



**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.

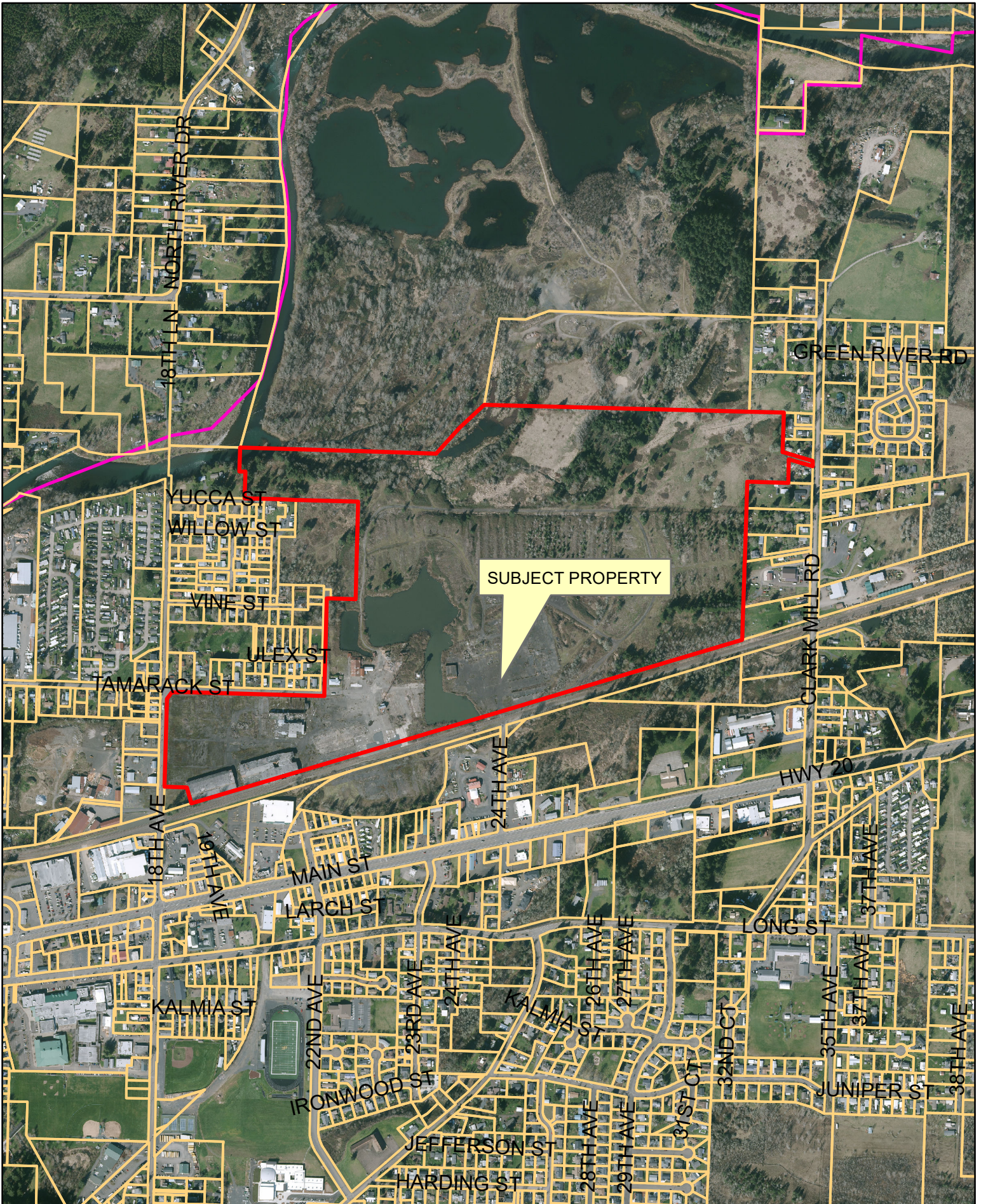
Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval 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 Map  
CU22-11

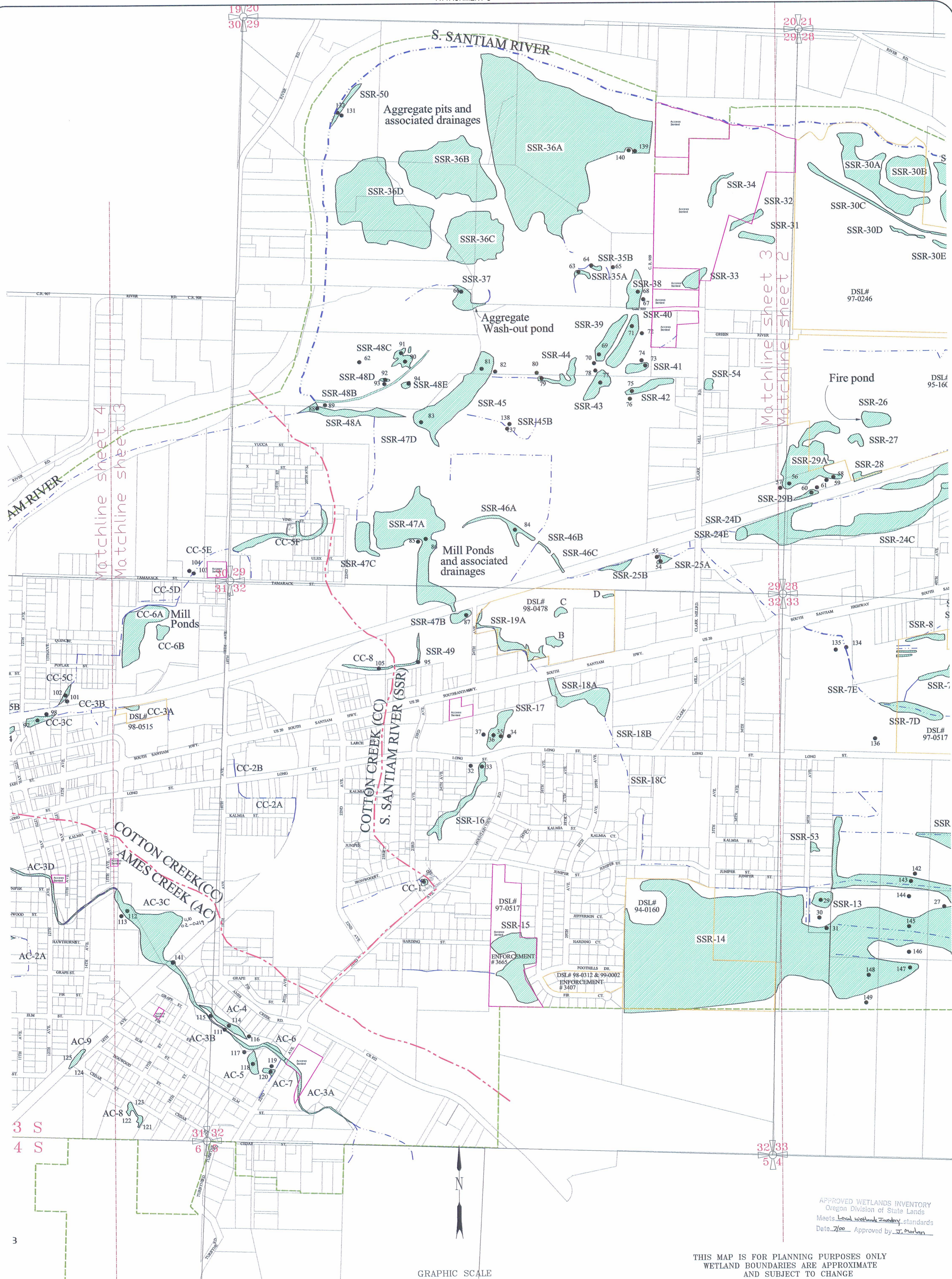


1 inch = 838 feet

Date: 8/22/22



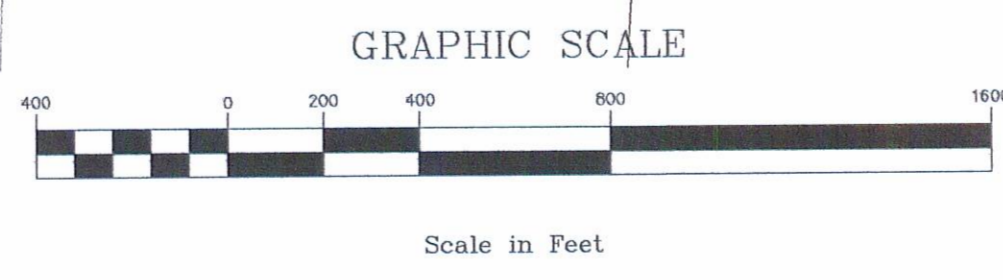




APPROVED WETLANDS INVENTORY  
 Oregon Division of State Lands  
 Meets Local Wetland Inventory standards  
 Date 7/00 Approved by J. Madan

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.



