



CITY OF SWEET HOME CITY COUNCIL AGENDA - **REVISED**

March 10, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Call to Order and Pledge of Allegiance

Roll Call

Consent Agenda:

Approval of Minutes:

- a) [2020-02-11 City Council Work Session Minutes \(pg. 3-4\)](#)
- b) [2020-02-25 City Council Minutes WS \(pg. 5-6\)](#)
- c) [2020-02-25 City Council Meeting \(pg. 7-10\)](#)

Recognition of Visitors and Hearing of Petitions:

- a) Boys and Girls Club of the Greater Santiam
- b) DARE Program - Geoff Hamlin

Old Business:

New Business:

- a) [2020 Arbor Day Proclamation \(pg. 11\)](#)
- b) [Request for Council Action - Resolution No. 3 for 2020 - A Resolution Adopting Revised Personnel Policies \(pg. 12-16\)](#)
- c) [Request for Council Action - HB 2001 Implementation Grant \(pg. 17-26\)](#)
- d) [Adoption of New Council Goals - Discussion Only \(pg. 27-29\)](#)
- e) [Water Utility Rates - Information Only \(pg. 30-35\)](#)

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

- a) [Ordinance Bill No. 5 for 2020, Pertaining to Special Events \(pg. 36-47\)](#)

Second Reading of Ordinance Bills

- a) [Ordinance No. 3 for 2020 - An Ordinance Amending the Official Zoning Map \(pg. 48-61\)](#)

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

- b) [Ordinance No. 4 for 2020 - An Ordinance Amending the Official Zoning Map \(pg.62-78\)](#)

Third Reading of Ordinance Bills (Roll Call Vote Required)

- a) [Ordinance Bill No. 2 for 2020 - Ordinance No. 1282 - Sweet Home Ordinance Amending Sections of the Sweet Home Municipal Code \(pg. 79-84\)](#)

Reports of Committees:

Administrative and Finance/Property
Park and Tree Committee
Youth Advisory Council
Chamber of Commerce
Council of Governments
Area Commission on Transportation
Solid Waste Advisory Council
Ad Hoc Committee on Health
Legislative Committee

Reports of City Officials:

Mayor's Report
City Manager's Report

Department Director's Reports (1st meeting of the Month)

Library Services Director

- a) [City Council Report February 2020 \(pg. 85\)](#)
[Library Board Minutes February 2020 \(pg. 86\)](#)

Community and Economic Development Director

- a) [Community & Economic Development Department Monthly Report for February, 2020 \(pg. 87-90\)](#)

Public Works Director

- a) [Public Works Department Monthly Report of Activities \(pg. 91-94\)](#)

City Attorney

Council Business for Good of the Order

- a) [03-09-2020 REVISED - Sweet Home City Council Self Evaluation \(pg. 95-96\)](#)
- b) [Oregon Cascades West Council of Governments Member Dues \(pg. 97-99\)](#)
- c) [Sweet Home 72nd Annual Gem & Mineral Show \(pg. 101\)](#)
- d) [Meals on Wheels Request 2020 Memo \(pg. 102-103\)](#)

Adjournment



CITY OF SWEET HOME CITY COUNCIL WORK SESSION MINUTES

February 11, 2020, 5:30 PM
Sweet Home City Hall, 3225 Main Street
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Call to Order and Pledge of Allegiance

The Joint City Council/Planning Commission Meeting was called to order at 5:30pm.

Roll Call

Present were: Mayor Mahler, Councilor Coleman(AB), Councilor Gerson, Councilor Goble(5:35), Councilor Gourley, Councilor Nash, and Councilor Trask

Present were: Chairman Parker, Commissioner Herb(AB), Commissioner Jurney (AB), Commissioner Korn(AB), Commissioner Gatchell, Commissioner Stephens, Commissioner Wolthuis,

Old Business:

- a) City Council/Planning Commission Joint Discussion - Development Code Update with John Morgan

John Morgan and Walt Wendolowski presented the Council with an update on the work that has been completed to audit the Sweet Home Municipal Code. The Council and Commission agreed an update to the Code is important. Options discussed by the joint commissions included a revision of the current code or beginning fresh with a new code. A new draft code would be less expensive and faster than a band aid of an old code. The time-consuming part of the code revisions would be in the details and discussion of a new code. Processes for Land Use Actions would be universal throughout cities in Oregon. There was a brief discussion on Comprehensive Plan map and necessary changes. It was important to all that the code would reflect who we are and how we want the community to grow. The Council felt a Council liaison or joint work session would be beneficial so Council could stay informed. Staff will schedule joint work sessions by end of March. Any policy directions should be brought to the Planning Commission. It was suggested the new code allow staff to make more decision on land use cases that would appeal-able to the Planning Commission such as partitions. This would help streamline processes. It was noted, the code is a living document that can be changed.

Adjournment

The meeting adjourned at 6:10pm

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME CITY COUNCIL MINUTES – WORK SESSION

February 25, 2020, 5:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

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Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Call to Order and Pledge of Allegiance

The meeting was called to order at 5:30PM

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash
Councilor Dave Trask
Councilor James Goble
Councilor Lisa Gourley
Councilor Susan Coleman (5:40)

Old Business:

New Business:

a) City Council Self Evaluation

The Council reviewed items that could be added on a self-evaluation of the Council.

Councilor Gourley would rather see a yes, no or trying format of evaluation. Mayor Mahler would like to see something that measures them as a Council to see where their weaknesses or strengths are. Councilor Gerson suggested taking some of the suggested questions in the packet and using them as a starting point to create their own evaluation questions. Mayor Mahler suggested getting feedback from the public as that is really who they are elected by. Councilor Gerson will create a new form for the Council to review again at a future meeting.

b) Utility Rate Discussion Only

Finance Director Brandon Neish led discussion on Utility Rates. Previous Consensus during the City Council Training, was that Council was in agreement with staff and the immediate

utility needs: 9th Avenue Water Main Replacement, Backwash Pump & Variable Frequency Drives (VFDs) at the Water Treatment Plant.

Finance Director Neish explained the current operating Water Fund and the largest concern being Capitol Funding. Four options were reviewed for consideration, each having a different effect on Maintenance and Operations, Capitol Projects and rates.

Consensus of the Council was to apply the \$207K from the sale of the 9th Street property towards one of these projects. Staff will return to Council with additional options to include the funds from the property sale.

Adjournment

With no further business, the meeting adjourned at 6:35 PM

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME CITY COUNCIL MINUTES

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Call to Order and Pledge of Allegiance

The meeting was called to order at 6:40 PM

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash
Councilor Dave Trask
Councilor James Goble
Councilor Lisa Gourley
Councilor Susan Coleman

Consent Agenda:

Motion made to approve the Consent Agenda by Councilor Trask, Seconded by Councilor Nash.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

a) Motion to Excuse (pg 3)

Motion made by Councilor Trask, Seconded by Councilor Nash.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Approval of Minutes (pg 4-9):

- a) February 7, 2020 City Council Special Meeting
- February 8, 2020 City Council Special Meeting
- February 9, 2020 City Council Special Meeting
- February 11, 2020 City Council Meeting

Recognition of Visitors and Hearing of Petitions:

- a) Recognition of Adrienne Shreves for Park and Tree Committee Donation

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

Special recognition was given to acknowledge Andrienne Shreves who volunteered her time and created the models which were instrumental in obtaining the \$250K grant for the Sankey Park Project.

Old Business:

- a) Resolution No. 1 for 2020 - A Resolution Clarifying the Authority of the City Manager to Execute Documents Related to CDBG for the Linn County Housing Rehabilitation Partnership Housing Rehabilitation Program (pg 10-12)

City Manager Ray Towry introduced Resolution No. 1 for 2020, which gave the City Manager authority to execute documents related to the Community Development Block Grant for the Linn County Housing Rehabilitation Program.

Motion made by Councilor Gourley, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

New Business:

- a) Special Event Ordinance - Information Only (pg 13-24)

Community and Economic Development Director Blair Larsen introduced a draft ordinance regarding special events. Currently the authority is not in place to protect city infrastructure, city parks and welfare of citizens. This ordinance will ensure City services above and beyond what we normally do are properly paid for. Codified, the process in code will make it clear to applicants. The draft ordinance was for information only and will be brought back to the Council on the next meeting agenda.

- b) Resolution No. 2 for 2020 - A Resolution to Designate City Property as Surplus and Authorize its Sale or Lawful Disposal (pg 25-27)

City Manager Towry introduced Resolution No. 2 for 2020 which would surplus a 1992 Ford E350 which the City plans to donate to outreach. The motion will be amended to surplus and donate the vehicle to local outreach efforts.

Motion made to approve Resolution No 2 for 2020 and authorize the City to donate the item for outreach efforts, by Councilor Gourley, Seconded by President Pro Tem Gerson.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Voting Nay: Councilor Nash

- c) Request for Council Action - Arbor Day Grant Application (pg 28-32)

Associate Planner Angela Clegg introduced the Request for Council Action for planting decorative Cherry Trees in Sankey Park as part of the Arbor Day Grant.

Motion made by Councilor Trask, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

- d) City Manager Evaluation Information Only (pg 33-44)

The Council discussed options to evaluate the City Manager.

Ordinance Bills

- a) ZMA19-02 Zone Map Amendment - Ordinance No. 3 for 2020 (pg 45-58)

The Public Hearing was opened at 7:20 pm.

No Personal Bias, No Conflict of Interest or No Ex-Parte Information was declared by any of the Council.

Staff Report was given by Associate Planner Angela Clegg. There were no questions of the Council.

Testimony in Favor: Josh Victor, as property owner, spoke in favor in the application.

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:26pm.

Motion to move Ordinance No. 3 for 2020 to first reading made by Councilor Gourley, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

b) ZMA19-03 Zone Map Change - Ordinance No. 4 for 2020 (pg 59-75)

The Public Hearing was opened at 7:27 pm.

No Ex-Parte, No Conflict of Interest, No Personal Bias was declared by any of the Council.

A Staff Report by was given by Associate Planner Angela Clegg. There were no questions from the Council.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:31pm.

Motion to move Ordinance No. 4 for 2020 to first reading made by Councilor Coleman, Seconded by Councilor Gourley.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Request for Council Action and First Reading of Ordinance Bills

Ordinance No. 2 for 2020 was read in its entirety.

Motion to move to second reading made by Councilor Gourley, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Ordinance No 3. for 2020 was read in its entirety.

Motion to move to second reading made by Councilor Gourley, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Second Reading of Ordinance Bills

a) Ordinance Bill No. 2 for 2020 - Sweet Home Ordinance Amending Sections of the Sweet Home Municipal Code (pg 76-83)

Ordinance Bill No. 2 for 2020 was read by title only.

Motion made to move Ordinance Bill No. 2 for 2020 to third and final reading, by President Pro Tem Gerson, Seconded by Councilor Goble.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Legislative Committee

Councilor Coleman reported City Manager Ray Towry and former Mayor Jim Gourley visited the Capitol and met with representatives to discuss upcoming bills that could effect our community.

Reports of City Officials:

Mayor's Report

Mayor Mahler announced the Police and Fire Awards Dinner on March 6th at 7pm.

City Manager's Report

City Manager Towry reported he and other staff will be attending the Annual CIS Conference in Salem and will be out of the office the rest of the week.

- a) Annual Chamber Awards Banquet (pg 84)

City Manager Towry reminded the Council of the upcoming Chamber Banquet and gave an RSVP request.

Department Director's Reports (2nd meeting of the Month)

Finance Director

- a) Monthly Report (pg 85-86)
- b) January 2020 Checks (pg 87-90)
- c) Revenue and Expense Review (pg 91-92)

Police Chief

- a) 2020-01-31 PD Statistics (pg 93-94)

City Attorney

Council Business for Good of the Order

Councilor Gourley suggested the Mayor be issued a corporate credit card for lunch meetings and other related expenses.

- a) Comcast Notice (pg 95-96)

Adjournment

The meeting adjourned at 8:15 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____, Mayor of the City of _____, do hereby proclaim _____ as

Arbor Day

In the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
 Mayor _____



REQUEST FOR COUNCIL ACTION

Title: Personnel Policy Revision – Eligibility for Rehire

Preferred Agenda: March 10, 2020

Submitted By: City Manager Ray Towry

Reviewed By: City Manager Ray Towry

Type of Action: Resolution Motion Roll Call Other

Relevant Code/Policy: City of Sweet Home Personnel Policies

Towards Council Goal: 2.1: Update & streamline process
2.3: Invest in long term staff stability & training
2.5: Continue to implement best financial practices

Attachments: Section 7(B) Eligibility for Rehire

Purpose of this RCA:

Revisions to the Personnel Policies for the City of Sweet Home.

