



Staff Report Presented to the Planning Commission

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

APPLICANT/

PROPERTY OWNER: Katherine E Thrash

FILE NUMBERS: AX ZC 22-01

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

REVIEW AND

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

PLANNING COMMISSION

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

CITY COUNCIL

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

LOCATION OF BOTH

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

STAFF CONTACT:

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

REPORT DATE: August 25, 2022

I. PROJECT AND PROPERTY DESCRIPTION

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

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

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

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

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

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

PROCESS AND NOTICE TIMELINES:

Application Received: July 6, 2022

DLCD 35-Day Notice: July 6, 2022

Mailed Notice: July 11, 2022

Notice Published in New Era: July 20, 2022

Planning Commission Hearing: September 1, 2022

City Council Hearing: September 13, 2022

120-Day Completion Deadline: November 8, 2022

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

II. COMMENTS

Adam Leisinger

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

Trish Rice

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

Joe Graybill

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

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

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

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

III. REVIEW AND DECISION CRITERIA

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

Criteria for Annexation Request: AX 22-01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Criteria for Zone Change Request: ZC 22 -01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. CONCLUSION AND RECOMMENDATION

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

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

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

Options:

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

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

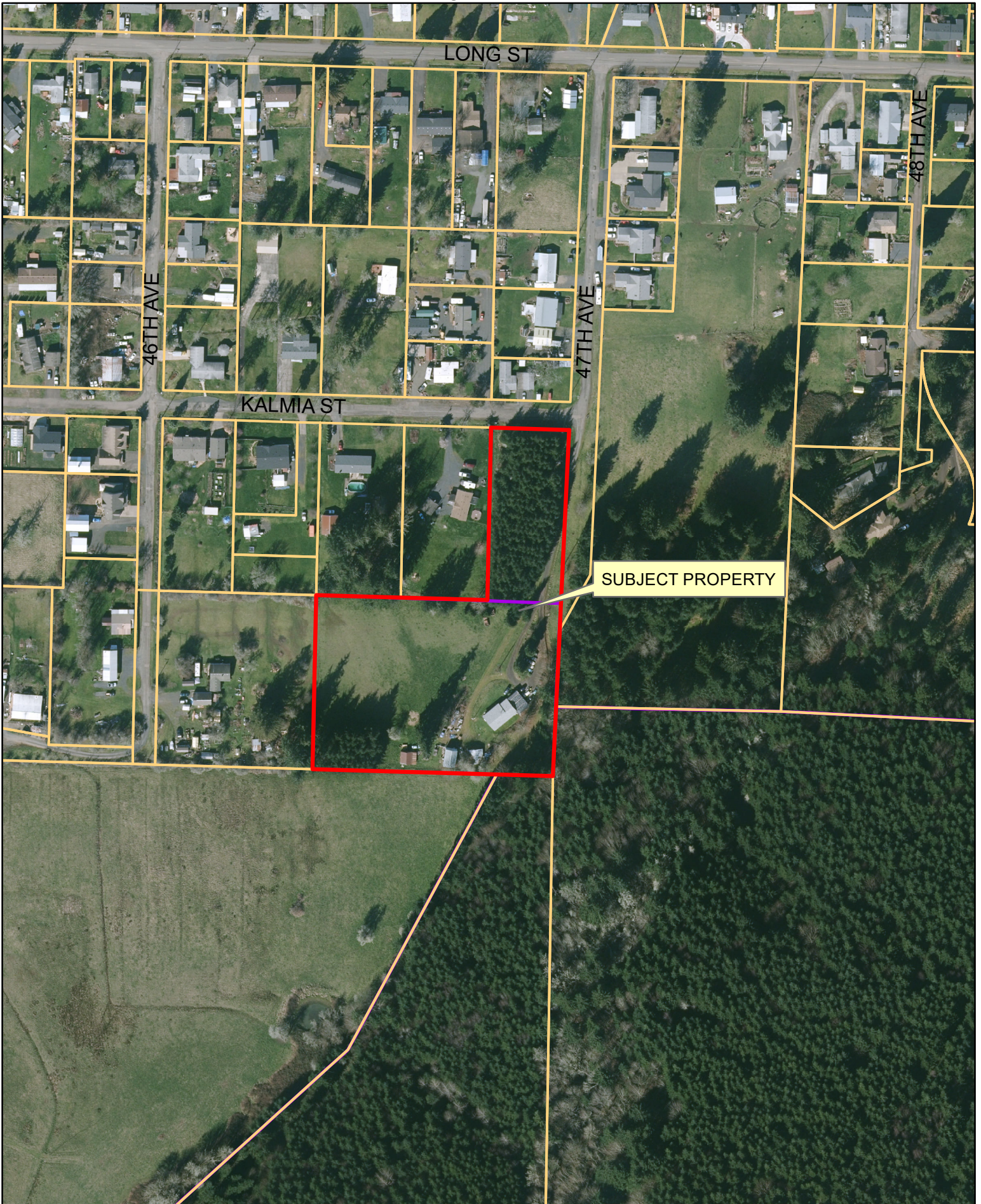
V. PROCESS MOVING FORWARD

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

VI. ATTACHMENTS

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

ATTACHMENT A

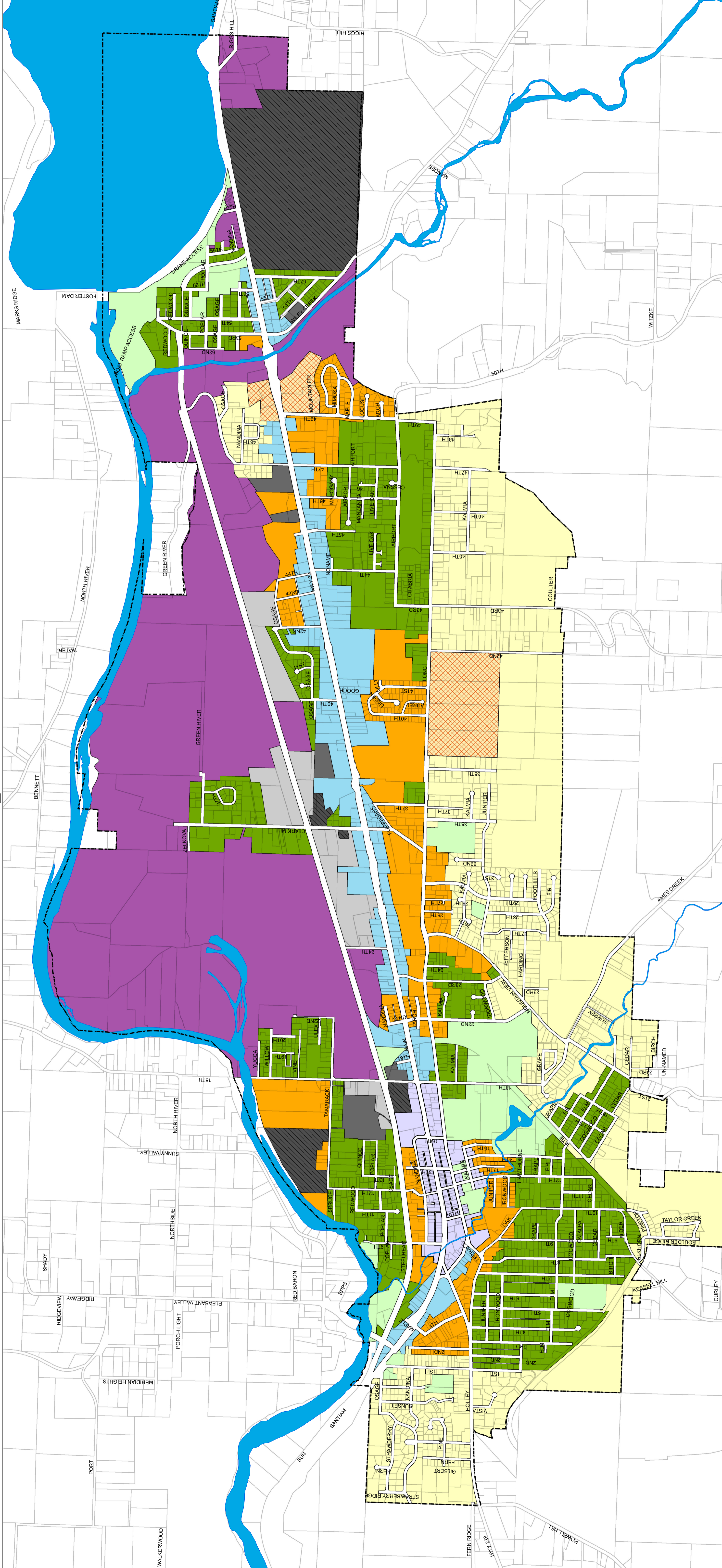


1 inch = 217 feet

Subject Property Map
AX ZC22-01

Date: 7/8/22

Sweet Home Comprehensive Plan



Legend

CompPlan

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

Urban Growth Boundary

- Lakes, Rivers, Streams
- Taxlots

AMENDING ORDINANCES

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

Official Comprehensive Plan Map

Adopted September 23, 2003
By Ordinance Number 1151
Updated by Later Annexation Ordinances