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.

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

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](#)

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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)

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**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



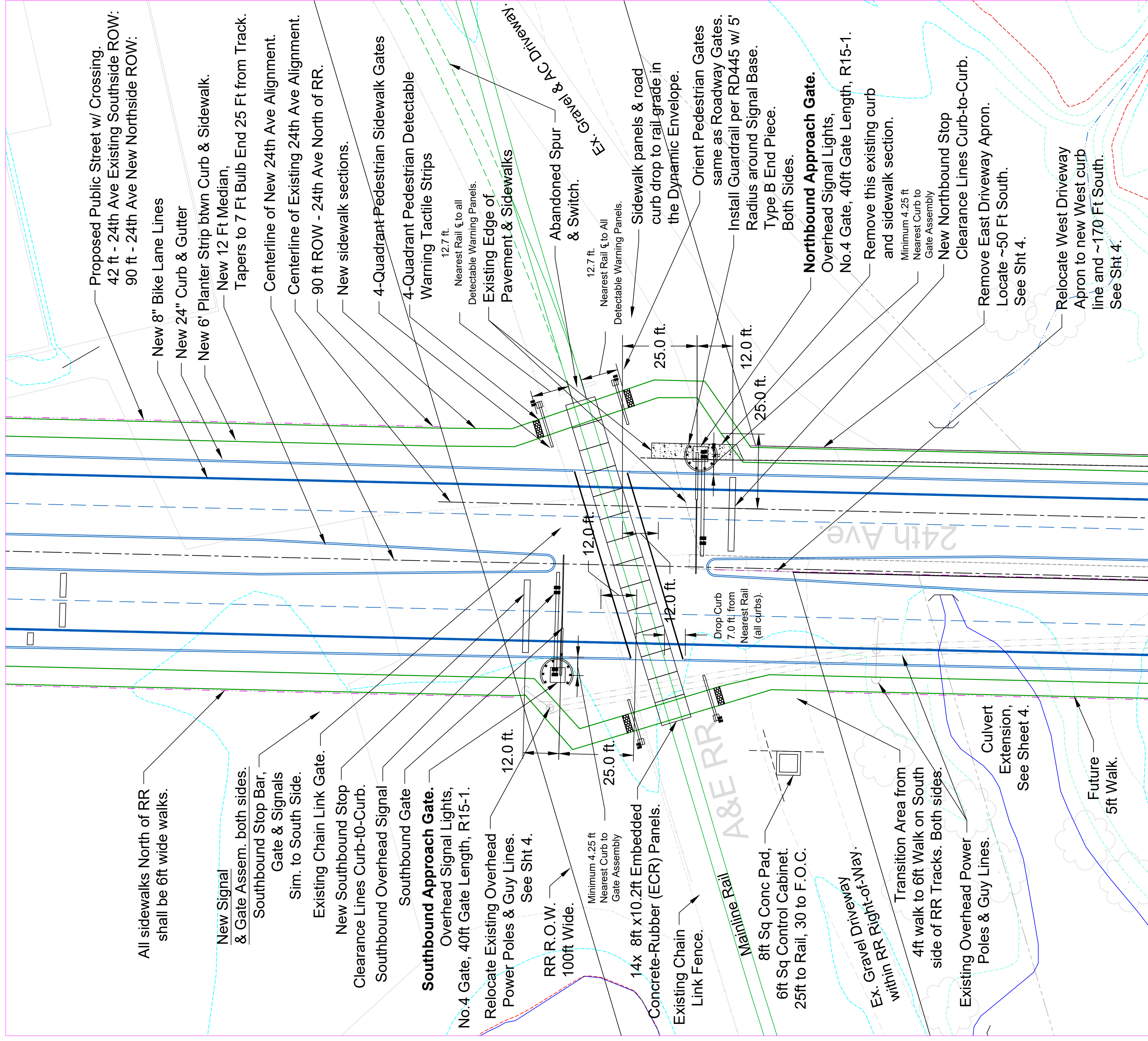
**Angela Clegg** | Associate Planner  
Community and Economic Development Dept.  
City of Sweet Home  
3225 Main Street  
Sweet Home, OR 97386  
p:541-367-8113