Background/Context:

The City of Sweet Home respects and appreciates its employees and recognizes the important role they play in the organization and community's success. In an effort to bring personnel policies up to date, staff proposed, and Council adopted revisions to the 2019 Personnel Policies effective January 1, 2019. Additional necessary amendments have been discovered to clarify an employee's eligibility for rehire if they were terminated for reasons involving policy violations such as workplace violence, insubordination, discriminatory or harassing behavior, theft or embezzlement and any ethics violations. Any former employee who fails to provide the City two weeks' notice of their intent to leave the City will also not be eligible for re-employment.

The Challenge/Problem:

Necessary updates to the Personnel Policies for the City of Sweet Home

Stakeholders:

- City of Sweet Home Staff – These changes aim to improve policies regarding Healthcare Benefits and Salary Schedules. Both updates are advantageous to recruit and retain skilled employees.
- City of Sweet Home City Council – Charter, SHMC 2.48.030, past policies, and past practice dictates that the Council is responsible for personnel rules including salary administration.

Issues and Financial Impacts:

None known

Elements of a Stable Solution:

Sweet Home must have up-to-date policies to recruit and retain employees.

Options:

1. Do Nothing. There would be no revisions to the Personnel Policies.
2. Approve Resolution 3 for 2020 as presented.
3. Recommend additional revisions. Council could review these proposed changes and recommend additional revisions. Staff would take these recommendations and revise the proposed policy for review at a future Council meeting.

Recommendation:

4. Approve Resolution 3 for 2020 updating the personnel policy related to eligibility for rehire as presented.

City of Sweet Home



POLICY: City of Sweet Home Personnel Policies
 Leaving the City
 Section 7(b) Eligibility for Rehire

Purpose Establish policies governing Retirement, Resignation or Involuntary Termination

Policy **7) Leaving the City**

a. **Retirement, ~~or~~ Resignation**

If an employee chooses to resign or retire, it is anticipated the City will be given as much notice as possible – preferably a minimum of two weeks. ~~When giving your two weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two weeks' notice of your intent to leave the City, you will not be eligible for re-employment at a later date.~~

If the employee's decision to resign is based on a correctable situation, the employee is encouraged to discuss it with the Department Head before making a final decision.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to the Department Head on or before their last day of work.

b. **Eligibility for Rehire**

~~Former employees who were terminated for reasons involving policy violations, such as workplace violence, insubordination, discriminatory or harassing behavior, theft or embezzlement and any ethics violations, are not eligible for rehire. Any former employee who fails to provide the City two weeks' notice of their intent to leave the City will also not be eligible for re-employment.~~

c. **References**

All requests for references or recommendations must be directed to the City Manager. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

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|-----------------------------|--------------------------|-----------------|
| Supersedes: SHPP Section | Adopted by City Council: | Effective Date: |
| City Manager: | | |

City of Sweet Home



POLICY: City of Sweet Home Personnel Policies
Leaving the City
Section 7(b) Eligibility for Rehire

Purpose Establish policies governing Retirement, Resignation or Involuntary Termination

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b. **Eligibility for Rehire**

Former employees who were terminated for reasons involving policy violations, such as workplace violence, insubordination, discriminatory or harassing behavior, theft or embezzlement and any ethics violations, are not eligible for rehire. Any former employee who fails to provide the City two weeks’ notice of their intent to leave the City will also not be eligible for re-employment.

c. **References**

All requests for references or recommendations must be directed to the City Manager. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment. By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

| | | |
|-------------------------------------|---------------------------------|------------------------|
| <i>Supersedes: SHPP Section</i> | <i>Adopted by City Council:</i> | <i>Effective Date:</i> |
| <i>City Manager:</i> | | |

RESOLUTION NO. 3 FOR 2020

A RESOLUTION ADOPTING REVISED PERSONNEL POLICIES FOR EMPLOYEES, INTERNS AND VOLUNTEERS OF THE CITY OF SWEET HOME.

WHEREAS, it is in the best interest of the citizens of the City of Sweet Home and the employees of the City of Sweet Home that certain policies relating to employment by the City of Sweet Home be clearly set forth; and

WHEREAS, the City Manager of the City of Sweet Home, has prepared and presented to the City Council a manual of personnel policies for City employees, interns and volunteers; and

WHEREAS, the adoption of these policies appear to be in the best interest of the City of Sweet Home and its employees, interns and volunteers, and as authorized by Sweet Home Municipal Code Chapter 2.48 - PERSONNEL SYSTEM;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEET HOME:

That the personnel policies presented to the City Council by the City Manager of the City of Sweet Home effective March 10, 2020 are hereby approved and adopted as the policies for all employees, interns and volunteers of the City of Sweet Home, Oregon.

This Resolution supersedes and replaces Resolution No. 16 for 2019 and shall become effective immediately upon passage by the City Council and signature of the Mayor.

PASSED by the Council and approved by the Mayor this 10th day of March 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

Title: HB 2001 Implementation Grant

Preferred Agenda: March 10, 2020

Submitted By: Blair Larsen

Reviewed By: Ray Towry

Type of Action: Resolution ____ Motion Roll Call ____ Other ____

Relevant Code/Policy: City of Sweet Home Comprehensive Plan Chapter 4: Residential Lands and Housing

Towards Council Goal: Vision Statement: Aspiration I: Desirable Community

Attachments: HB 2001-2003 Request for Assistance Grant Program Cover Letter
HB 2001-2003 Request for Assistance Application
Sweet Home HB 2001 Implementation Grant Letter

Purpose of this RCA:

The purpose of this RCA is to request Council authorization for the Mayor to sign a grant application to the Oregon Department of Land Conservation and Development for planning assistance to begin to implement House Bill 2001 (Middle Housing for Housing Choice) and House Bill 2003 (Housing Supply).

Background/Context:

In 2019, the Oregon Legislature passed House Bill 2001, which mandates cities with a population over 10,000 allow duplexes, triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for detached single-family homes. In addition the legislature passed House Bill 2003, which mandated that cities with a population over 10,000 develop and adopt a housing production strategy. The population of the City of Sweet Home is estimated to be 9,612, and is expected to exceed 10,000 in the near future.

The Department of Land Conservation and Development is offering grants to cities with a population under 10,000 to pay for a housing needs analysis in order to ensure that cities have an available land supply to accommodate their housing needs over the next 20 years.

The City of Sweet Home conducted a Housing and Economic Analysis in 2001. Since then, housing affordability has become a prominent state and national issue. The City is in need of a housing needs analysis to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs.

The Challenge/Problem:

How does the City prepare for future housing needs in its policies and codes?

Stakeholders:

City of Sweet Home Residents: Residents deserve to live in a community with a stable supply of affordable, quality housing.

City of Sweet Home Employers: Employers seek to operate in cities that have adequate housing for their employees at a reasonable price.

City of Sweet Home City Council: The City Council has set a goal to make Sweet Home a community that is desirable to live in.

City of Sweet Home Staff: Staff work more efficiently when City policies are in line with City goals, and when there are clear plans and data to guide their efforts.

Issues and Financial Impacts:

The grant program has no matching funds requirement, therefore there is no financial commitment or impact on the City.

Elements of a Stable Solution:

An approved grant application and resulting grant award that funds a Housing Needs Analysis for the City.

Options:

1. Do Nothing. Authorize no grant application for this purpose or work.
2. Authorize Mayor Mahler to sign the proposed HB 2001 Implementation Grant Application.
3. Ask staff to research other ways to prepare for the implementation of HB 2001 and ensure efficient use of residential lands.

Recommendation:

Staff recommends option 2: motion to authorize Mayor Mahler to sign the proposed HB 2001 Implementation Grant Application.



REQUEST FOR ASSISTANCE

OREGON MIDDLE HOUSING & HOUSING NEEDS



House Bill 2001 and House Bill 2003 Implementation

February 4, 2020

The Oregon Department of Land Conservation and Development (DLCD) is accepting requests for planning assistance from cities and counties to begin to implement HB 2001 (Middle Housing for Housing Choice) and HB 2003 (Housing Supply).

Background

During the 2019 legislative session, the Legislature appropriated funds to DLCD for the purpose of providing planning assistance to local governments for the purpose of: 1) assisting local governments with the development of regulations to allow duplexes and middle housing, as specified in [HB 2001](#); 2) assisting local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types may not be feasible due to service constraints, also specified in HB 2001; and 3) provide planning assistance to local governments to implement the provisions specified in [HB 2003](#), including housing needs analyses and housing production strategies. Pending action during the 2020 session of the Legislature, the department will also offer planning assistance for housing needs analyses in cities with population of less than 10,000, a “prototype” housing production strategy adopted by a city in advance of state rulemaking on this subject, and housing implementation plans for cities with population greater than 10,000.

To provide this assistance, DLCD will offer local governments the option for most of these products to either 1) use a consultant selected by the state who is experienced in completing Housing Needs Analyses (HNAs), housing implementation plans, and development code writing where the consultant would work for a city to prepare the necessary materials; or 2) select their own consultant to conduct the necessary work and execute a grant administration contract with DLCD specifying deliverables, timelines, and payment. All funds must be spent, and local governments must complete the projects by the end of the biennium - June 30, 2021. Due to the tight statutory timeline for public facilities planning assistance under HB 2001, local governments are advised to select their own consultants to conduct the necessary work and execute a contract with the state as to deliverables, timelines, and payment as funds allow.

Available Services

Cities and counties may request assistance developing one of the following products.

Middle Housing Code Updates. Non-Metro Cities with more than 10,000 residents and cities and counties over 1,000 residents in the Portland Metropolitan area will, with consultant assistance, update their development codes to comply with the provisions of HB 2001 regarding middle housing. Cities with population between 10,000 and 25,000 will have first priority for these grants, because they must comply with the law by June 30, 2021. However, the department encourages larger cities and cities and counties within the Portland Metro Area (compliance by June 30, 2022) to indicate their request for financial assistance now as well, if they are ready to work on developing codes that comply with the requirements of HB 2001 in the near term.

Infrastructure-Based Time Extension Requests. Administrative Rules for an Infrastructure-Based Time Extension Request (IBTER) are expected to be complete by the end of July, 2020. As established in House Bill 2001, the IBTER application deadline for cities with a population between 10,000 and 25,000 is December 31, 2020. Because those rules are expected to be complete with only five months before cities outside of the Portland Metro area with population between 10,000 and 25,000 must identify any infrastructure constraints and develop a plan to address the infrastructure constraints, the department encourages those cities begin discussions with public works or preferred consulting staff now so that a city will be prepared to apply for funding as soon as the commission adopts rules. Cities with more than 25,000 have until June 30, 2021 to submit the request for extension. With a balance of code and infrastructure assessment assistance, the department expects to distribute grants to local governments as soon as possible following adoption of the IBTER rules in July as legislatively-provided funds allow.

Housing Needs Analysis (HNA). Cities with population greater than 10,000 may, with consultant assistance, may request funds for assistance to prepare and adopt a HNA. A HNA includes a housing needs projection addressing housing types and price levels, residential land needs analysis, buildable lands inventory, and identification of measures for accommodating needed housing as described in OAR chapter 660, divisions 7 and 8. The purpose of an HNA is to ensure that cities have an available land supply to accommodate their housing needs over the next 20 years. Pending authorization by the Legislature, the department will also offer planning assistance grants for HNAs to cities with population under 10,000.

Housing Strategy Implementation Plan. Cities (population greater than 10,000) with HNAs less than five years old may, with consultant assistance, develop an action plan to implement one or more of the housing strategies identified in the HNA. A housing strategy may include changes to zoning, programs to manage short-term or vacation rentals, incentives for affordable housing, SDC waivers, or other regulatory or non-regulatory tools.

Prototype Housing Production Strategy. Cities with population greater than 10,000 will be required, within a year of adoption of a housing needs analysis, to adopt a housing production strategy. A housing production strategy will outline how a city intends to ensure or incentivize the actual production of needed housing identified in the adopted HNA. Although rulemaking has begun, the Land Conservation and Development Commission has not yet adopted rules regarding such strategies. However, the department invites cities to apply for funding to work with DLCD staff, consultant assistance and a local advisory committee, to create a prototype housing production strategy that can help staff and the Commission in its future formulation of rules for this work.

Eligibility

All cities throughout the state and the three counties within the Portland Metro urban growth boundary are eligible to submit a Request for Assistance. However, an individual jurisdiction is not eligible for every type of assistance. The department has determined that jurisdictions are eligible for each type of planning assistance as follows:

| | |
|-------------------------------------|--|
| Cities above 10,000 population: | All types of assistance |
| Cities below 10,000 population | Housing Needs Analysis only |
| Counties in the Portland Metro Area | Middle Housing Code Updates and IBTERs |

Application and Next Steps

Complete and sign one-page application (on following page). Applications will be accepted through March 13, 2020.

Selected jurisdictions will be asked to sign a memorandum of understanding that spells out the roles and responsibilities of the consultant, DLCD, and the local government.