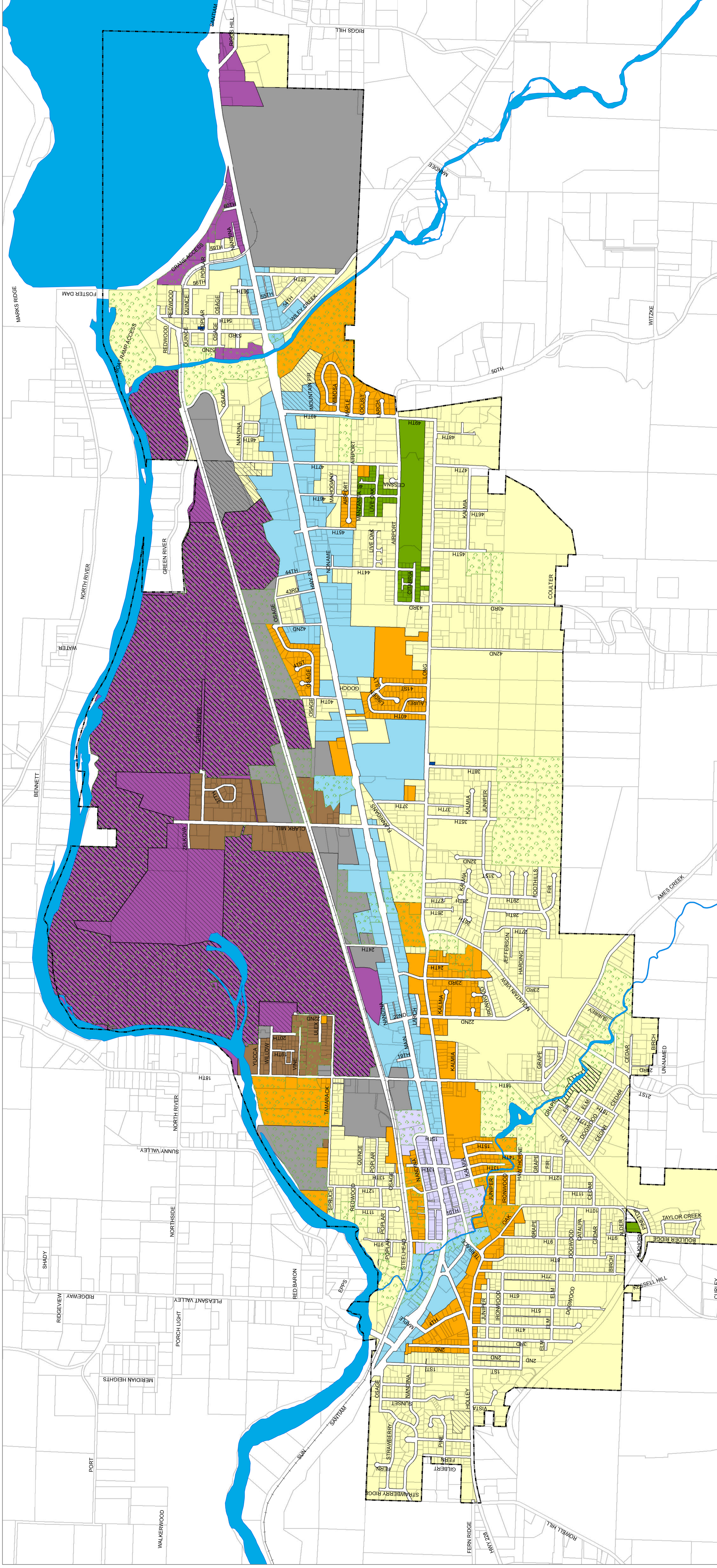
0 0.5 1 Miles
1 inch equals 0.16 miles

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

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

Reproduced by PR 9/12/14 from original by SV 01/09/09

Sweet Home Zoning



Official Zoning Map

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

0 0.5 1 Miles
1 inch equals 0.16 miles

Zoning Ordinances	
Ord.	Date
906	09-13-83
912	01-10-84
923	06-26-84
933	06-11-85
937	01-14-86
1011	02-27-90
1044	05-12-92
1055	01-26-93
1060	06-22-93
1070	04-26-94
1080	11-08-94
1081	12-13-94
1083	06-19-96
1099	09-10-96
1102	04-22-97
1105	05-27-97
1089	09-10-96
1110	07-22-97
1114	12-09-97
1115	02-10-98
1118	09-08-98
1123	03-09-99
1162	09-23-03
1162	06-22-04
1169	03-22-05
1178	01-10-06
1181	03-14-06
1192	07-24-07
1193	09-11-07
1197	12-11-07
1200	05-27-08
1206	12-25-08

Legend	
Zoning	Overlay Zones
C1 (Central Commercial)	Natural Resources
C2 (Highway Commercial)	Natural Resources/Planned Development
C3 (Neighborhood Commercial)	Planned Development
M (Industrial)	City Limits
R1 (Low Density Residential)	Taxlots
R2 (High Density Residential)	Lakes, Rivers, Streams
R3 (Medium Density Residential)	Railway
RC (Recreation Commercial)	
RMT (Residential Industrial Transition)	

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

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

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



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

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

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

Date Received: 07.06.22
 Date Complete: _____
 File Number: AX 2022-01
 Map/Text Amendment Application Fee \$: \$1,030.00
 Zoning Application Fee \$: \$1,030.00 *\$1,545.00*
 Receipt #: _____
 Planning Commission Hearing Date: 09.01.22

Applicant's Name:
KATHERINE E THRASH
Applicant's Address:
1118 47th AVE Sweet Home, OR 97386
Applicant's Phone and e-mail:
541 409-1226 KETHRASH@COMCAST.NET

City Council Hearing Date: _____
Property Owner:
KATHERINE E THRASH
Owner's Address:
1118 47th AVE Sweet Home, OR 97386
Owner's Phone and email:
541-409-1226 KETHRASH@comcast.net

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:
1118 47th AVE Sweet Home, OR 97386
Subject Property Assessor's Map and Tax Lot:
1351E 33 D TL3800

Subject Property Size:
THREE (3) ACRES AND TRACT 31 RUSSELL TRACTS total 3.97 ACRES.

Current Zoning Classification: Farm/Forest **Current Comprehensive Plan Classification:** _____

Purpose of Request

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

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed: _____ **Proposed language for change:** _____
 Attach proposed text to this form.