**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.

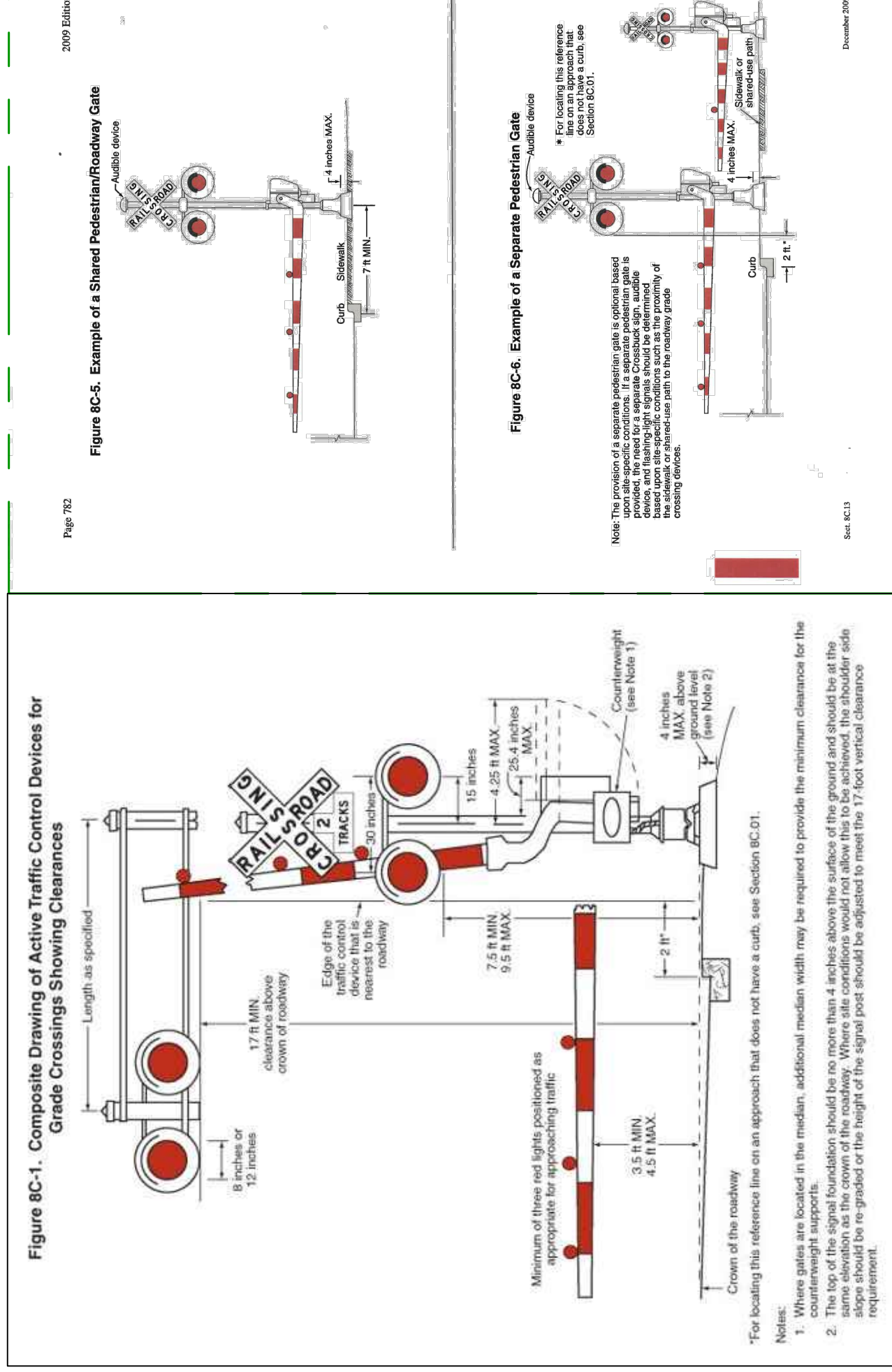
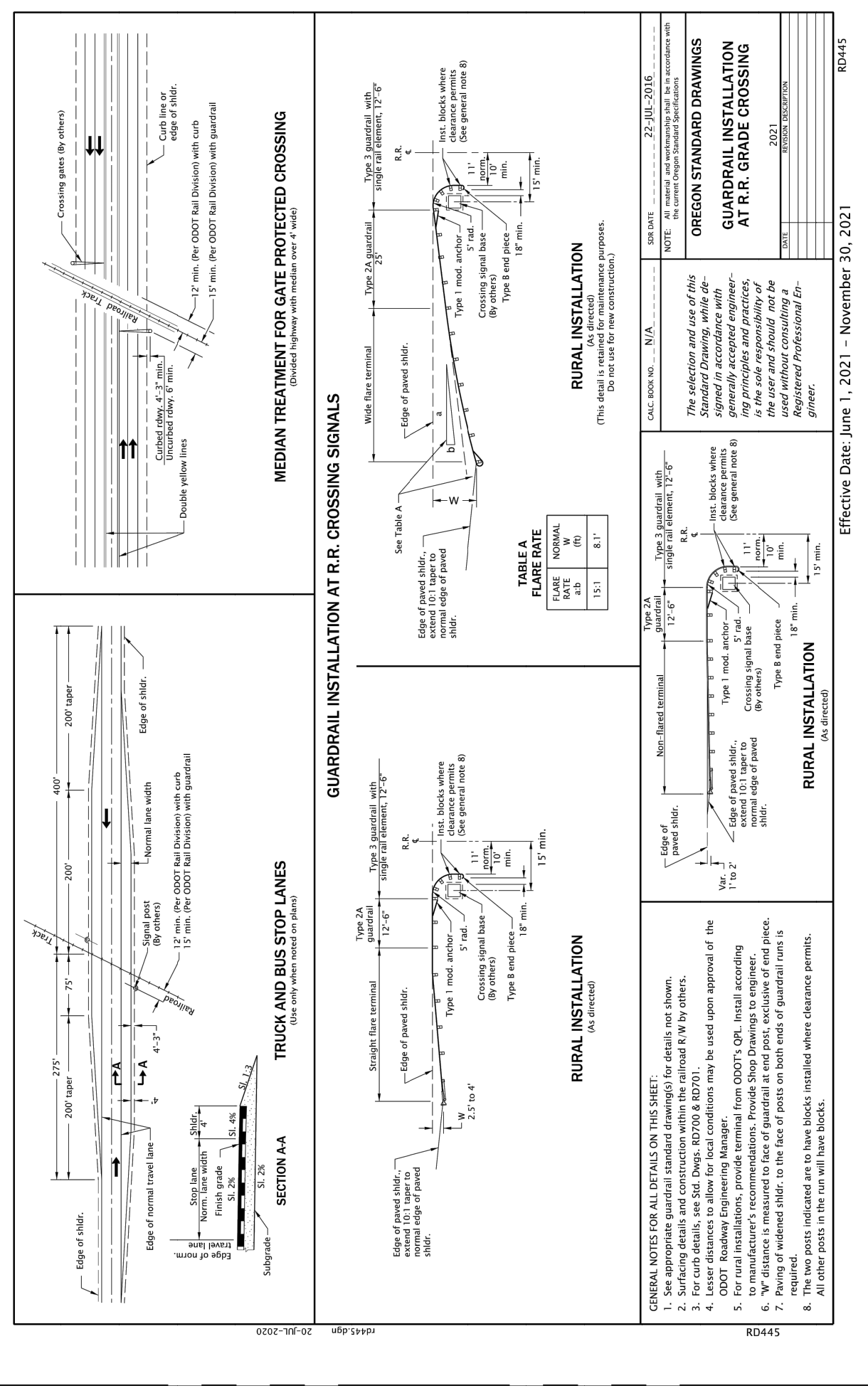
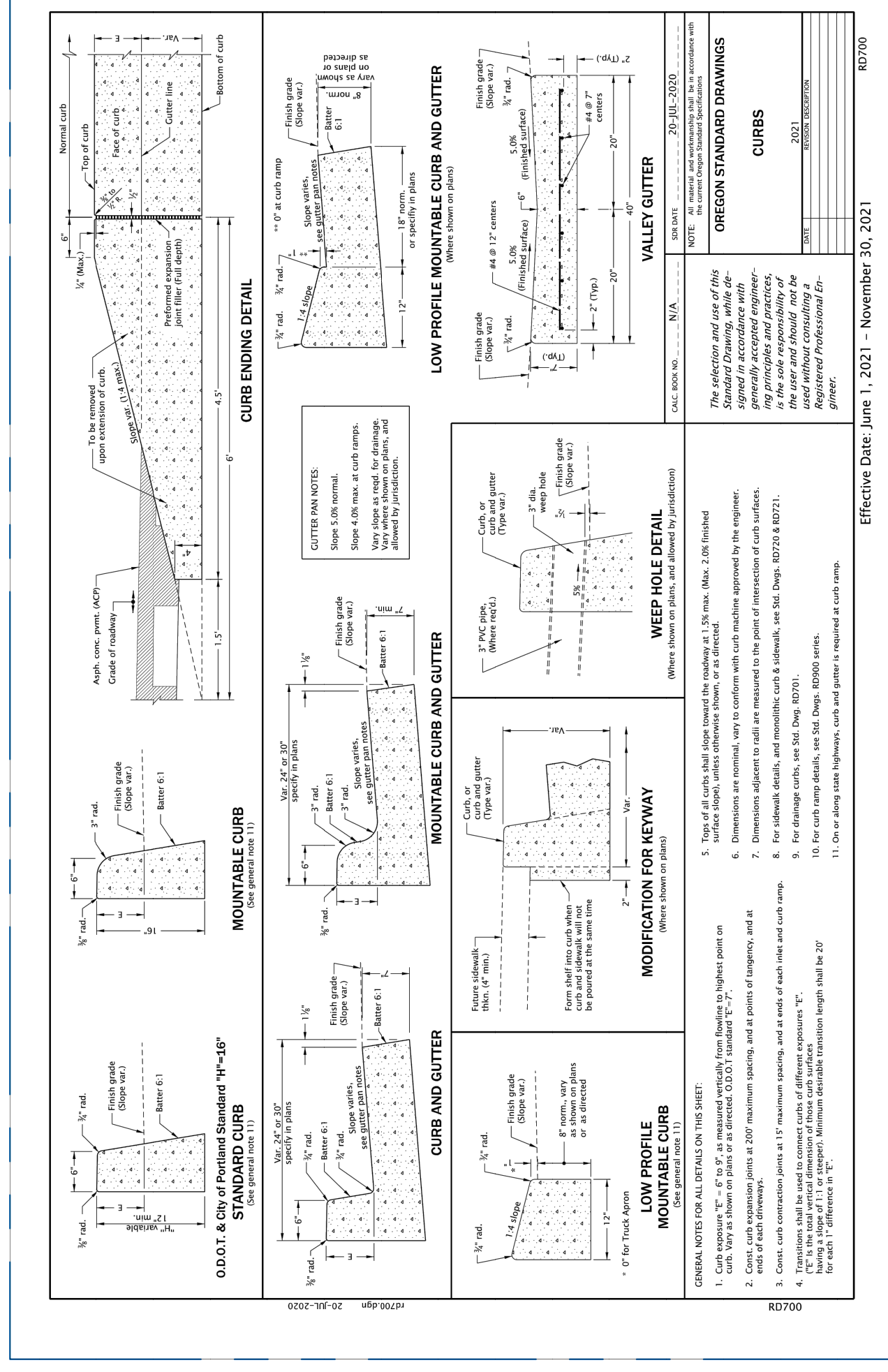
**Public Records Law Disclosure:** This e-mail is a public record of the City of Sweet Home and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