Additional Information

Please contact your DLCD regional representative with questions or for more information.

| | | |
|---|--|--|
| <u>Mid-Willamette Valley</u> Angela Carnahan angela.carnahan@state.or.us 503-934-0056 | <u>East Metro</u> Jennifer Donnelly jennifer.donnelly@state.or.us 503-725-2183 | <u>West Metro</u> Anne Debbaut anne.debbaut@state.or.us 503-725-2182 |
| <u>Central Oregon:</u> Scott Edelman scott.edelman@state.or.us 541-306-8530 | <u>Southern Oregon</u> Josh LeBombard josh.lebombard@state.or.us 541-414-7932 | <u>South Coast</u> Hui Rodomsky hui.rodomsky@state.or.us 541-574-1584 |
| <u>North Coast</u> Lisa Phipps lisa.phipps@state.or.us 503-812-5448 | <u>Eastern Oregon :</u> Tamra Mabbott tamra.mabbott@state.or.us 541-325-6924 | <u>Southern Willamette Valley</u> Patrick Wingard patrick.wingard@state.or.us 541-393-7675 |

REQUEST FOR ASSISTANCE

City:

OR

County:

Contact Person (name and title):

Contact phone number:

Contact e-mail address:

Service of Interest.

Select any of interest that your local government qualifies for.

Would you prefer a DLCD-provided consultant or a direct grant to hire your own planning consultants/staff?

| | | DLCD-provided consultant | Direct grant |
|---------------------------------------|--------------------------|--------------------------|--------------------------|
| HB 2001 Code Assistance | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HB 2001 IBTERs | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| Housing Needs Analysis | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Housing Implementation Plan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Prototype Housing Production Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Project Description

In a one page attached document, please describe your proposed project and associated desired outcomes.

By signing below, the local government demonstrates community support as required by ORS 284.753(5) – signature by an elected official authorized to act on behalf of the governing body.

Signature of local governing body representative

Date

Title

Submittal

Please submit this Request for Assistance by March 13, 2020 to DLCD by email to the following address: DLCD.GFGrant@state.or.us.



To: Communities over 10,000 and 25,000, local governments within Metro

From: Gordon Howard, Manager, Community Services Division; Kevin Young, Senior Urban Planner

Date: February 4, 2020

Re: House Bill 2001 and House Bill 2003 Request for Assistance

With House Bills 2001 and House Bills 2003 passed in the 2019 Legislative Session and signed into Law by Governor Brown in August, 2019, the Legislature provided funds for local governments to begin to implement these bills. Please find specifics on each bill below.

HB 2001

DLCD is to administer the allocation of \$3.5M in assistance monies to local governments in implementing two aspects of House Bill 2001 to help ensure more housing choice in cities over 10,000, Metro cities over 1,000, and urbanized portions of Metro counties.

Uses of Funds

Code Updates. Non-Metro Cities with more than 10,000 residents must update their comprehensive plans and development codes to allow duplexes in all single family zones by June 30, 2021. Cities with more than 25,000 residents and cities and counties over 1,000 residents in the Portland Metropolitan area must update their comprehensive plans and development codes by June 30, 2022. A portion of the \$3.5M has been allocated to DLCD to assist in the update of local codes to be in compliance with these provisions.

Infrastructure-Based Time Extension Requests. The \$3.5M in funds also may be used to determine whether or not areas of the city need additional time to make code changes due to limitations in infrastructure. Administrative Rules on these "Infrastructure-Based Time Extension Requests" or IBTERs is expected to be complete by in July, 2020. As established in House Bill 2001, the IBTER application deadline for cities with a population between 10,000 and 25,000 is December 31, 2020. Because those rules are expected to be complete with only five months before communities must a) identify any infrastructure constraints and b) develop a plan to address the infrastructure constraints, we encourage those cities to talk to your public works or preferred consulting staff now so that you are prepared to apply for funding as soon as rules are adopted. Cities with more than 25,000 have until June 30, 2021 to submit the request for extension. Funding for the medium cities and large local governments will be distributed by direct grants to local governments, immediately following adoption of the IBTER rules in July.

If you are interested in the rulemaking process for either bill, please sign up to receive updates [here](#).

How to Express Interest in Receiving Funds

Attached is a Request for Assistance or RFA form to be signed by an elected official. This is due on March 13, 2020. For code updates, the form includes a place to indicate whether you would like to use a DLCD-provided consultant or you would prefer to receive a direct grant and hire your own planning consultants/staff to provide the necessary code changes required by state law. Rules for these bills should be adopted by the Land Conservation and Development Commission (LCDC) in July 2020. Due to the time constraints for the Infrastructure-Based Time Extension Requests, cities will need to hire their own consultants. Please check the box to indicate if you plan to request technical assistance funds for the infrastructure purpose.

HB 2003

DLCD was appropriated \$1M to distribute to local governments for the purposes of completing housing needs analyses and housing production strategies. As written in the bill, DLCD may only grant money to cities with a population greater than 10,000 – the cities that must complete housing needs analyses and housing production strategies under the provisions of HB 2003. However, DLCD is requesting that the Legislature, at its February session, allow granting of these monies for housing needs analyses in smaller cities as well as for the development of housing implementation plans. If the Legislature makes this change, the department wants to be ready with potential projects to consider for allocation of grant funds.

Uses of Funds

Housing Needs Analyses – Cities Greater than 10,000 Population. Cities with population greater than 10,000 must update their housing needs analysis on a six or eight-year schedule. DLCD issued the schedule, which can be found on our website at https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf. Cities may choose to adopt a new housing needs analysis ahead of the date in the schedule.

Example Housing Production Strategy. Cities with population greater than 10,000 will be required, within a year of adoption of a housing needs analysis, to adopt a housing production strategy. A housing production strategy will outline how a city intends to ensure or incentivize the actual production of needed housing identified in the adopted HNA. Although rulemaking has begun, the Land Conservation and Development Commission has not yet adopted rules regarding such strategies. However, the department wants to solicit a city within the state to create an example housing production strategy that can help the Commission in its future formulation of rules for this work.

Housing Implementation Plans – Cities Greater than 10,000 Population. If the Legislature expands use of these monies at its February session, cities with a population greater than 10,000 may submit proposals for housing implementation plans to implement provisions of their adopted housing needs analyses. Examples include, but are not limited to, implementing code updates, an action plan for a specific housing issue such as homelessness, creation of a specific area implementation plan for housing,

adoption of tax policies to provide incentives for creation of subsidized affordable housing, and updating existing systems development charges methodologies to incentivize housing production.

Housing Needs Analyses – Cities Less than 10,000 Population. If the Legislature expands use of these monies, cities with a population less than 10,000 may submit proposals to adopt a new housing needs analysis.

How to Express Interest

Attached or linked is a Request for Interest or RFA form to be signed by an elected official. This is due on March 13, 2020. For these projects, the form includes a place to indicate whether you would like to use a DLCDC-provided consultant or you would prefer to receive a direct grant to hire your own planning consultants/staff to update your housing needs analysis, prepare a prototype housing production strategy, or prepare a housing implementation plan. Cities will need to have these projects completed by June 30, 2021.

If you have questions about the project, please contact me or Kevin Young, DLCDC Senior Urban Planner at 503-934-0030 or kevin.young@state.or.us.

We will also be hosting a webinar on February 21, 2020 date and will email more information on specific time and registration information in the upcoming weeks.

Thanks for your continued work for livable communities in Oregon.



HB 2001 Implementation Grant

The purpose of this project is to complete a Housing Needs Analysis (HNA) and update the housing element of the comprehensive plan.

In addition, in the 2019 Oregon Legislative Session House Bill 2001 passed, which applies to cities 10,000 and greater in size. Sweet Home's population is currently 9,612 as of 2017 and is projected to surpass 10,000 in the near future. The HB 2001 funding is primarily for cities larger than 10,000 in population, but allows funding for a HNA for cities smaller than 10,000. The City of Sweet Home is projected to surpass 10,000 in the near future and wants to provide adequate needed housing.

In 2001, the City of Sweet Home contracted with ECONorthwest to prepare a Housing and Economic Analysis. Since then, housing trends, State policies, buildable lands, and other factors have changed. The proposed project is in response to circumstances that have changed significantly since the last major revision. A full evaluation of the housing element of the comprehensive plan has not been completed since 2001. Since 2001 housing affordability has become a prominent national issue and the housing needs of the community have changed significantly. A HNA should be updated regularly to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs.

Furthermore, the City of Sweet Home completed an Economic Opportunities Analysis (EOA) in April 2017. The EOA identifies that land in the Recreational Commercial Zone provides the city with an opportunity for economic development, but the current zoning is a barrier to most types of employment uses. The report recommended zone changes or the expansion of commercial or industrial uses allowed in the implementing zone. If the city expands the commercial or industrial uses in the implementing zones this could attract economic development to the city. The increase in economic development could lead to additional workforce housing demand. Therefore, the next logical step for the city is a HNA and to complete a development code update to ensure adequate housing supply.

The process will allow the city to take a holistic look at the existing and projected conditions in the city and refine the housing comprehensive plan element based on new information, changing housing needs, population growth, and other factors. The result will be a comprehensive plan housing element that positions the City of Sweet Home to encourage housing development in the city based on the identified housing needs and community vision, and meet the community's housing needs.

The updated housing element and HNA will serve as the foundation for future development in the City of Sweet Home. Once the review period for the final housing element is finished the plan is anticipated to be adopted and will amend the comprehensive plan housing element (chapter four). By adopting this plan and the amendments, the city will ensure it is in compliance with applicable laws, rules, regulations, plans, and programs. Importantly, the update will also ensure that the comprehensive plan reflects current community conditions and values.

2020 Council Goals – changes.

Vision Statement

~~The Sweet Home community members have elected the City Council to represent their collective best interests.~~ We, **as City Council**, have been entrusted to make decisions that do the most good, for the most people, for the longest period of time **to enhance the quality of life for our community.**

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

GOAL #3

ESSENTIAL SERVICES

1. Increase access to quality healthcare services
 1. Memory Care
 2. Senior Assisted Living
 3. Physical Therapy
 4. Urgent Care
 5. Mental/Behavioral Health
2. ~~Look for methods to~~ Improve community safety, Police, Community Design, etc.
3. Develop partnerships w/ regional services and work to connect them w/ the appropriate members of the public

GOAL #4

ECONOMIC STRENGTH

1. Implement a ~~business~~ vitalization program.
2. ~~Support~~ **Lead** future economic development efforts w/in City Hall
3. ~~Develop economic and business education opportunities~~ **Collaborate** w/ regional partners.
4. **Develop a downtown streetscape plan**

City of Sweet Home Vision Statement, Mission Statement and Fiscal Year 2020 City Council Goals

VISION STATEMENT

WE, as City Council, have been entrusted to make decisions that do the most good, for the most people, for the longest period of time to enhance the quality of life for our community.

- I. WE ASPIRE to make Sweet Home a community people find desirable to live in.
- II. WE ASPIRE to have an effective and efficient local government.
- III. WE ASPIRE to provide viable and sustainable infrastructure.
- IV. WE ASPIRE to provide viable and sustainable essential services.
- V. WE ASPIRE to create an economically strong environment in which businesses prosper.

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

GOAL #1 INFRASTRUCTURE

1. Develop specific steps for implementation of the adopted infrastructure master plans.
 - a. Water
 - b. Sewer
 - c. Streets
 - d. Parks
 - e. Property
2. Increase community awareness of infrastructure needs and appropriate planning documents.
 - a. Water
 - b. Sewer
 - c. Streets
 - d. Parks
 - e. Property

GOAL #2 BE AN EFFECTIVE AND EFFICIENT GOVERNMENT

1. Update and streamline processes
2. Develop continuity in planning and permitting processes.
3. Invest in long-term staff stability & training.
4. Continue to implement strong financial “best” practices.
5. Employ sound technology to maximize efficiency.

City of Sweet Home Vision Statement, Mission Statement and Fiscal Year 2020 City Council Goals

GOAL #3 ESSENTIAL SERVICES

1. Increase access to quality healthcare services in Sweet Home.
 - a. Memory Care
 - b. Senior Assisted Living
 - c. Physical Therapy
 - d. Urgent Care
 - e. Mental/Behavior Health
2. Improve community safety, Police, Community Design, etc.
3. Develop partnerships with regional services and work to connect them with the appropriate members of the public.

GOAL #4 ECONOMIC STRENGTH

1. Implement vitalization programs
2. Lead community economic development efforts.
3. Develop economic opportunities with regional partners
4. Develop a downtown streetscape plan.