Purpose of Request

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

Submittal Requirements

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

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

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

Date: July 6, 2022
Date: July 6, 2022

FOR ASSESSMENT AND
TAXATION ONLY



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

Linn County

1" = 200'

13S01E33D
SWEETHOME

Cancelled Nos.
100
200
300
301
400
501
502
600
801
2200
2300
2301
2302
2400
2500
2501
2600
2601
2602

SEE MAP 13 1E 33AC

SEE MAP 13 1E 33AC

1904 P.D.
143 AC
133 AC
133 AC
C.S. 25018
C.S. 25018
PARCEL 1
PARCEL 2
PARCEL 3
1/4 COR.
3800
387 AC
2770
210 AC
31
32
33
34

2800
18.86 AC

2663
27.00 AC

55-1

SEE MAP 13 1E 33DB

F.P. 2012

2801
5.00 AC

3000
15.87 AC

3400
1.00 AC

800
0.86 AC

803
2.09 AC

809
0.22 AC

1003
0.11 AC

1852
2.00 AC

1853
2.00 AC

1700
1.50 AC

1100
0.47 AC

2300
0.44 AC

1300
4.39 AC

2100
1.89 AC

1900
0.82 AC

2000
0.82 AC

1800
2.89 AC

1900
1.09 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

1800
2.89 AC

55-2

SEE MAP 13 1E 34

ELINE D14

SEE MAP 14 1E 4

13S01E33D
SWEETHOME
11/20/2016

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
 OFFICE OF COUNTY ASSESSOR, LINN COUNTY, OREGON

263604

TAT

13	1E	33	D			3800	55-3 55-1 55-2	55-2 Tr 31 (Adj Ac) 3.05		
TWP.S	RG.	SEC.	1/4	1/16		TAX LOT NO.		SECTION OR LOT	TOWNSHIP OR BLOCK	RANGE WM.
MAP NO.							113-4	Russell Tracts		
ACCOUNT NO.								ADDITION		CITY

INDENT EACH NEW COURSE TO THIS POINT ↓	LEGAL DESCRIPTION	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	Beg at the SW cor of Tract 32 of Russell Tracts in T 13 S, R 1 E	1-1-60	287	40	<i>intg</i>
	th N 89°54' W 148.38 ft				
	th S 0°16' E 309.50 ft	11-29-63	297	45	
	th S 89°54' E p11 to the S li of Russell Tracts		JV	22394	
	426.06 ft to the E li of the Newton Russell DLC #41 in sd T and R				
	th N 1°08' E along the E li of Cl 41 309.54 ft to the S li of Russell Tracts				
	th N 89°54' W 285.29 ft to pob	4-16-65	MF507	4380	(Adj) 3.05
					<i>Zone add</i>
	That pt. in 55-2 1.0 Ac.				
	That pt. in 113-4 2.05 Ac.				
	Also Tax Lot 13 1E33A 3800 9600	JV B 25968			
	(being Tr 31, Russell Tracts M-511-82 JVD 8272	3-7-77	Ord# 674	annex	
			Ord# 682	W/ dr fr R.F.A. <i>change</i>	
	W/dr fr City of Sweet Home, Ord #847, MF328-24 JVD 9389	12-29-82	297	45	
	(For 1983-84)		MF326	164	Dth Ctf
		4-6-83			code change
		9-5-89	MF505	4590	Agts add
	Data:	3-7-90	MF521	563	BS# <i>change</i>
	<i>only</i>	1-31-95	751	411	WD
	<i>only</i>	7-25-95	MF753	405	
	Annex to Sweet Home RFPD by Ord.96-041 (M-138-96) EV 1996-225	6-11-96			code chng
	Recomputed to show TOTAL AC. OF TAX LOT EV 1996-225	6-11-96			recompute
					3.97

ORDINANCE BILL NO. 23 For 1981

ORDINANCE NO. 847

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

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

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

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

Tract 31, RUSSELL TRACTS, Linn County, Oregon.

AND ALSO:

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

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

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

THE CITY OF SWEET HOME DOES ORDAIN:

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

Tract 31, RUSSELL TRACTS, Linn County, Oregon.

AND ALSO:

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

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

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

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

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

Robert D. Harbaugh
Mayor

ATTEST:

Randall C. Sauer
City Manager

800
115-123

January 28, 1983

STATE OF OREGON
County of Linn

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

Volume ME 328 Page 24

Attest my hand and seal

DALE W. HALEY
Linn County Clerk

Robert D. Harbaugh
City of Sweet Home
Jan 29-12 83
Linn County, Ore
97306