# 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'

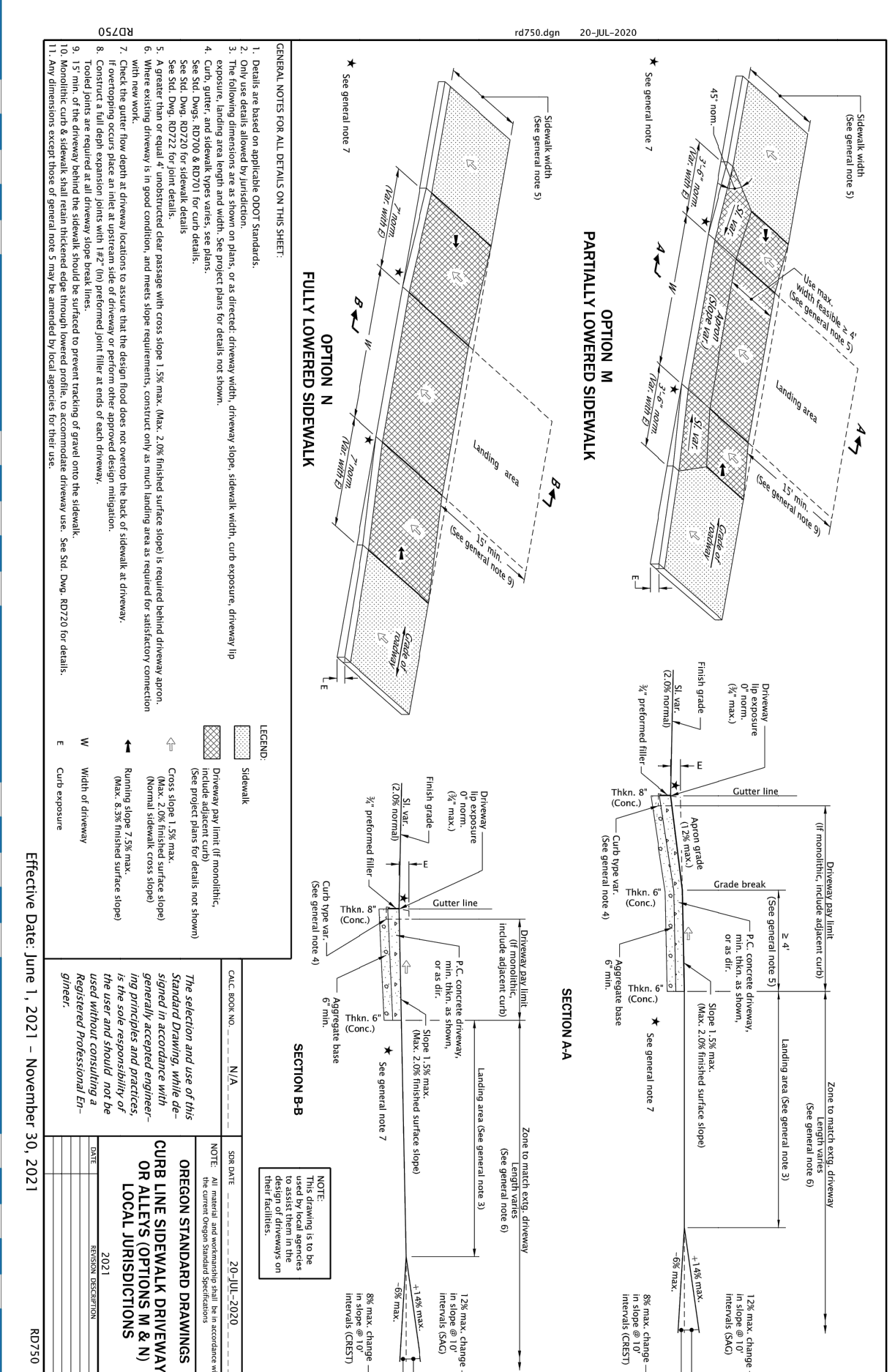