2021 WATER RESOURCES AND EXPENDITURES

| Funding Source | Resources | Expenditures |
|---------------------------------------|--------------|--------------|
| 2020 Budget Carryover | \$ 250,000 | |
| Sale of 9 th Ave. Property | \$ 207,000 | |
| Water Capital Funds | \$ 275,000 | |
| Subtotal | \$ 732,000 | |
| | | |
| Backwash | | \$ 375,000 |
| Variable Flow Device | | \$ 195,000 |
| 9 th Ave. 2" Main Replace | | \$ 250,000 |
| 2021 Requested O&M | | \$ 2,100,000 |
| Transfer to Capital/Disaster Funds | | \$ 300,000 |
| Subtotal | | \$ 3,220,000 |
| 2021 Revenue | \$ 2,300,000 | |
| Total Resources | \$ 3,032,000 | |
| Total Expenditures | | \$ 3,220,000 |
| Surplus/(Deficit) | \$ (188,000) | |

Residential Rates

| Cubic Feet | Number of Customers | Current Water Rates | Current Rate Total w/WW+Storm | 300 cf incl. in base Proposal #1 (current structure) | | | |
|---------------------|---------------------|---------------------|-------------------------------|---|------------------|-------------------|------------------|
| | | | | Water Rate | Total w/WW+Storm | \$ ▲ from current | % ▲ from current |
| 100 | 449 | \$ 19.99 | \$ 61.86 | \$ 21.70 | \$ 63.57 | 1.71 | 2.76% |
| 200 | 357 | 19.99 | 61.86 | 21.70 | 63.57 | 1.71 | 2.76% |
| 300 | 441 | 19.99 | 61.86 | 21.70 | 63.57 | 1.71 | 2.76% |
| 400 | 416 | 29.24 | 80.89 | 31.98 | 83.63 | 2.74 | 3.39% |
| 500 | 371 | 38.49 | 99.92 | 42.26 | 103.69 | 3.77 | 3.77% |
| 600 | 256 | 47.74 | 118.95 | 52.54 | 123.75 | 4.80 | 4.04% |
| 700 | 193 | 56.99 | 137.98 | 62.82 | 143.81 | 5.83 | 4.23% |
| 800 | 130 | 66.24 | 157.01 | 73.10 | 163.87 | 6.86 | 4.37% |
| 900 | 71 | 75.49 | 176.04 | 83.38 | 183.93 | 7.89 | 4.48% |
| 1000 | 58 | 84.74 | 195.07 | 93.66 | 203.99 | 8.92 | 4.57% |
| 1100 | 33 | 93.99 | 214.10 | 103.94 | 224.05 | 9.95 | 4.65% |
| 1200 | 20 | 103.24 | 233.13 | 114.22 | 244.11 | 10.98 | 4.71% |
| 1300 | 8 | 112.49 | 252.16 | 124.50 | 264.17 | 12.01 | 4.76% |
| 1400 | 14 | 121.74 | 271.19 | 134.78 | 284.23 | 13.04 | 4.81% |
| 1500 | 8 | 130.99 | 290.22 | 145.06 | 304.29 | 14.07 | 4.85% |
| 1600 | 5 | 140.24 | 309.25 | 155.34 | 324.35 | 15.10 | 4.88% |
| 1700 | 4 | 149.49 | 328.28 | 165.62 | 344.41 | 16.13 | 4.91% |
| 1800 | 5 | 158.74 | 347.31 | 175.90 | 364.47 | 17.16 | 4.94% |
| 1900 | 3 | 167.99 | 366.34 | 186.18 | 384.53 | 18.19 | 4.97% |
| 2000 | 4 | 177.24 | 385.37 | 196.46 | 404.59 | 19.22 | 4.99% |
| 2300 | 3 | 204.99 | 442.46 | 227.30 | 464.77 | 22.31 | 5.04% |
| 2500 | 1 | 223.49 | 480.52 | 247.86 | 504.89 | 24.37 | 5.07% |
| 2600 | 1 | 232.74 | 499.55 | 258.14 | 524.95 | 25.40 | 5.08% |
| Average Rate | | \$ 37.17 | \$ 97.17 | \$ 40.79 | \$ 100.79 | | |
| Base Rate | | \$ 19.99 | | \$ 21.70 | | | |
| Commodity | | \$ 9.25 | | \$ 10.28 | | | |

1,426 accounts = Median users (2019)

Annual average consumption (2019)

Commercial Rates

| Cubic Feet | Number of Customers | Current Water Rates | Current Rate Total w/WW+Storm | 300 cf incl. in base Proposal #1 (current structure) | | | |
|-----------------------|---------------------|---------------------|-------------------------------|--|------------------|-------------------|------------------|
| | | | | Water Rate | Total w/WW+Storm | \$ ▲ from current | % ▲ from current |
| 100 | 106 | \$ 29.21 | \$ 80.86 | \$ 31.92 | \$ 83.57 | 2.71 | 3.35% |
| 200 | 17 | 38.43 | 99.86 | 42.14 | 103.57 | 3.71 | 3.72% |
| 300 | 12 | 47.65 | 118.86 | 52.36 | 123.57 | 4.71 | 3.96% |
| 400 | 13 | 56.87 | 137.86 | 62.58 | 143.57 | 5.71 | 4.14% |
| 500 | 9 | 66.09 | 156.86 | 72.80 | 163.57 | 6.71 | 4.28% |
| 600 | 9 | 75.31 | 175.86 | 83.02 | 183.57 | 7.71 | 4.38% |
| 700 | 7 | 84.53 | 194.86 | 93.24 | 203.57 | 8.71 | 4.47% |
| 800 | 5 | 93.75 | 213.86 | 103.46 | 223.57 | 9.71 | 4.54% |
| 900 | 3 | 102.97 | 232.86 | 113.68 | 243.57 | 10.71 | 4.60% |
| 1000 | 7 | 112.19 | 251.86 | 123.90 | 263.57 | 11.71 | 4.65% |
| 1100 | 1 | 121.41 | 270.86 | 134.12 | 283.57 | 12.71 | 4.69% |
| 1200 | 3 | 130.63 | 289.86 | 144.34 | 303.57 | 13.71 | 4.73% |
| 1300 | 5 | 139.85 | 308.86 | 154.56 | 323.57 | 14.71 | 4.76% |
| 1400 | 0 | 149.07 | 327.86 | 164.78 | 343.57 | 15.71 | 4.79% |
| 1500 | 3 | 158.29 | 346.86 | 175.00 | 363.57 | 16.71 | 4.82% |
| 1600 | 1 | 167.51 | 365.86 | 185.22 | 383.57 | 17.71 | 4.84% |
| 1700 | 1 | 176.73 | 384.86 | 195.44 | 403.57 | 18.71 | 4.86% |
| 1800 | 1 | 185.95 | 403.86 | 205.66 | 423.57 | 19.71 | 4.88% |
| 1900 | 1 | 195.17 | 422.86 | 215.88 | 443.57 | 20.71 | 4.90% |
| 2300 | 24 | 232.05 | 469.52 | 256.76 | 494.23 | 24.71 | 5.26% |
| Total Accounts | 228 | | | | | | |
| Average Rate | | \$ 72.24 | \$ 166.44 | \$ 79.61 | \$ 173.81 | | |
| Base Rate | | \$ 19.99 | | \$ 21.70 | | | |
| Commodity | | \$ 9.22 | | \$ 10.22 | | | |

114 accounts = Median users (2019)

= Annual average consumption (2019)

Utility Rates Effective May 18, 2020

Sewer Base \$40.87
Water Base \$21.70

Sewer Commodity \$9.78
Water Commodity \$10.28

3/4" Residential User

| | <i>Water</i> | <i>Sewer</i> | <i>Storm</i> | <i>Total</i> | ▲ from PY |
|------------|----------------|----------------|---------------|-----------------|------------------|
| 100 | \$21.70 | \$40.87 | \$1.00 | \$63.57 | \$1.71 |
| 200 | \$21.70 | \$40.87 | \$1.00 | \$63.57 | \$1.71 |
| 300 | \$21.70 | \$40.87 | \$1.00 | \$63.57 | \$1.71 |
| 400 | \$31.98 | \$50.65 | \$1.00 | \$83.63 | \$2.74 |
| 500 | \$42.26 | \$60.43 | \$1.00 | \$103.69 | \$3.77 |
| 600 | \$52.54 | \$70.21 | \$1.00 | \$123.75 | \$4.80 |
| 700 | \$62.82 | \$79.99 | \$1.00 | \$143.81 | \$5.83 |
| 800 | \$73.10 | \$89.77 | \$1.00 | \$163.87 | \$6.86 |
| 900 | \$83.38 | \$99.55 | \$1.00 | \$183.93 | \$7.89 |
| 1,000 | \$93.66 | \$109.33 | \$1.00 | \$203.99 | \$8.92 |
| 1,100 | \$103.94 | \$119.11 | \$1.00 | \$224.05 | \$9.95 |
| 1,200 | \$114.22 | \$128.89 | \$1.00 | \$244.11 | \$10.98 |
| 1,300 | \$124.50 | \$138.67 | \$1.00 | \$264.17 | \$12.01 |
| 1,400 | \$134.78 | \$148.45 | \$1.00 | \$284.23 | \$13.04 |
| 1,500 | \$145.06 | \$158.23 | \$1.00 | \$304.29 | \$14.07 |
| 1,600 | \$155.34 | \$168.01 | \$1.00 | \$324.35 | \$15.10 |
| 1,700 | \$165.62 | \$177.79 | \$1.00 | \$344.41 | \$16.13 |
| 1,800 | \$175.90 | \$187.57 | \$1.00 | \$364.47 | \$17.16 |
| 1,900 | \$186.18 | \$197.35 | \$1.00 | \$384.53 | \$18.19 |
| 2,000 | \$196.46 | \$207.13 | \$1.00 | \$404.59 | \$19.22 |
| 2,100 | \$206.74 | \$216.91 | \$1.00 | \$424.65 | \$20.25 |
| 2,200 | \$217.02 | \$226.69 | \$1.00 | \$444.71 | \$21.28 |
| 2,300 | \$227.30 | \$236.47 | \$1.00 | \$464.77 | \$22.31 |
| 2,400 | \$237.58 | \$246.25 | \$1.00 | \$484.83 | \$23.34 |
| 2,500 | \$247.86 | \$256.03 | \$1.00 | \$504.89 | \$24.37 |
| 2,600 | \$258.14 | \$265.81 | \$1.00 | \$524.95 | \$25.40 |
| 2,700 | \$268.42 | \$275.59 | \$1.00 | \$545.01 | \$26.43 |
| 2,800 | \$278.70 | \$285.37 | \$1.00 | \$565.07 | \$27.46 |
| 2,900 | \$288.98 | \$295.15 | \$1.00 | \$585.13 | \$28.49 |
| 3,000 | \$299.26 | \$304.93 | \$1.00 | \$605.19 | \$29.52 |
| 3,100 | \$309.54 | \$314.71 | \$1.00 | \$625.25 | \$30.55 |
| 3,200 | \$319.82 | \$324.49 | \$1.00 | \$645.31 | \$31.58 |
| 3,300 | \$330.10 | \$334.27 | \$1.00 | \$665.37 | \$32.61 |
| 3,400 | \$340.38 | \$344.05 | \$1.00 | \$685.43 | \$33.64 |
| 3,500 | \$350.66 | \$353.83 | \$1.00 | \$705.49 | \$34.67 |
| 3,600 | \$360.94 | \$363.61 | \$1.00 | \$725.55 | \$35.70 |
| 3,700 | \$371.22 | \$373.39 | \$1.00 | \$745.61 | \$36.73 |
| 3,800 | \$381.50 | \$383.17 | \$1.00 | \$765.67 | \$37.76 |
| 3,900 | \$391.78 | \$392.95 | \$1.00 | \$785.73 | \$38.79 |
| 4,000 | \$402.06 | \$402.73 | \$1.00 | \$805.79 | \$39.82 |
| 4,100 | \$412.34 | \$412.51 | \$1.00 | \$825.85 | \$40.85 |
| 4,200 | \$422.62 | \$422.29 | \$1.00 | \$845.91 | \$41.88 |
| 4,300 | \$432.90 | \$432.07 | \$1.00 | \$865.97 | \$42.91 |
| 4,400 | \$443.18 | \$441.85 | \$1.00 | \$886.03 | \$43.94 |

Utility Rates Effective May 18, 2020

| | | | |
|-----------------|---------|-----------------|---------|
| Sewer Base | \$40.87 | Water Base | \$21.70 |
| Sewer Commodity | \$9.78 | Water Commodity | \$10.22 |

