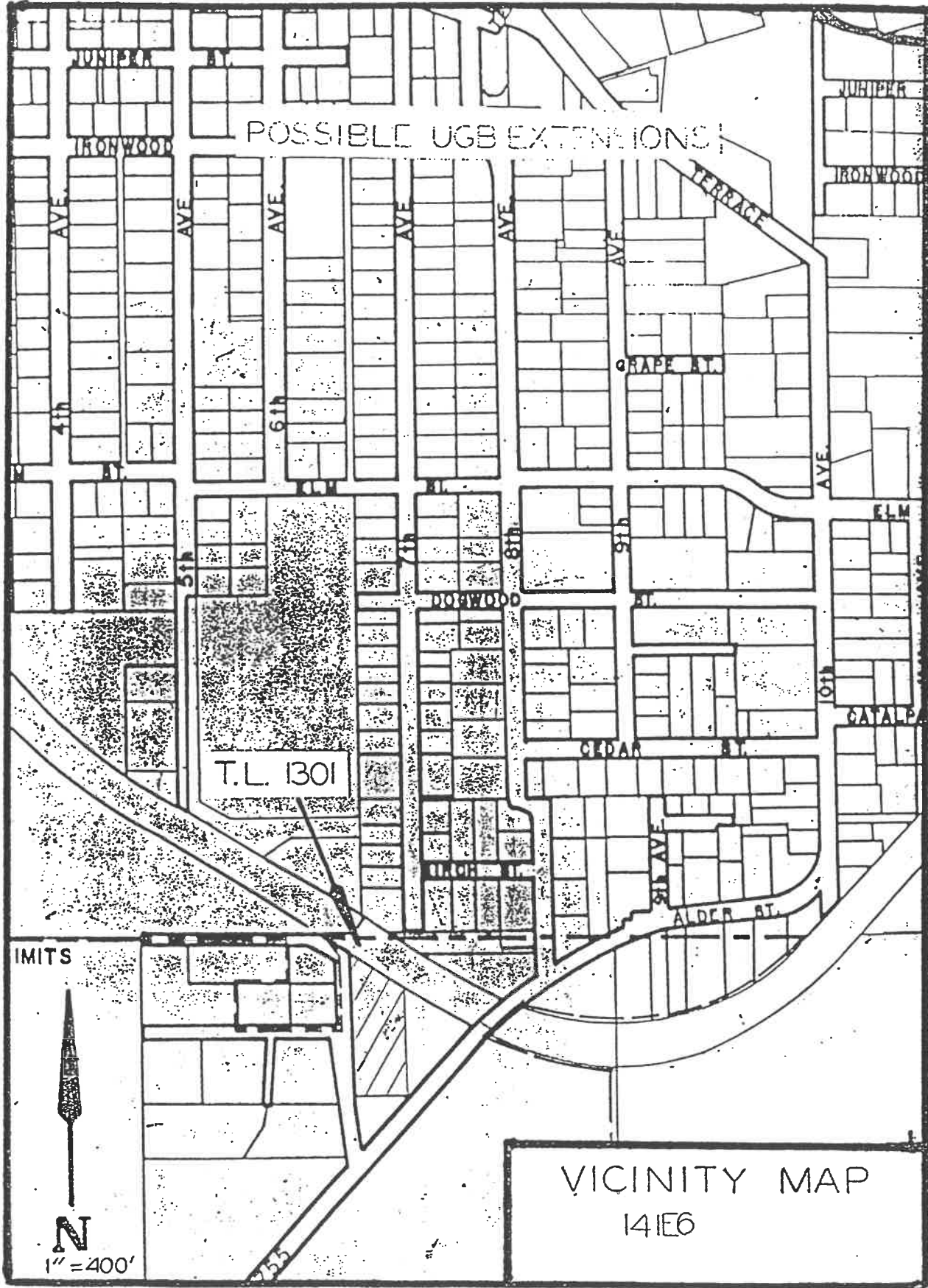
VICINITY MAP

MAP PAGE 131E31BA

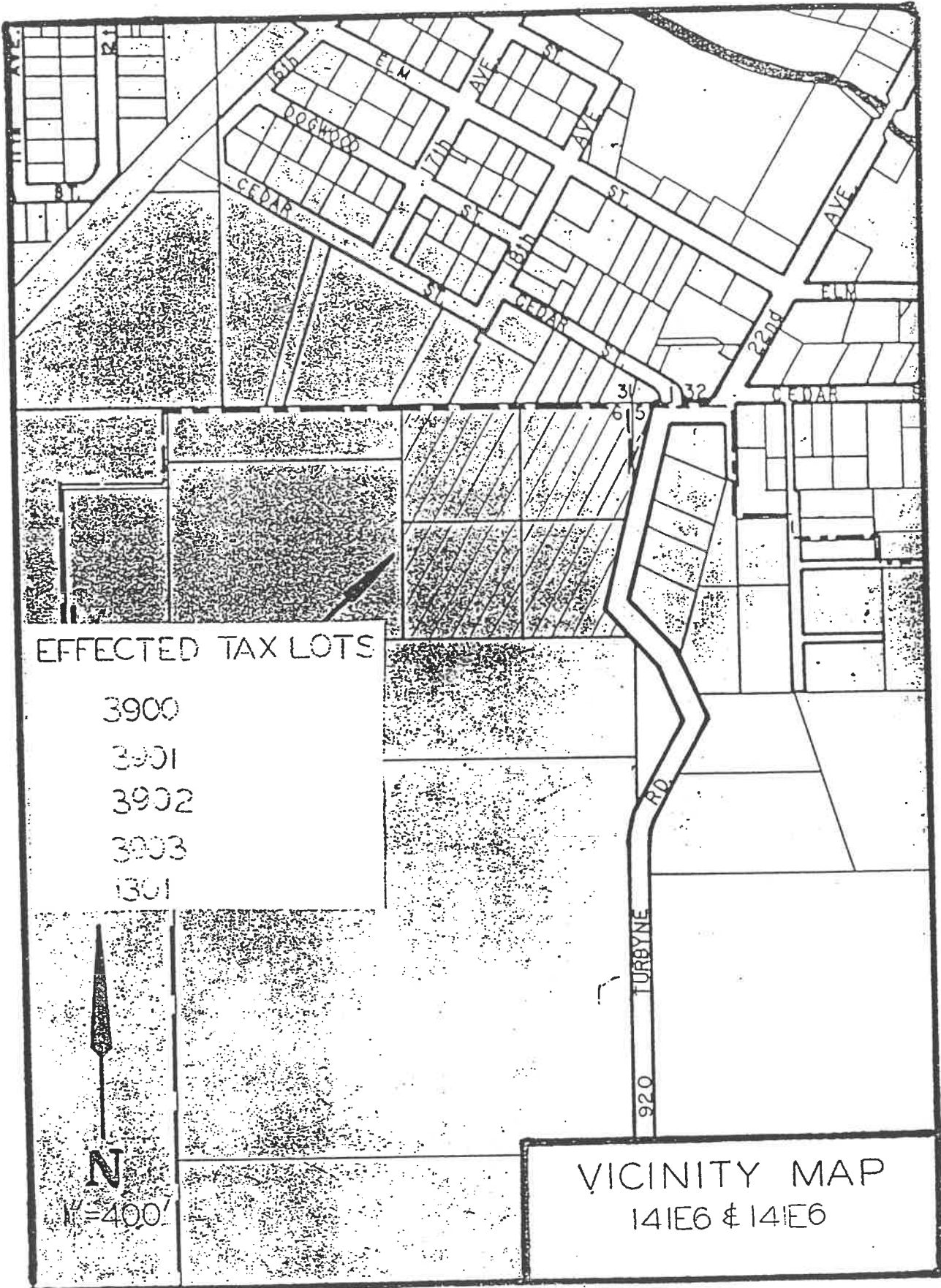
AREA 4



AREA 5



AREA 5



EFFECTED TAX LOTS

- 3900
- 3901
- 3902
- 3903
- 1301



1" = 400'

VICINITY MAP
141E6 & 141E6