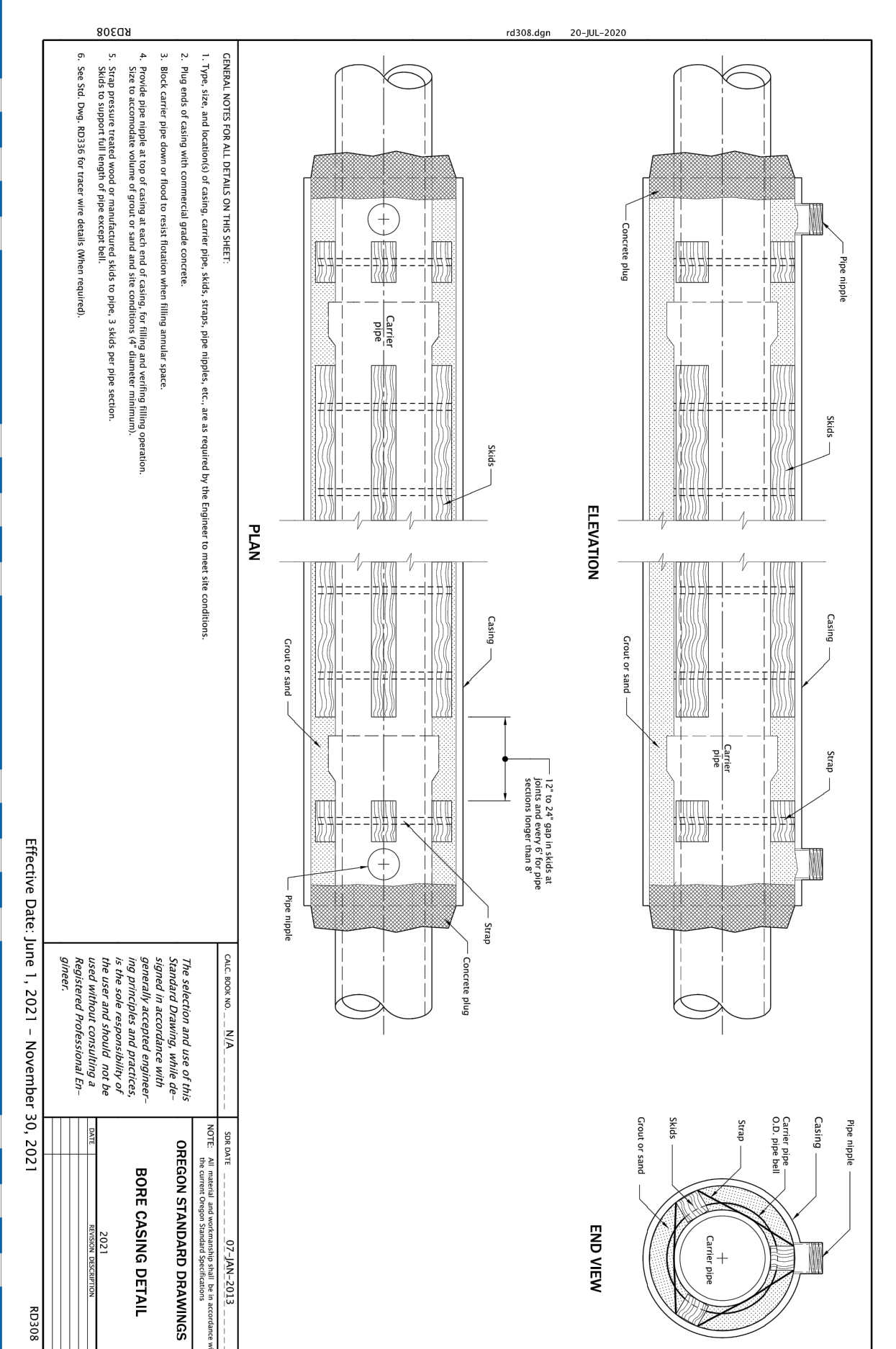
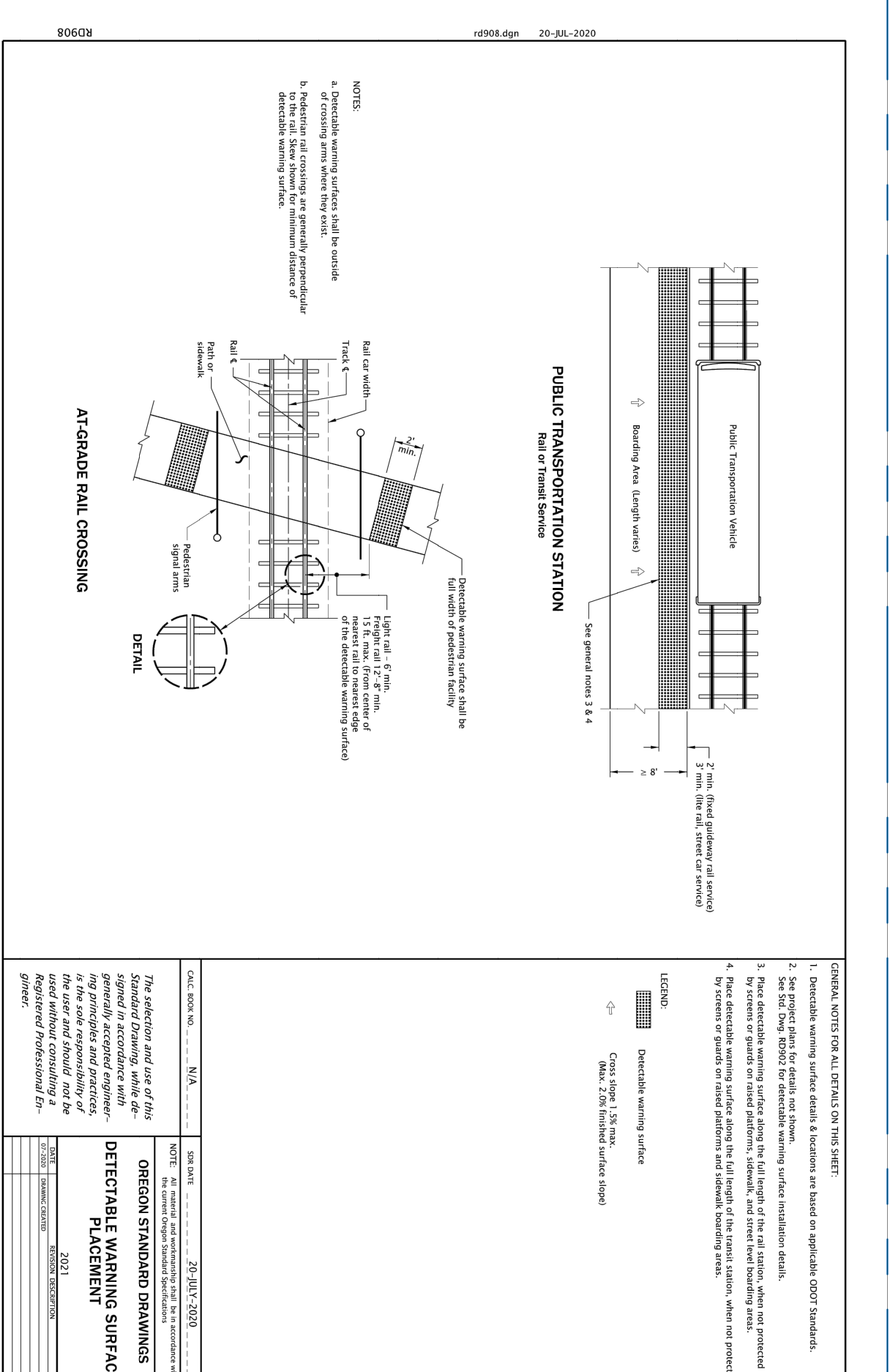
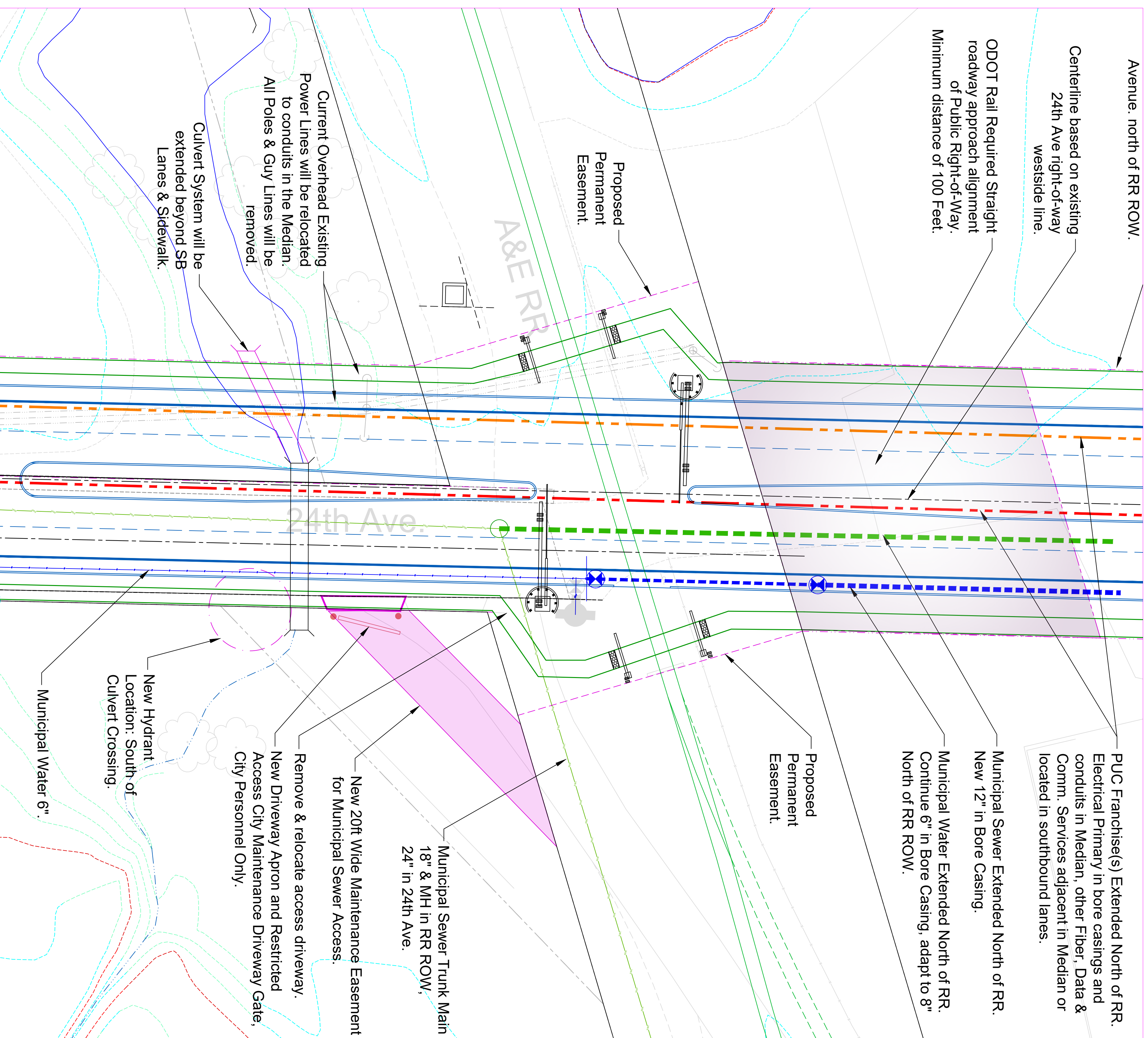