3/4" Commercial User

| | <i>Water</i> | <i>Sewer</i> | <i>Storm</i> | <i>Total</i> |
|--------------|--------------|--------------|--------------|--------------|
| 100 | \$31.92 | \$50.65 | \$1.00 | \$83.57 |
| 200 | \$42.14 | \$60.43 | \$1.00 | \$103.57 |
| 300 | \$52.36 | \$70.21 | \$1.00 | \$123.57 |
| 400 | \$62.58 | \$79.99 | \$1.00 | \$143.57 |
| 500 | \$72.80 | \$89.77 | \$1.00 | \$163.57 |
| 600 | \$83.02 | \$99.55 | \$1.00 | \$183.57 |
| 700 | \$93.24 | \$109.33 | \$1.00 | \$203.57 |
| 800 | \$103.46 | \$119.11 | \$1.00 | \$223.57 |
| 900 | \$113.68 | \$128.89 | \$1.00 | \$243.57 |
| 1,000 | \$123.90 | \$138.67 | \$1.00 | \$263.57 |
| 1,100 | \$134.12 | \$148.45 | \$1.00 | \$283.57 |
| 1,200 | \$144.34 | \$158.23 | \$1.00 | \$303.57 |
| 1,300 | \$154.56 | \$168.01 | \$1.00 | \$323.57 |
| 1,400 | \$164.78 | \$177.79 | \$1.00 | \$343.57 |
| 1,500 | \$175.00 | \$187.57 | \$1.00 | \$363.57 |
| 1,600 | \$185.22 | \$197.35 | \$1.00 | \$383.57 |
| 1,700 | \$195.44 | \$207.13 | \$1.00 | \$403.57 |
| 1,800 | \$205.66 | \$216.91 | \$1.00 | \$423.57 |
| 1,900 | \$215.88 | \$226.69 | \$1.00 | \$443.57 |
| 2,000 | \$226.10 | \$236.47 | \$1.00 | \$463.57 |
| 2,100 | \$236.32 | \$246.25 | \$1.00 | \$483.57 |
| 2,200 | \$246.54 | \$256.03 | \$1.00 | \$503.57 |
| 2,300 | \$256.76 | \$265.81 | \$1.00 | \$523.57 |
| 2,400 | \$266.98 | \$275.59 | \$1.00 | \$543.57 |
| 2,500 | \$277.20 | \$285.37 | \$1.00 | \$563.57 |
| 2,600 | \$287.42 | \$295.15 | \$1.00 | \$583.57 |
| 2,700 | \$297.64 | \$304.93 | \$1.00 | \$603.57 |
| 2,800 | \$307.86 | \$314.71 | \$1.00 | \$623.57 |
| 2,900 | \$318.08 | \$324.49 | \$1.00 | \$643.57 |
| 3,000 | \$328.30 | \$334.27 | \$1.00 | \$663.57 |
| 3,100 | \$338.52 | \$344.05 | \$1.00 | \$683.57 |
| 3,200 | \$348.74 | \$353.83 | \$1.00 | \$703.57 |
| 3,300 | \$358.96 | \$363.61 | \$1.00 | \$723.57 |
| 3,400 | \$369.18 | \$373.39 | \$1.00 | \$743.57 |
| 3,500 | \$379.40 | \$383.17 | \$1.00 | \$763.57 |
| 3,600 | \$389.62 | \$392.95 | \$1.00 | \$783.57 |
| 3,700 | \$399.84 | \$402.73 | \$1.00 | \$803.57 |
| 3,800 | \$410.06 | \$412.51 | \$1.00 | \$823.57 |
| 3,900 | \$420.28 | \$422.29 | \$1.00 | \$843.57 |
| 4,000 | \$430.50 | \$432.07 | \$1.00 | \$863.57 |
| 4,100 | \$440.72 | \$441.85 | \$1.00 | \$883.57 |
| 4,200 | \$450.94 | \$451.63 | \$1.00 | \$903.57 |
| 4,300 | \$461.16 | \$461.41 | \$1.00 | \$923.57 |
| 4,400 | \$471.38 | \$471.19 | \$1.00 | \$943.57 |

Utility Rates Effective May 18, 2020

| | | | |
|-----------------|---------|-----------------|---------|
| Sewer Base | \$40.87 | Water Base | \$21.70 |
| Sewer Commodity | \$9.78 | Water Commodity | \$10.07 |

3/4" Bulk User

| | <i>Water</i> | <i>Sewer</i> | <i>Storm</i> | <i>Total</i> |
|--------------|--------------|--------------|--------------|--------------|
| 100 | \$31.77 | \$0.00 | \$0.00 | \$31.77 |
| 200 | \$41.84 | \$0.00 | \$0.00 | \$41.84 |
| 300 | \$51.91 | \$0.00 | \$0.00 | \$51.91 |
| 400 | \$61.98 | \$0.00 | \$0.00 | \$61.98 |
| 500 | \$72.05 | \$0.00 | \$0.00 | \$72.05 |
| 600 | \$82.12 | \$0.00 | \$0.00 | \$82.12 |
| 700 | \$92.19 | \$0.00 | \$0.00 | \$92.19 |
| 800 | \$102.26 | \$0.00 | \$0.00 | \$102.26 |
| 900 | \$112.33 | \$0.00 | \$0.00 | \$112.33 |
| 1,000 | \$122.40 | \$0.00 | \$0.00 | \$122.40 |
| 1,100 | \$132.47 | \$0.00 | \$0.00 | \$132.47 |
| 1,200 | \$142.54 | \$0.00 | \$0.00 | \$142.54 |
| 1,300 | \$152.61 | \$0.00 | \$0.00 | \$152.61 |
| 1,400 | \$162.68 | \$0.00 | \$0.00 | \$162.68 |
| 1,500 | \$172.75 | \$0.00 | \$0.00 | \$172.75 |
| 1,600 | \$182.82 | \$0.00 | \$0.00 | \$182.82 |
| 1,700 | \$192.89 | \$0.00 | \$0.00 | \$192.89 |
| 1,800 | \$202.96 | \$0.00 | \$0.00 | \$202.96 |
| 1,900 | \$213.03 | \$0.00 | \$0.00 | \$213.03 |
| 2,000 | \$223.10 | \$0.00 | \$0.00 | \$223.10 |
| 2,100 | \$233.17 | \$0.00 | \$0.00 | \$233.17 |
| 2,200 | \$243.24 | \$0.00 | \$0.00 | \$243.24 |
| 2,300 | \$253.31 | \$0.00 | \$0.00 | \$253.31 |
| 2,400 | \$263.38 | \$0.00 | \$0.00 | \$263.38 |
| 2,500 | \$273.45 | \$0.00 | \$0.00 | \$273.45 |
| 2,600 | \$283.52 | \$0.00 | \$0.00 | \$283.52 |
| 2,700 | \$293.59 | \$0.00 | \$0.00 | \$293.59 |
| 2,800 | \$303.66 | \$0.00 | \$0.00 | \$303.66 |
| 2,900 | \$313.73 | \$0.00 | \$0.00 | \$313.73 |
| 3,000 | \$323.80 | \$0.00 | \$0.00 | \$323.80 |
| 3,100 | \$333.87 | \$0.00 | \$0.00 | \$333.87 |
| 3,200 | \$343.94 | \$0.00 | \$0.00 | \$343.94 |
| 3,300 | \$354.01 | \$0.00 | \$0.00 | \$354.01 |
| 3,400 | \$364.08 | \$0.00 | \$0.00 | \$364.08 |
| 3,500 | \$374.15 | \$0.00 | \$0.00 | \$374.15 |
| 3,600 | \$384.22 | \$0.00 | \$0.00 | \$384.22 |
| 3,700 | \$394.29 | \$0.00 | \$0.00 | \$394.29 |
| 3,800 | \$404.36 | \$0.00 | \$0.00 | \$404.36 |
| 3,900 | \$414.43 | \$0.00 | \$0.00 | \$414.43 |
| 4,000 | \$424.50 | \$0.00 | \$0.00 | \$424.50 |
| 4,100 | \$434.57 | \$0.00 | \$0.00 | \$434.57 |
| 4,200 | \$444.64 | \$0.00 | \$0.00 | \$444.64 |
| 4,300 | \$454.71 | \$0.00 | \$0.00 | \$454.71 |
| 4,400 | \$464.78 | \$0.00 | \$0.00 | \$464.78 |



REQUEST FOR COUNCIL ACTION

Title: Special Event Ordinance

Preferred Agenda: February 25, 2020 (Information Only)
March 10, 2020 (Introduction & First Reading)

Submitted By: Blair Larsen

Reviewed By: Ray Towry

Type of Action: Resolution ____ Motion Roll Call ____ Other ____

Relevant Code/Policy: SHMC Chapters [5.04](#), [10.04](#), [12.12](#).

Towards Council Goal: Vision Statement, Aspiration II: Effective and efficient local government; Mission Statement; Goal 2.1 Update and streamline processes; Goal 2.2 Develop continuity in planning and permitting processes; Goal 2.5: Implement financial “best” practices

Attachments: Ordinance Bill No. 5 for 2020

Purpose of this RCA:

The City’s current code does not include provisions to regulate special events, such as requiring event planners to carry liability insurance, pay for additional city services, or ensure for attendees’ health and safety. The purpose of this RCA is to inform the council of this lack protection and propose an ordinance that would govern such events and protect taxpayer property.

Background/Context:

The City’s current code includes the issuance of park permits but does not regulate large events that take place in public rights-of-way. Current requirements do not cover the impacts of the large events that our community often hosts. The City Manager directed that a permit process be established under his authority as a stop gap some time ago, but an ordinance is necessary to more fully protect City infrastructure and property while providing for visitors’ welfare.

The Challenge/Problem:

How do we encourage large public events while protecting the taxpayer’s property and infrastructure while ensuring public welfare?

Stakeholders:

City of Sweet Home Residents: Residents benefit from the entertainment and sense of community that comes from large public events, but also benefit from the protection of their parks and streets, and the efficient use of their tax and fee dollars.

Sweet Home City Council Members: Council members are elected to be stewards of public assets and to ensure that City processes serve the public and fulfill their goals.

City of Sweet Home Staff: Staff members benefit from clear policies and procedures that are backed up by clear and thorough City ordinances.

Event Planners: Event planners benefit from clear and objective requirements that help them to plan their events from the very beginning and minimize surprises.

Issues and Financial Impacts:

A proper ordinance on this subject will protect the City from liability and decrease maintenance and personnel costs by placing responsibility for such expenses on the event planners. This is difficult to quantify but will likely have either a neutral or positive financial impact.

Elements of a Stable Solution:

An ideal outcome would be the passage of a special events ordinance that properly assigns liability and responsibility for expenses.

Options:

1. Do Nothing. Continue without an ordinance that adequately regulates special events.
2. Direct staff to make changes to the ordinance.
3. Motion to conduct a first reading of this ordinance.
4. Direct staff to regulate special events in some other way.

Recommendation:

Staff recommends option 3, motion to conduct a first reading of this ordinance.

ORDINANCE BILL NO. 5 FOR 2020

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO SPECIAL EVENTS

WHEREAS, the City of Sweet Home desires to ensure the safety of its citizens and visitors and protect public property during special events and to enable organizations and individuals to plan and hold special events.

NOW THEREFORE,

The City of Sweet Home does Ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 5.25 titled SPECIAL EVENTS is created to read as follows:

§5.25.010 Purpose and policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, and the like. Special events shall be allowed by a special events permit granted by the City Manager or designee. It is the purpose of this chapter to:

- A. Ensure that special events, as defined in this chapter, held within the City of Sweet Home meet minimum standards in order to protect the peace, health, safety, and welfare of individuals attending special events in the City of Sweet Home, as well as the surrounding neighbors and areas of the special event.
- B. It is the intent of the City of Sweet Home to ensure that special events within the city limits meet minimum standards. These standards include, but are not limited to, the safety of the participants and the public, ensuring that responsible persons are directing or are in charge of the event, safeguards against unlawful use and abuse of drugs and alcohol are in effect, and that noise levels are limited so as to ensure the peace, health, safety, and welfare of those attending the special events, as well as the surrounding neighbors.
- C. It is the intent of the city to issue a permit as soon as these minimum health, safety, peace, and welfare criteria are met. However, city officials may also consider any history of noncompliance of a particular organizer and/or event with the minimum peace, health, safety, and welfare criteria of this chapter.
- D. Issuance of a permit does not constitute approval of the operation of any business on any particular piece of property.
- E. Issuance of a permit authorizes only temporary use of property. Approval does not constitute approval of any property use, construction or alteration of permanent structures. Any long-term use of a specific property or structures as a permanent or

developed event site must first be approved under the relevant provisions of the Sweet Home Municipal Code.

- F. It is the specific intent to place the obligation of complying with the requirements of this chapter upon the applicant and permittee, and nothing contained in this chapter is intended to be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant and/or permittee to comply with the provisions stated herein.

§5.25.020 Definitions.

For the purpose of this chapter, words and phrases used herein are as follows:

“Applicant” shall mean any person or organization who seeks a special event permit to conduct an event governed by this chapter.

“Athletic event” shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property and/or on a city street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.

“Block party” shall mean a festive gathering on a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music or games.

“Expressive Activity” means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

“Permit application fee” shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the city.

“Permittee” shall mean any person or organization who has been issued a special events permit by the City Manager or designee. The permittee shall have authority, subject to approval by the city, to determine participation in any activities associated with the special event during the time period specified in the permit.

“Refundable deposit” shall mean the amount of money required of a permittee by the City in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and verification by the public works department that the site has been returned to the condition it was in prior to the event.

“Special Event” means:

- A. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the City which does not comply with applicable traffic regulations, laws or controls; or

- B. Any organized assemblage of seventy-five (75) or more persons at any public place, property, or facility, which is to gather for a common purpose under the direction or control of a person.
- C. Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races), mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

“Special events permit” shall mean the permit issued by the City Manager or designee after the applicant has met all applicable reviews and requirements set forth in this chapter.