**MUTCD Sign R15-1 Crossbuck Vehicle Gate & Pedestrian Gate.**  
**MUTCD & ODOT Standard Details, Markings.**

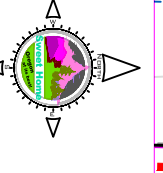
# Proposed Public Railroad Crossing

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

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



Public Utility Extensions, City & PUC.



Horizontal Scale 1" = 20'

MUTC&D & 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	

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

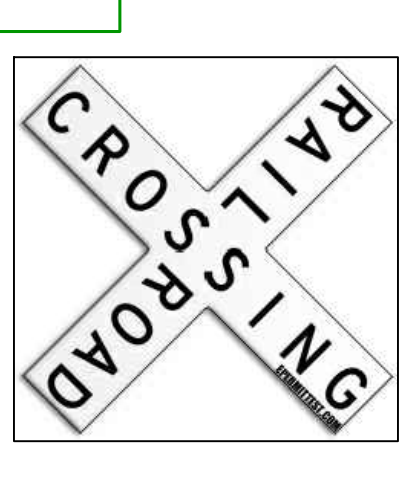
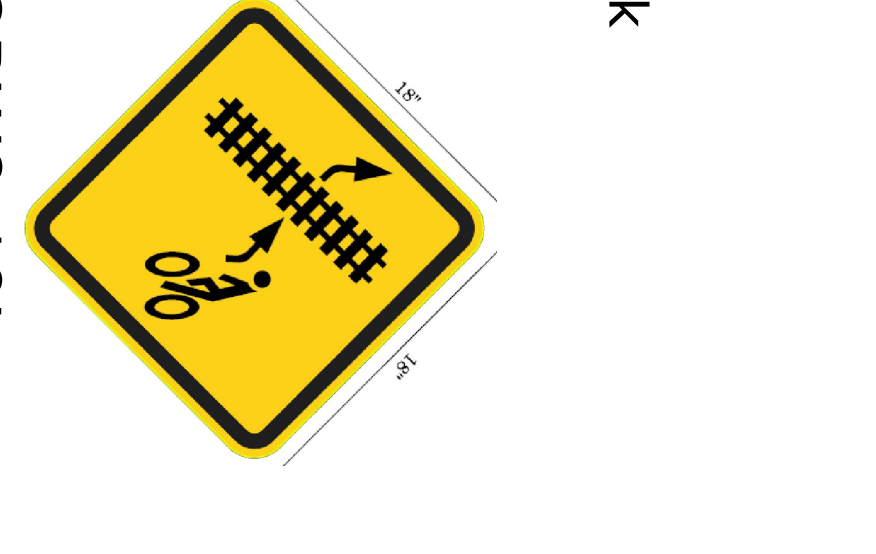
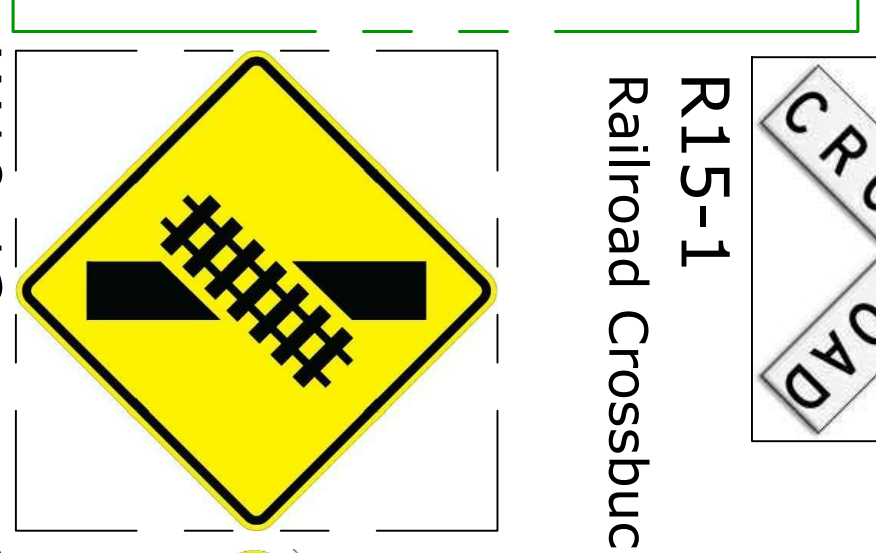
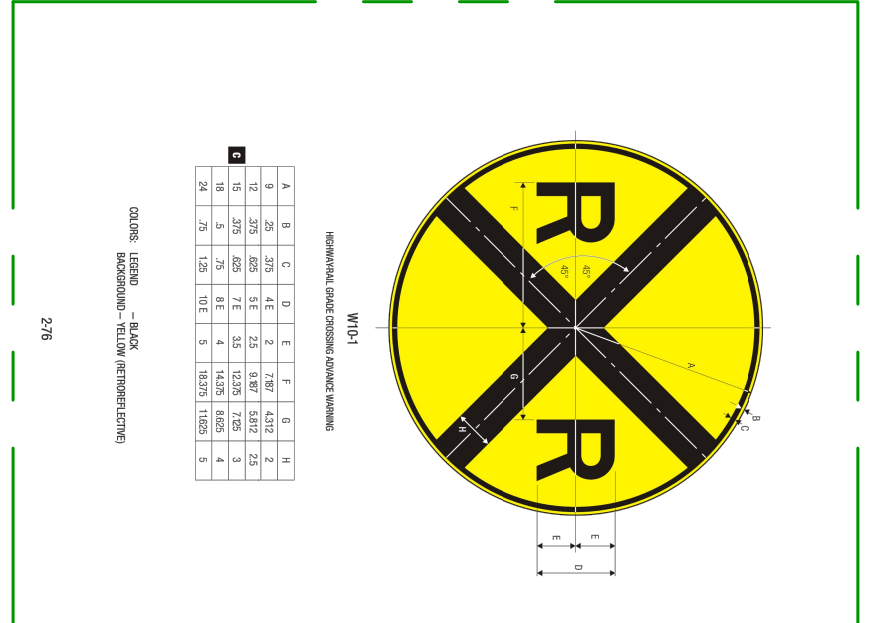
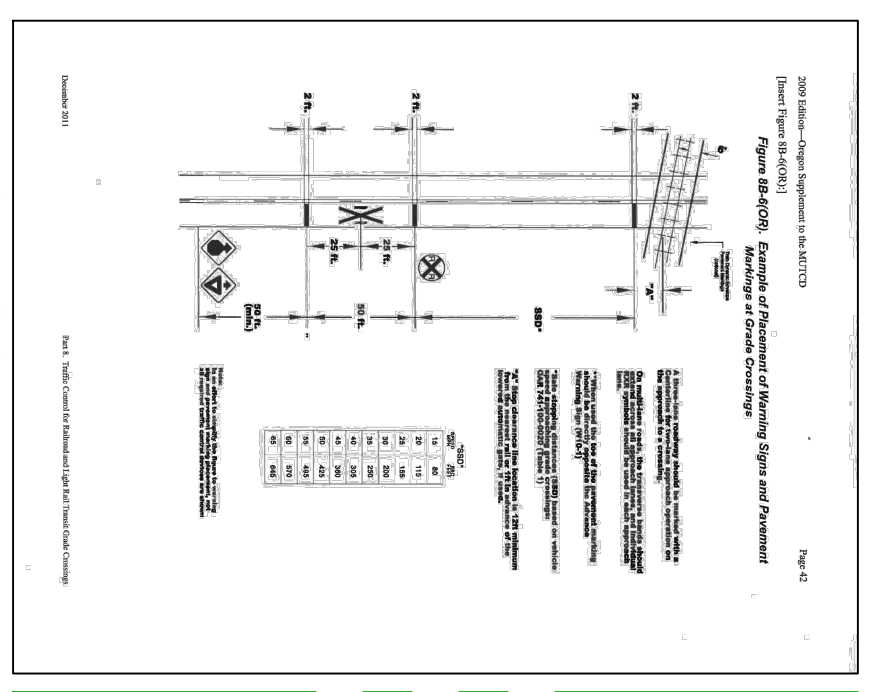
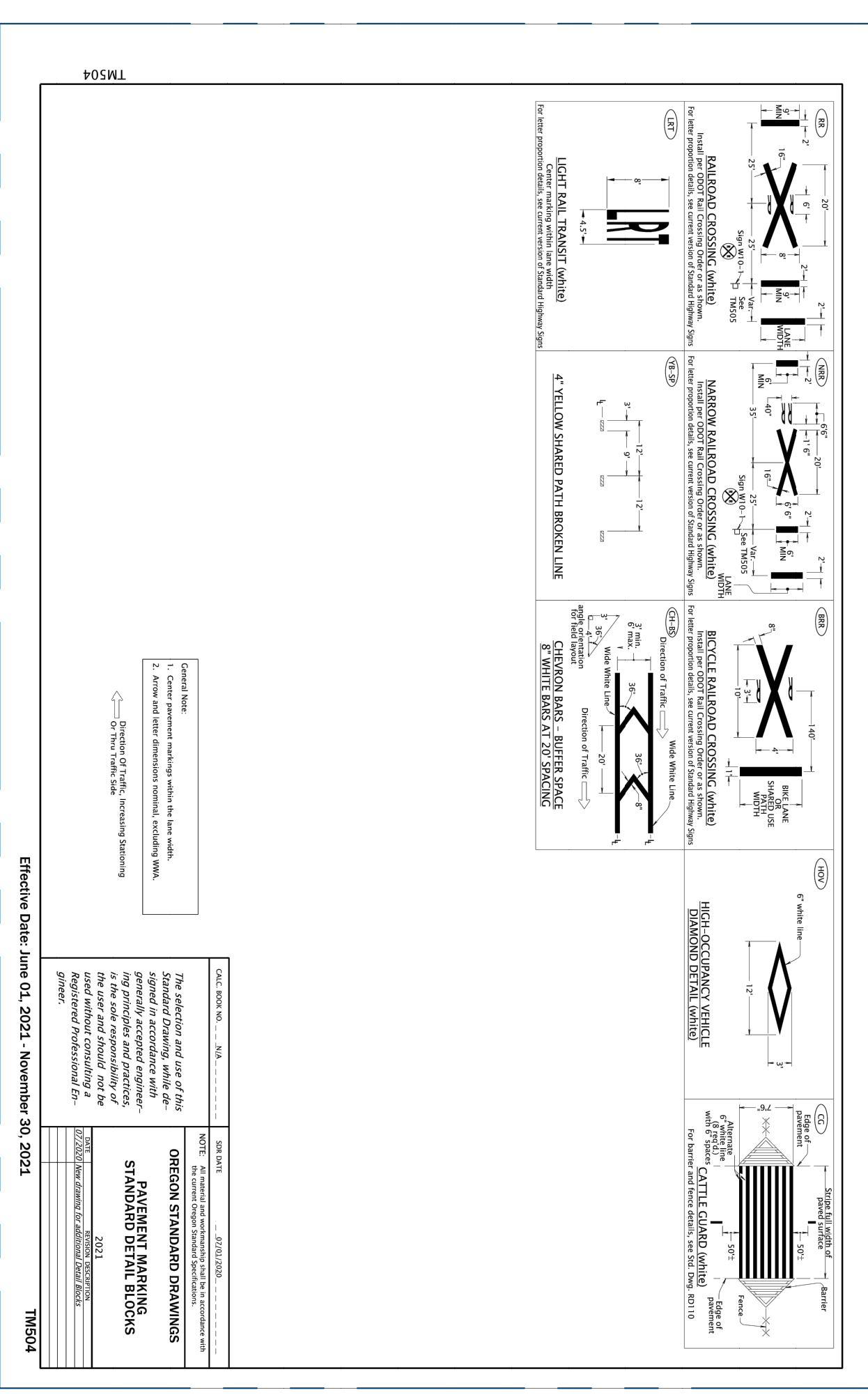
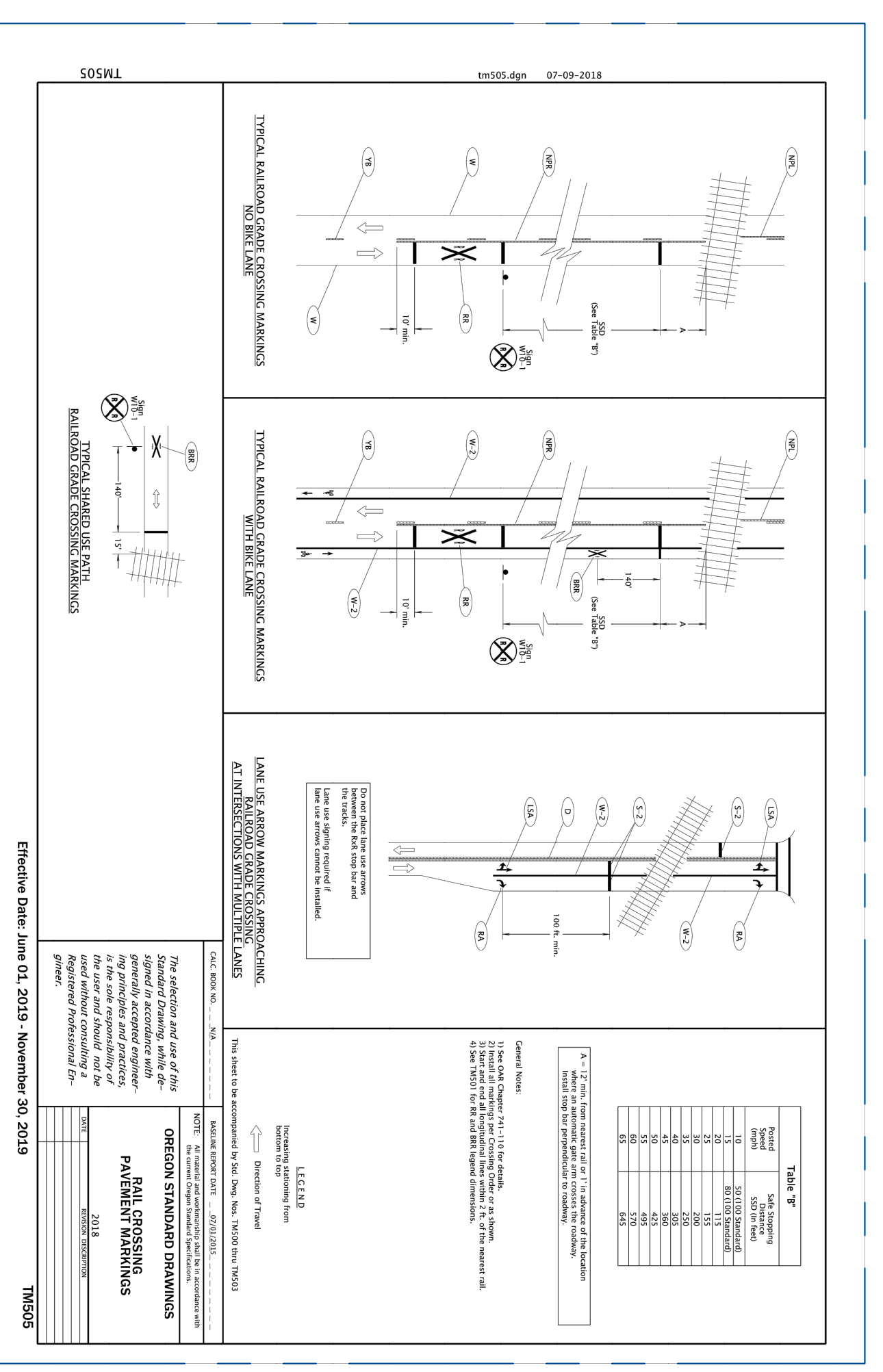
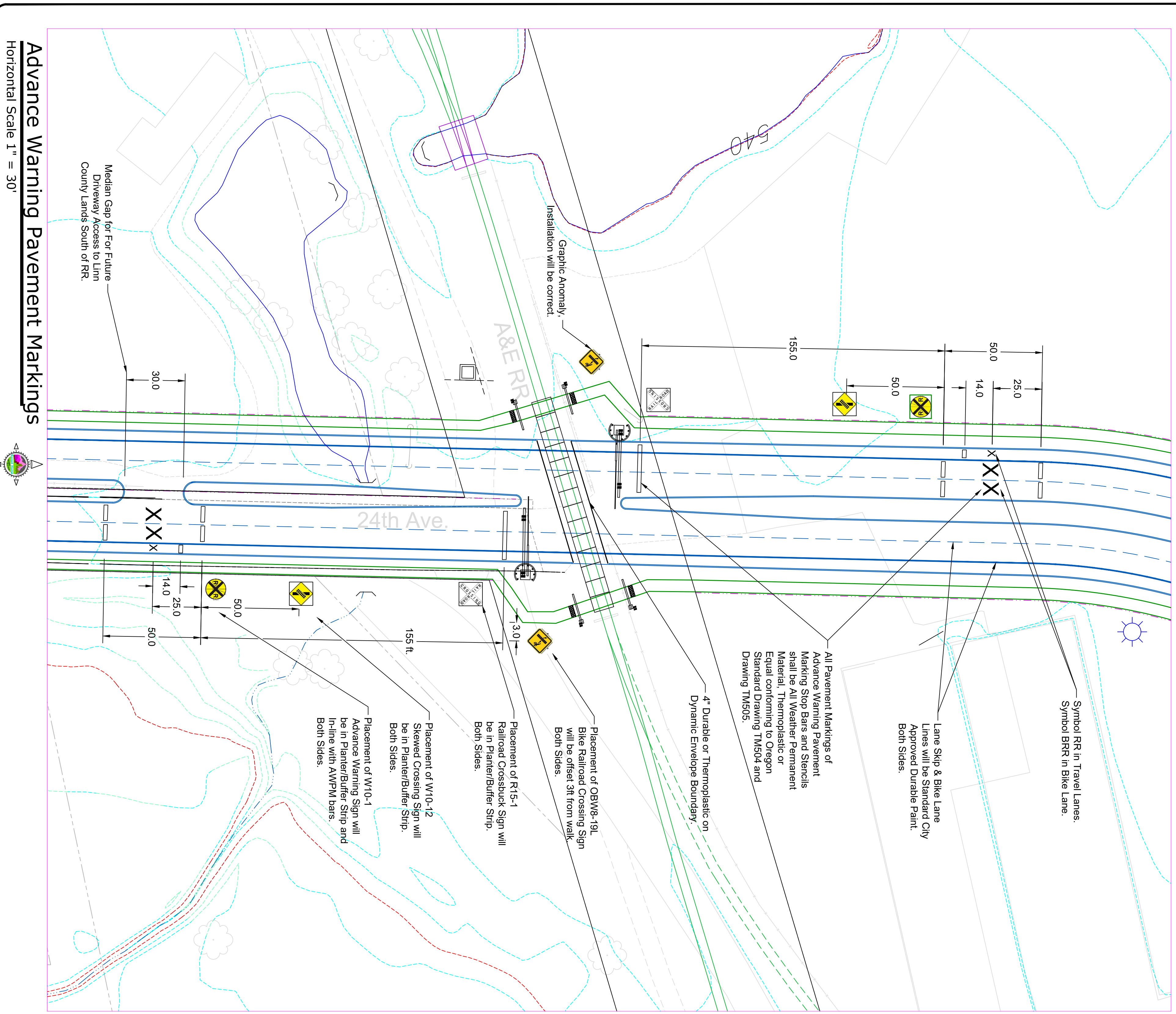
TITLE	Proposed Rail Crossing, 24th Avenue, City of Sweet Home, Oregon. Crossing Area Detail, Road and Railroad Profiles.
SHEET NUMBER	4 OF 5