§5.25.030 Exemptions.

The provisions of this chapter shall not apply to:

- A. Funeral processions;
- B. Groups required by law to be so assembled;
- C. Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
- D. Expressive activities. If practicable, the organizers should give notice to the City at least four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.
- E. Activities of state and federal governmental agencies, including military units, which are performed within the scope of such agency's duties and functions.

§5.25.040 Administration.

The City Manager or designee shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits. The City Manager or designee may approve, modify, condition, or deny an application for a special events permit, in accordance with the principles of this Chapter.

§5.25.050 Permit required.

- A. Any person desiring to conduct a special event on public property, and/or which will necessitate the use of the public right-of-way, shall first obtain a special event permit.
- B. Any event subject to the provisions of this Chapter that is staged without complying with all conditions of this Chapter shall be subject to closure by the Sweet Home Police Department.

§5.25.060 Permit fee and deposit.

The fee for issuance of a special events permit shall be set by resolution of the city council. A clean-up deposit is required for applicants of special events involving the sale of food or

beverages for immediate consumption, the erection of structures, the use of horses or other animals, or the use of fireworks or other incendiary devices, in an amount reasonably anticipated to be incurred in removing debris or litter caused by such special event, as determined by the City Manager or designee. The clean-up deposit may be returned after the special event if the applicant or applicant organization cleans and restores the area used for the permitted event to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the clean-up deposit shall be applied toward the city's costs in cleaning up the permitted area. There may be requirements for police officers to control traffic, provide security, and protect people and property, and the Public Works Department may have costs for placing barricades, roadway preparation, and clean-up, which may impact the amount of the fee and deposit.

§5.25.070 Application and Fee Exemptions and Waivers.

- A. No fee shall apply to a block party
- B. The City Council may waive fees for special events that are sponsored by nonprofit agencies and which further the goals and objectives of the city.
- C. Upon a finding of good cause, the City Manager or designee may waive by order any time limit imposed by this chapter. In the order waiving any time limit, the City Manager or designee must state the new time limit. Any waiver of the time limits imposed by this chapter shall not require an applicant to submit an application more than one hundred twenty (120) days before the first day on which the public event is to be held.
- D. The City Manager or designee may waive all or part of the requirements of liability insurance upon a showing by the applicant of good cause to reduce or waive the insurance.

§5.25.080 Pre-application conference.

The city may require a pre-application conference take place before the application is deemed complete by the city. The pre-application conference, if required, shall be scheduled within ten (10) business days of receipt of the application by the city.

§5.25.090 Permit application.

- A. Any person or organization wishing to conduct a special event shall apply for a special event permit by filing an application with the city at least forty-five (45) days prior to the date on which the event is to begin to occur.
- B. The applicant shall provide the city with proof of commercial general liability insurance as detailed in §5.25.140.
- C. The City Manager or designee shall issue the special event permit once the application has been approved after review of appropriate agencies to include police, fire, public works, building and planning, and others as determined by the City Manager or designee, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

- D. The City Manager or designee shall approve, conditionally approve, or deny an application based on the application's conformance to this chapter, and the recommendations of city departments involved in the review process.

§5.25.100 Permit requirements.

- A. Special event uses are to be temporary and approved for a particular zoning district by the City Manager or designee.
- B. Temporary signage and temporary structures will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the City Manager or designee.
- C. Requests for temporary parking facilities for special events and street closures for special events shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the police chief, or designee. Street closures for any portion of a state highway or right of way (such as Main Street) shall be subject to state requirements and approvals.
- D. Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the Sweet Home Fire District.
- E. Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the police chief or designee.
- F. Expenses for fire, police, medical services, parks, and public works crews needed for coverage and cleanup at the special event shall be prepaid and the responsibility of the permittee, even if the permit fee has been waived. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the permittee is responsible for the cost and will be billed for the difference.
- G. Adequate sanitation and other required health facilities shall, as required by applicable statutes and the Linn County Department of Health Services, be provided or made available in or adjacent to any public assembly areas.
- H. Permittees must allow inspections by city and Sweet Home Fire District officials at all reasonable times before the special event and at all times during the actual hours of the special event in order to ensure compliance with this chapter and all applicable health and safety codes and statutes.

§5.25.110 Permit conditions.

The City Manager or designee may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place, and manner of the event; and such requirements as are necessary to protect the safety and rights of persons and property and the control of traffic.

§5.25.120 Denial of application.

A special event permit may be denied based upon a determination that:

- A. The event would endanger public safety or health;

- B. The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;
- C. The event would unreasonably infringe upon the rights of abutting properties;
- D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;
- E. There is not sufficient qualified safety personnel or other necessary city staff to accommodate the event;
- F. The applicant failed to complete the application form after being notified of the additional information or documents required;
- G. Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail;
- H. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;
- I. Other issues in the public interest were identified by the City Manager, or designee;
- J. Failure to prepay expenses, fees, charges, deposits, or insurance;
- K. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- L. The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts; or
- M. The primary purpose of the special event is for advertising products, goods or events that are for private profit, and the special event is primarily for private profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the special event.

§5.25.130 Indemnification.

- A. Prior to the issuance of the special event permit, the applicant must agree to reimburse the city for any costs incurred by the city in repairing damage to city property occurring in connection with the permitted event.
- B. In consideration of being permitted to conduct this special event or activity or use of any city property or facilities in connection with this activity, the applicant ("indemnitor") agrees to the following:
 1. The indemnitor hereby agrees to release, indemnify and hold harmless the City of Sweet Home from any and all liability, claims, demands, causes of action, charges, expenses, and attorney fees (including attorney fees to establish the city's right to indemnity or incurred on appeal) resulting from involvement in this event whether caused by any negligent act or omission of the city or otherwise. This agreement shall not apply to any liability resulting from the sole negligence of the city.
 2. The indemnitor agrees to reimburse the city for any loss, theft of, or damage to city property, equipment and/or facilities.

3. The indemnitor agrees to comply with all applicable laws, statutes, ordinances, rules and requirements including, but not limited to, not admitting more attendees than designated by the Sweet Home Fire District as safe for the particular event or facility.
4. The indemnitor expressly agrees that this release and hold harmless agreement is intended to be as broad and inclusive as permitted by Oregon law and that if any portion thereof is held invalid, notwithstanding, the balance shall continue in full legal force and effect.
5. Falsification and/or misrepresentation in completing an application may result in rate adjustment or event cancellation. Changes to the detailed program require immediate notification to city.

§5.25.140 Insurance required.

- A. As required by the City Manager or designee, the permittee shall provide the city with proof of commercial general liability insurance generally in the amount of at least one-million dollars (\$1,000,000) (combined single limits per occurrence), two-million dollars (\$2,000,000) aggregate, and an endorsement naming the city of Sweet Home as an additional insured must be provided. Upon determination by the City Manager or designee, higher limits may be required for certain events.
- B. Certificates of insurance shall be submitted to the city for approval directly from the insuring agency via postal mail, fax or email. The insurance policy shall be written on an occurrence basis, shall name the city as an additional insured, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty (30) days' written notice to the city. Acceptability of insurance is subject to approval by the City Manager or designee.

§5.25.150 Revocation or suspension.

- A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the permittee, and may be immediately revoked or suspended by the City Manager or designee if:
 1. The permittee has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee or deposit for a permit has been dishonored;
 2. The permittee requests the cancellation of the permit or cancels the event;
 3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
 4. The activity conducted is in violation of any of the terms or conditions of the special events permit;
 5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;
 6. The permittee fails to prepay expenses.

- B. The city shall refund the permit fee and/or deposit in the event of a revocation caused by an emergency or supervening occurrence; the city shall refund the balance of the fee, less the actual costs incurred if the cancellation occurs at the request of a permittee who is in compliance with this chapter.
- C. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the City Manager or his designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same.

§5.25.160 Appeal procedure.

The applicant or permittee shall have the right to appeal a denial of a special event permit, or a condition imposed thereby, including the amount of fees, expenses, or clean-up deposits imposed or a determination that the applicant's certificate of insurance does not comply with the city's requirements. A written notice of appeal shall be filed within five (5) business days from the date of the denial or conditional approval. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The city council shall hear the appeal on the record provided from the designated city official, the appellant, and public comment given at the scheduled hearing before the council. The hearing shall be scheduled no later than ten (10) business days after receipt of a timely and proper notice of appeal. The decision of the city council on the appeal shall be final.

If there is insufficient time for a timely appeal to be heard by the city council prior to the date on which the event is scheduled, the applicant may, at the applicant's option, request that the Municipal Judge hear the appeal. The Municipal Judge shall hold a hearing no later than five business days after the filing of the appeal and shall render a decision no later than one business day after the hearing on the appeal is closed. If the appeal is requested and heard before the Municipal Judge, the Municipal Judge's decision shall be final.

§5.25.170 Penalty for violation.

Any person, association, firm, partnership, limited liability company, or corporation that violates any of the provisions of this chapter may be prosecuted under SHMC Chapter 9.36. Each day in which a violation is committed constitutes a separate offense.

§5.25.180 Severability.

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Section 2.

A. Sweet Home Municipal Code Section 5.04.010 titled MISCELLANEOUS EVENTS is amended as follows:

§5.04.010 MISCELLANEOUS EVENTS

Carnivals, circuses and similar entertainment are required to obtain a city license. The city may be granted a blanket license for \$50 per day for each day or fraction thereof, during which it the event shall operate, for a fee as set by City Council Resolution. Shows, exhibitions, lectures, concerts and similar public entertainments shall operate subject to the same license requirement. Nothing in this chapter shall apply to entertainments sponsored by educational institutions. Such events taking place on public property or in the public right-of-way that involve 75 or more persons shall require a permit pursuant to Chapter 5.25 of this Code.

B. Sweet Home Municipal Code Section 10.04.060 titled PERMITS REQUIRED FOR PARADES is amended as follows:

§10.04.060 PERMITS REQUIRED FOR PARADES

No procession or parade, except a funeral procession, the forces of the United States Armed Forces and the military forces of the state shall occupy, march or proceed along any street except in accordance with a permit issued ~~by the Chief of Police and approved by the City Manager pursuant to Chapter 5.25 of this Code.~~ The permit may be granted where it is found that the parade is not to be held for any unlawful purpose and will not, in any manner, tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets or the peace and quiet of the inhabitants of the city.

C. Sweet Home Municipal Code Section 12.12.010 titled PURPOSE is amended as follows:

§ 12.12.010 PURPOSE.

The parks of the city are established and maintained as areas of recreation, relaxation and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment for a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design and accommodations available in each park unit. Limitations may be required to insure the use of park areas in safety and to protect the rights of others in surrounding areas. In the parks of the city, the City Manager or Director can with prior notice for special events grant exceptions to the park rules for said event. Any activity that would require a permit under this chapter that involves 75 or more persons shall be regulated under Chapter 5.25 of this Code.

D. Sweet Home Municipal Code Section 12.12.100(D) of ALCOHOLIC BEVERAGES is added as follows:

- D. If the use and possession of alcoholic beverages in parks is in conjunction with a Special Event consisting of 75 or more persons, a permit must be obtained in accordance with Chapter 5.25 of this Code.

Passed by the Council and approved by the Mayor this ___ day of _____, 2020.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

| | | |
|---|---|---|
| PREFERRED AGENDA: February 25, 2020 (1 st Reading) March 10, 2020 (2 nd Reading) | TITLE: ZMA19-02 | TYPE OF ACTION: <input checked="" type="checkbox"/> ORDINANCE |
| SUBMITTED BY: Angela Clegg, Assoc. Planner | ATTACHMENTS: Planning Commission Order of Approval | <input checked="" type="checkbox"/> MOTION |
| REVIEWED BY: R. Towry, City Manager | Original Application Ordinance No. 3 for 2020 | <input type="checkbox"/> OTHER |
| RELEVANT CODE/POLICY: SHMC 2.04.030 Powers of the City Council | TOWARD COUNCIL GOAL: Vision Statement, Aspiration I: Desirable Community, Mission Statement | |

PURPOSE OF THIS RCA:

To approve the Zone Map Amendment Application ZMA19-02. The applicant is proposing to change the Zoning Map in an area consisting of 32.1 acres located between Yucca Street and Tamarack Street, and 18th Avenue and 22nd Avenue. The Sweet Home Zoning Map is proposed to change from the Residential Industrial Transition (RMT) Zone to the Residential Medium Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property’s existing Comprehensive Plan Map designation. The Planning Commission held a public hearing and made a recommendation to move the application to City Council for approval. The Sweet Home Municipal Code requires the City Council to hold a public hearing and decide on this application.

BACKGROUND/CONTEXT:

The Residential Industrial Transition (RMT) Zone was created in 1974. The neighborhood affected by this zone change has been a residential use since the opening of the former Mill that was located to the east of the neighborhood, decades before the zone was created for this area. The Comprehensive Plan designation for this area is Residential Medium Density (R-3) Zone. The proposed zone change would align the neighborhood with the comprehensive plan.