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

# Proposed Public Railroad Crossing

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

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



MUTCD SSD  
Pavement Markings  
MUTCD & ODOT Standard Details, Markings.

W10-1 Advance Warning  
W10-12 Skewed Crossing  
OBW8-19L Bike Railroad Crossing

Advance Warning Pavement Markings  
Horizontal Scale 1" = 30'

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	Rev.	Description.	Date.	DWG No. S:\Projects\RailRoad\24thAve RR-Crossing\ Rail Application Map-1.dwg
				Original	03-13-2015	
				Layout update and detail notes.	5 30 2019	
SHEET NUMBER 5 of 5						PRINT DATE 08-15-2020
						SCALE 1" = 100'
						Drawn: [ ] Checked: [ ] Approved: [ ] SHPW2372
						SIZE D

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.

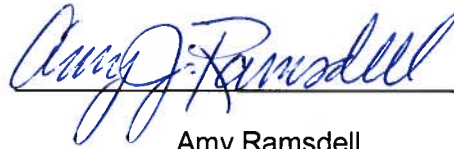
ORDER NO. 51372

- 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: \_\_\_\_\_ Date: 8/16/22

Property Owner's 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.



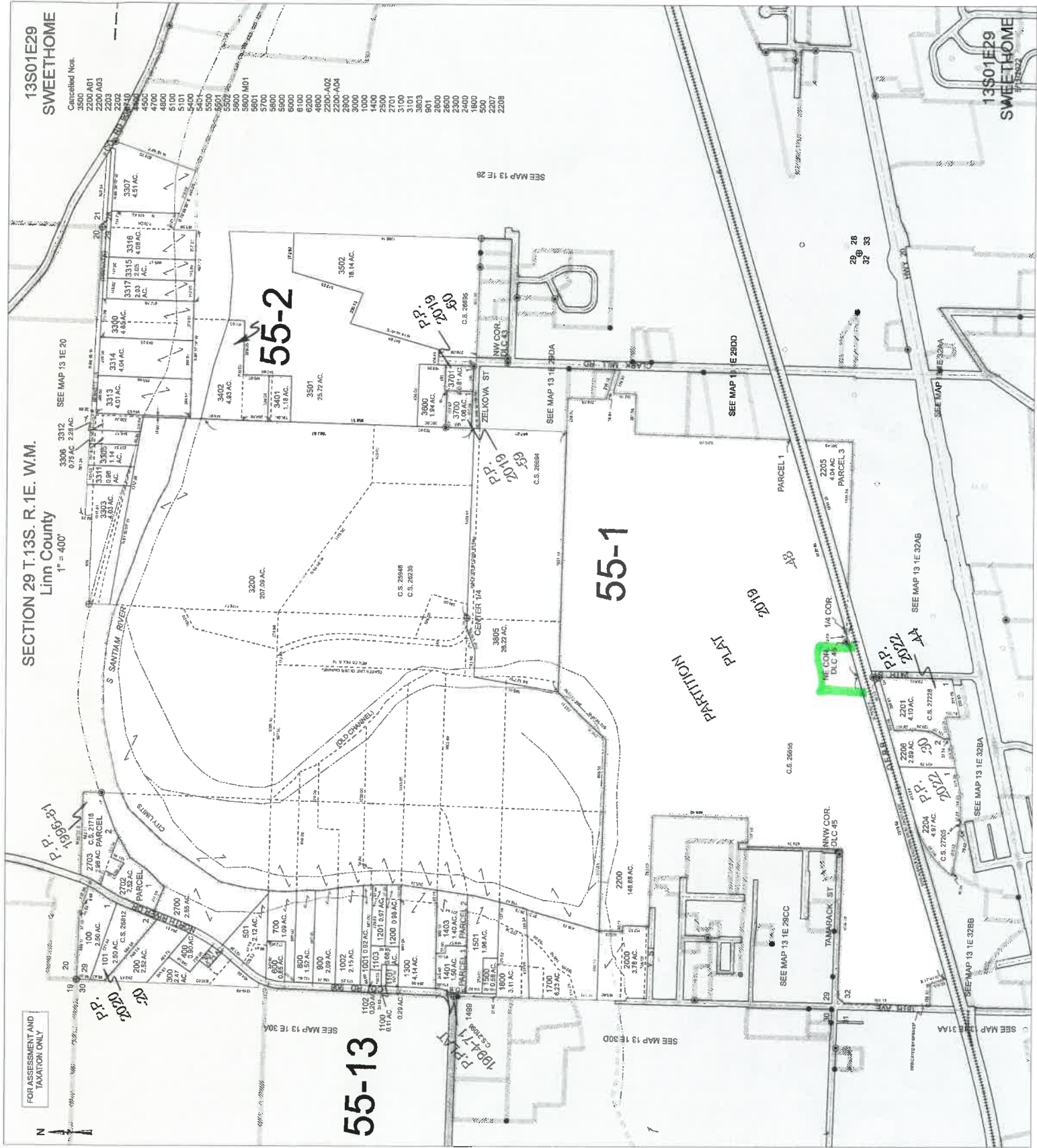
13S01E29  
SWEETHOME

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
- 5400
- 5500
- 5501
- 5502
- 5800
- 5800 M01
- 5901
- 5900
- 5900
- 6000
- 6000
- 6000
- 6200
- 6200
- 2200-A02
- 2200-A04
- 2500
- 3000
- 3000
- 1000
- 1400
- 2100
- 2700
- 3100
- 3101
- 3603
- 901
- 2800
- 2800
- 2300
- 2400
- 1800
- 500
- 2207
- 2208



FOR ASSESSMENT AND  
TAXATION ONLY