Residents/Applicants run in to difficulties trying to sell, develop and/or divide properties in this area due to the RMT criteria. Unless pre-existing, lot size is a minimum of 8,000 square feet. Most lots in this area are closer to 5,000 to 6,000 square feet. Applicants must apply the Residential Low Density (R-1) setbacks in the RMT zone. With the smaller lots, this often leaves no room for a structure with the minimum criteria.

SHMC 17.68.050 LIMITATIONS. A. Single-family dwellings and residential facilities shall be subject to the standards of the R-1 zone except building size for which R-2 standards shall apply.

SHMC 17.24.040 LOT SIZE AND WIDTH. Except as provided in § 17.08.050, the minimum lot size and width in a R-1 zone shall be as follows: A. The minimum lot area shall be 8,000 square feet; and B. The minimum lot width at the front building line shall be 80 feet.

SHMC 17.24.050 YARD SETBACKS. Except as provided in § 17.08.060, in a R-1 zone, yard setbacks shall be as follows. A. The front yard shall be a minimum of 20

feet. B. Each side yard shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of 13 feet. C. The street side yard shall be a minimum of 15 feet. D. The rear yard shall be a minimum of 15 feet.

E. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet. F. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

SHMC 17.24.060 LOT COVERAGE. In an R-1 zone, buildings shall not occupy more than 35% of the lot area.

SHMC 17.28.080 MINIMUM BUILDING SIZE. Dwellings, excluding accessory dwellings, in the R-2 zone shall have a minimum building size of 720 square feet.

Not only will the zone change align the area to the comprehensive plan, but also to the use of the proposed area and the surrounding neighborhoods. Medium Density Residential criteria fits with the current and historic use of the proposed area:

SHMC 17.30.040 LOT SIZE AND WIDTH A. Single-family dwellings shall have a minimum lot area of 5,000 square feet;

SHMC 17.30.050 YARDS. Yard setbacks shall be as follows: A. Single-family and two-family dwelling units, including accessory dwellings: 1. The front shall be a minimum of 20 feet; 2. Each side shall be a minimum of five feet; 3. The street side yard shall be a minimum of 15 feet; 4. The rear shall be a minimum of ten feet; 5. On a flag lot, the inset front yard setback shall be a minimum of ten feet; and 6. No building shall be located closer than one-half the distance of the right-of-way projected for the abutting street, based on the street classification, plus the required front setback from a centerline of a street other than an alley.

SHMC 17.30.080 MINIMUM BUILDING SIZE. Primary use buildings, which do not include accessory dwellings, shall have a minimum building size of 850 square feet.

THE CHALLENGE/PROBLEM:

Should the properties in the proposed zoning area be changed to Residential Medium Density (R-3) Zone to align with the Comprehensive Plan?

STAKEHOLDERS:

- The residents in the proposed zone change area.
- The residents in the surrounding areas.
- The City of Sweet Home.

ISSUES & FINANCIAL IMPACTS:

1. Residents in the proposed zone change area – Residents were notified with a Measure 56 letter (attachment C).
2. Community & Economic Development Department – This zone change was initiated by the City and has required staff time to complete.

ELEMENTS OF A STABLE SOLUTION:

The proposed zone change will align the properties with the Comprehensive Plan. The proposed zone change will benefit the owners of the properties in the proposed area and will

also aid the City of Sweet Home in the Local Improvement District (LID) proposed for the same area.

OPTIONS:

1. Do Nothing.
2. Deny Application - Staff would prepare an Order of Denial for Application ZMA19-02.
3. Make a Motion to Approve Application – ZMA19-02 as presented and move Ordinance #3 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home, to first reading.
4. Recommend different zone amendment. Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Council meeting.

RECOMMENDATION:

1. (February 25, 2020) Staff recommends option 3, Make a Motion to Approve Application – ZMA19-02 as presented and move Ordinance #3 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home, to first reading.
The proposed zone change aligns with the comprehensive plan and is beneficial to the affected property owners.
2. (March 10, 2020) Staff recommends, Make a Motion to move Ordinance #3 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home, to third and final reading. The proposed zone change aligns with the comprehensive plan and is beneficial to the affected property owners.

ORDINANCE BILL NO. 3 FOR 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the City of Sweet Home submitted application Zone Change ZMA19-02 and requested a zone change for an area approximately 32.1 acres from the Residential Industrial Transition (RMT) Zone, Residential High Density (R-2) Zone and Industrial (M) Zone to the Residential Medium Density (R-3) Zone. The subject properties are located between Yucca Street to Tamarack Street, and 18th Avenue to 22nd Avenue, Sweet Home, OR 97386; and identified on the Linn County Assessor’s Map as the Vernard Subdivision; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on February 3, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their February 3, 2020 meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on February 25, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their February 25, 2020 meeting; and

WHEREAS, the proposed R-3 zoning is needed to bring the zoning designation into conformity with the properties’ existing Comprehensive Plan Map designation and to facilitate development of the subject properties;

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA19-02 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.20.020 as the City Zoning Map of 2003 including all subsequent amendments, for the approximately 32.1 acre area located between Yucca Street to Tamarack Street, and 18th Avenue to 22nd Avenue, Sweet Home, OR 97386; and identified on the Linn County Assessor’s Map as Vernard Subdivision. The Official Zoning Map shall be amended from the Residential Industrial Transition (RMT) Zone, Residential High Density (R-2) Zone and Industrial (M) Zone to the Residential Medium Density (R-3) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this _____ day of _____ 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA19-02

REVIEW AND DECISION CRITERIA

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

A. 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: [SHMC 17.12.010]

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

i. 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. [Sweet Home Comprehensive Plan, Chapter 2 Text]

ii. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

iii. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

Staff Findings: The applicant is proposing to change the zoning of the subject properties from RMT, R-2, and M. The subject properties are designated Residential Medium Density on the Comprehensive Plan Map. The current RMT, R-2, and M zoning designations are not consistent with the existing Comprehensive Plan Map designation of the subject properties. The proposed zoning would implement the Residential Medium Density Comprehensive Plan Map designation and would therefore be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

- 2. 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 proposed amendment is orderly and timely. The subject properties have historically been used as residential. The zoning in the proposed area is not consistent throughout and is not consistent with the Comprehensive Plan. The properties to the west are High Density Residential and the properties to the east are vacant with a proposed development plan including some residential.

The application complies with this criterion.

- 3. 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 entire area is on sewer only accounts, there are no water services north of Vine St. A Local Improvement District (LID) is being considered by some of the landowners in the area. The LID is to provide water to 58 area properties. It appears there are more than the minimum required approving owners, that a LID can move forward. The City Attorney and CEDD staff is working on the logistics of City Council action to process the LID. Once approved to proceed and funding methods determined, design and cost estimates are generated, and with a final tally of local owners to approve, then a water system can be provided to the neighborhood. Provided by Staff Engineer, Joe Graybill.

The application complies with this criterion.

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

Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

The application complies with this criterion.

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - i. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);****

- ii. Change standards implementing a functional classification system; or
- iii. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - 1. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - 2. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - 3. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The proposed use would be consistent with past use of the property as a residential neighborhood. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood.

The application complies with this criterion.

- 6. **OAR 660-009-0010(4)** For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
 - i. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
 - ii. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
 - iii. Adopt a combination of the above, consistent with the requirements of this division.

Staff Findings: Per the DLCD comments, Staff finds that this rule does not apply to this application.

The application complies with this criterion.



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
www.sweethomeor.gov

**OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION
ON A LAND USE APPLICATION**

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST SUMMARY: The applicant is proposing to change the Zoning Map in an area consisting of 32.1 acres located between Yucca Street and Tamarack Street, and 18th Avenue and 22nd Avenue. The Sweet Home Zoning Map is proposed to change from the Residential Industrial Transition (RMT) Zone to the Residential Medium Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and make a decision on this application.

APPLICANT/ City of Sweet Home

PROPERTY OWNER: Various

PROPERTY LOCATION: From Yucca Street to Tamarack Street and from 18th Avenue to 22nd Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lots Various.

FILE NUMBER: ZMA19-02


**REVIEW AND
DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.12, 17.68, 17.30;
OAR 660-012-0060

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on February 3, 2020. At the hearing the Planning Commission reviewed application ZMA19-02. The Planning Commission received testimony and deliberated on this matter at their February 3, 2020 meeting, and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the February 3, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the February 3, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order.

III. **DECISION: Approved** the motion to recommend the application to City Council on February 25, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in ZMA19-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA19-02 and recommends approval by the City Council.

PLANNING COMMISSION DECISION: February 3, 2020
CITY COUNCIL MEETING: February 25, 2020.
APPEAL DEADLINE: February 14, 2020 at 5:00 PM



Lance Gatchell, Planning Commission Chair
Date 2/7/2020



Blair Larsen, Community and Economic Development Director
Date 2/7/2020

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for ZMA19-02

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

A. 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: [SHMC 17.12.010]

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

a. 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. [Sweet Home Comprehensive Plan, Chapter 2 Text]

b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

Staff Findings: The applicant is proposing to change the zoning of the subject properties from RMT, R-2, and M. The subject properties are designated Residential Medium Density on the Comprehensive Plan Map. The current RMT, R-2, and M zoning designations are not consistent with the existing Comprehensive Plan Map designation of the subject properties. The proposed zoning would implement the Residential Medium Density Comprehensive Plan Map designation and would therefore be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

- 2. 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 proposed amendment is orderly and timely. The subject properties have historically been used as residential. The zoning in the proposed area is not consistent throughout and is not consistent with the Comprehensive Plan. The properties to the west are High Density Residential and the properties to the east are vacant with a proposed development plan including some residential.

The application complies with this criterion.

- 3. 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 entire area is on sewer only accounts, there are no water services north of Vine St. A Local Improvement District (LID) is being considered by some of the land owners in the area. The LID is to provide water to 58 area properties. It appears there are more than the minimum required approving owners, that a LID can move forward. The City Attorney and CEDD staff is working on the logistics of City Council action to process the LID. Once approved to proceed and funding methods determined, design and cost estimates are generated, and with a final tally of local owners to approve, then a water system can be provided to the neighborhood. Provided by Staff Engineer, Joe Graybill.

The application complies with this criterion.

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

Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

The application complies with this criterion.

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this**

rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- b. Change standards implementing a functional classification system;
or
- c. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - a. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - c. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The proposed use would be consistent with past use of the property as a residential neighborhood. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood.

The application complies with this criterion.

6. **OAR 660-009-0010(4)** For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
 - a. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
 - b. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
 - c. Adopt a combination of the above, consistent with the requirements of this division.

Staff Findings: Per the DLCD comments, Staff finds that this rule does not apply to this application.

The application complies with this criterion.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings listed in Section III of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for a zone change, staff has not recommended any conditions of approval.

V. PLANNING COMMISSION ACTION

In taking action on a zone change application, the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and make a decision on this application.

Motion:

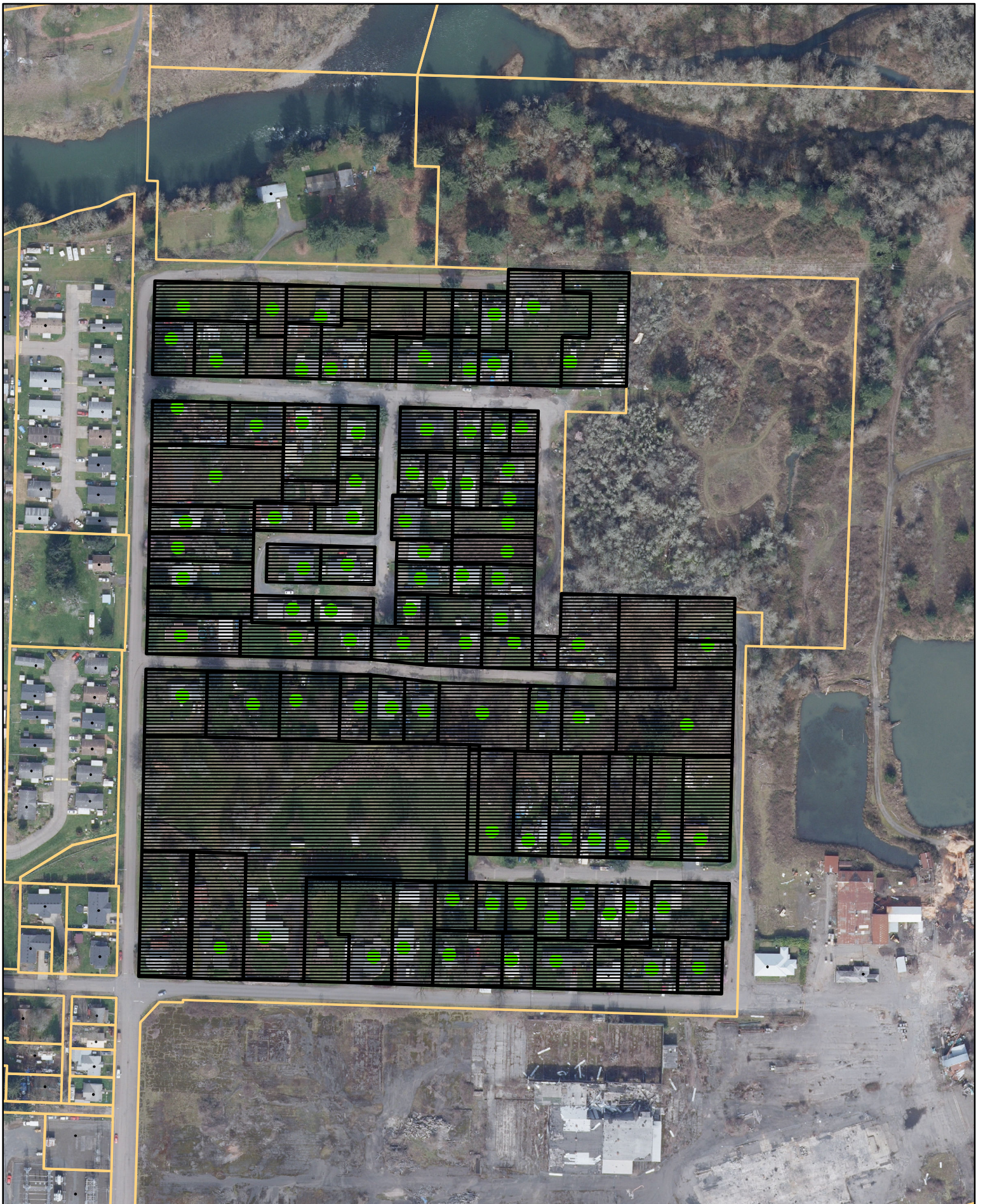
After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to recommend that the City Council approve application ZMA19 02; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA19-02 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A - Subject Property Map
- B - Zoning Map
- C - Comprehensive Plan Map
- D - Aerial Photograph
- E - Planning Application Form

Exhibit B



1 inch = 221 feet

Zone Map Amendment ZMA19-02
Subject Area Map
13S01E29CC

2020-03-10 City Council Packet REVISED pg. 61
Date: 12/06/19

ORDINANCE BILL NO. 4 FOR 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP.

WHEREAS, the City of Sweet Home submitted application Zone Change ZMA19-03 and requested a zone and comprehensive map change for an approximately 3.65-acre property and 0.75-acre property from the Recreation Commercial (RC) Zone to the Residential Low Density (R-1) Zone. The subject properties are located approximately between Osage and Highway 20 (north to south) and Wiley Creek and approximately 53rd Avenue (west to east), Sweet Home, OR 97386; and identified on the Linn County Assessor’s Map as 13S01E27C Tax Lots 109 and 113; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on February 3, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their February 3, 2020 meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on February 25, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their February 25, 2020 meeting; and

WHEREAS, the proposed R-1 zoning is needed to facilitate development of the subject property;

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA19-03 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map and Comprehensive Plan Map, identified in SHMC 17.20.020 as the City Zoning Map and City Comprehensive Plan Map of 2003 including all subsequent amendments, for the approximately 3.65-acre property and 0.75-acre property located approximately between Osage and Highway 20 (north to south) and Wiley Creek and 53rd Avenue (west to east), Sweet Home, OR 97386; and identified on the Linn County Assessor’s Map as 13S01E27C Tax Lots 109 and 113. The Official Zoning Map and Comprehensive Plan Map shall be amended from the Recreation Commercial (RC) Zone to the Residential Low Density (R-1) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this _____ day of _____ 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA19-03

REVIEW AND DECISION CRITERIA

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

A. 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: [SHMC 17.12.010]

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

- a. 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. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
- b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
- c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

- d. **Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
 - 1. **To accurately reflect changes in the community.**
 - 2. **To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. **Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. **Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]
- g. **Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
 - 1. **There is a need for the proposed change;**
 - 2. **The identified need can best be served by granting the change requested;**
 - 3. **The proposed change complies with the Statewide Planning Goals; and,**
 - 4. **The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. **Recreation Commercial: To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community.** [Sweet Home Comprehensive Plan, Table 11]
- i. **Low Density Residential: To provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches).** [Sweet Home Comprehensive Plan, Table 7]

Staff Findings: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65 acre property and a 0.75 acre property, identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113 (Attachment A). The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low

Density (R-1). As stated in the comprehensive plan, zoning implements the comprehensive plan. The proposed change would be to the comprehensive plan map designation and the zoning map. Therefore, the proposed zoning would implement the comprehensive plan after the proposed change.

Comprehensive Plan Chapter 8, Plan Management states that updating the comprehensive plan may be completed to accurately reflect changes in the community. The purpose of the Planned Recreation Commercial comprehensive plan designation is, “to provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community.” While the purpose of the Low Density Residential comprehensive plan designation is, “to provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches).” The Recreation Commercial (RC) zone allows: “Residential uses related to or in conjunction with a recreational development” or “Single-family dwellings on legal lots of record at the time of enactment of this chapter”.

Based on the Linn County 2017 aerial photograph the area is primarily surrounded by single-family residences. The applicant states a desire to develop Tax Lot 109 with more than one single family residence. The proposed change may allow the applicant to develop the property with more than one single family residence if the property was partitioned in the future. The existing zoning only allows residential development on legal lots of record or in conjunction with a recreational development. However, the proposed Residential Low Density (R-1) zone allows single-family dwellings outright. Staff finds that the proposed map change would be consistent with the surrounding property to the east which is designated residential. Furthermore, the proposed zone change would bring the zoning designation into conformity with the property’s original zoning designation of R-1 prior to 1999 (CS 22571, Partition #1999-42).

The proposed comprehensive map change follows the procedural requirements in comprehensive plan Chapter 2, Plan Amendment Policies 2 and 3.

Based on the findings above the proposed zoning and comprehensive plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **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 applicant states that the proposed zoning map and comprehensive map amendment would be consistent with the pattern of development in the area. Based on the 2017 Linn County aerial photograph Staff finds that the subject property is primarily surrounded by single-family residences. Furthermore, the subject property is surrounded by Residential Low Density (R-1) zoned properties. Therefore, the existing development pattern and future development in the area and surrounding land uses warrant the proposed amendment.

The application complies with this criterion.

3. **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: Based on comments the City of Sweet Home Staff Engineer, no water or sanitary sewer services are available at the ends of the streets. Both can be extended from 53rd Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52nd Avenue. Based on the applicant’s statements the subject property is anticipated to be developed with single-family residences in the future. Staff finds that utilities and services could be efficiently provided to serve the proposed use of single-family residences or other potential uses in the proposed zoning district.

The application complies with this criterion.

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

Staff Findings: The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. The Oregon Statewide Land Use Planning program has a set of 19 Statewide Planning Goals. These Goals are mandated by the state to be in conformance with the City of Sweet Home Comprehensive Plan. In order to be consistent with Oregon's statewide planning goals, the applicant's request must remain in conformance with the Comprehensive Plan. The Planned Recreation Commercial designation provides for a mixture of commercial and residential uses associated with recreational development, while the Low Density Residential designation provides appropriate lands for low density, single-family home. The statewide planning goals pertinent to the application are listed below:

1. Statewide Planning Goal 2 is Land Use Planning, (OAR 660-015-0000(2)) with a purpose to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Sweet Home uses their adopted Municipal Code to describe the land use planning process and has an acknowledged Comprehensive Plan that is in compliance with Statewide Planning Goals.
2. Statewide Planning Goal 9, Economic Development, (OAR 660-015-000(9)) has a purpose to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 10 of the Comprehensive Plan states that the area provides for a mixture of commercial and residential uses associated with recreational development. It further states that the purpose of Recreation Commercial is to provide and maintain areas that possess unique characteristics for recreational commercial development that is suitable and desirable for businesses catering to tourist and recreational activity. This subject property currently has limited opportunity for commercial development. This area is not desirable for businesses at this time, as other, more appropriate land is available for commercial and tourism related businesses.
3. Statewide Planning Goal 10, Housing, is applicable to the proposed zone change and comprehensive map change. Oregon Administrative Rule (OAR) 660-008 states: "The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs." The City of Sweet Home completed a Housing Needs Assessment (HNA) in 2000, which identified the cities buildable land. Staff finds that the proposed zone change, and comprehensive map amendment would allow additional land within the city to be developed.
4. Statewide Planning Goal 11, Public Facilities and Services, (OAR 660-015-000(11)) has a purpose to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Since the subject property is within the city's service area for public utilities, with adequate service to the site required for the proposed development.

Staff submitted a notice to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing. As of writing this staff report no comments were received from DLCD. Staff finds that the proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

The application complies with this criterion.

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule,**

unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- b. **Change standards implementing a functional classification system; or**
- c. **Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 1. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 2. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 3. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]**

Staff Findings: The subject property has existing frontage along Santiam Highway (Highway 20), Nandina Street, 52nd Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53rd Avenue is identified as a collector in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. No comments from ODOT have been received as of the writing of this staff report. The proposed use would be consistent with the previous map designation and the previous zoning. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan. The proposed zone change and comprehensive plan amendment does not significantly affect a transportation facility for the purposes of the Transportation Planning Rule (TPR) and therefore complies with the TPR.

The application complies with this criterion.



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
www.sweethomeor.gov

**OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION
ON A LAND USE APPLICATION**

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST SUMMARY: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65-acre property and a 0.75-acre property. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low Density (R-1). The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and make a decision on this application.

**APPLICANT/
PROPERTY OWNER:**

Liberty Rock

PROPERTY LOCATION:

From 52nd Avenue and Osage to 53rd Avenue and Highway 20 (north to south) and Wiley Creek to approximately 53rd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113.

**REVIEW AND
DECISION CRITERIA:**

Sweet Home Municipal Code Section(s) 17.12.025, 17.24, 17.60 and OAR 660-012-0060

FILE NUMBER:

ZMA19-03

STAFF CONTACT:

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on February 3, 2020. At the hearing the Planning Commission reviewed application ZMA19-03. The Planning Commission received testimony and deliberated on this matter at their February 3, 2020 meeting, and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the February 3, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the February 3, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order.

- III. **DECISION: Approved** the motion to recommend the application to City Council on February 25, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in ZMA19-03 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA19-03 and recommends approval by the City Council.

PLANNING COMMISSION DECISION: February 3, 2020
CITY COUNCIL MEETING: February 25, 2020.
APPEAL DEADLINE: February 14, 2020 at 5:00 PM



Lance Gatchell, Planning Commission Chair



Blair Larsen, Community and Economic Development Director



Date



Date

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for ZMA19-03

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

A. 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: [SHMC 17.12.010]

- 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - i. 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. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
 - ii. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
 - iii. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the

Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

- iv. Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons: [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]**
 - a. To accurately reflect changes in the community.**
 - b. To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- v. Changes to the Plan Shall be made by ordinance after public hearings. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]**
- vi. Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]**
- vii. Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proof that all of the following conditions exist. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]**
 - 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 complies with the Statewide Planning Goals; and,**
 - d. The proposed change complies with all other elements of the City's Comprehensive Plan.**
- viii. Recreation Commercial: To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community. [Sweet Home Comprehensive Plan, Table 11]**
- ix. Low Density Residential: To provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches). [Sweet Home Comprehensive Plan, Table 7]**

Staff Findings: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65 acre property and a 0.75 acre property, identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113 (Attachment A). The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low Density (R-1). As stated in the comprehensive plan, zoning implements the

comprehensive plan. The proposed change would be to the comprehensive plan map designation and the zoning map. Therefore, the proposed zoning would implement the comprehensive plan after the proposed change.

Comprehensive Plan Chapter 8, Plan Management states that updating the comprehensive plan may be completed to accurately reflect changes in the community. The purpose of the Planned Recreation Commercial comprehensive plan designation is, "to provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community." While the purpose of the Low Density Residential comprehensive plan designation is, "to provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches)." The Recreation Commercial (RC) zone allows: "Residential uses related to or in conjunction with a recreational development" or "Single-family dwellings on legal lots of record at the time of enactment of this chapter".

Based on the Linn County 2017 aerial photograph the area is primarily surrounded by single-family residences. The applicant states a desire to develop Tax Lot 109 with more than one single family residence. The proposed change may allow the applicant to develop the property with more than one single family residence if the property was partitioned in the future. The existing zoning only allows residential development on legal lots of record or in conjunction with a recreational development. However, the proposed Residential Low Density (R-1) zone allows single-family dwellings outright. Staff finds that the proposed map change would be consistent with the surrounding property to the east which is designated residential. Furthermore, the proposed zone change would bring the zoning designation into conformity with the property's original zoning designation of R-1 prior to 1999 (CS 22571, Partition #1999-42).

The proposed comprehensive map change follows the procedural requirements in comprehensive plan Chapter 2, Plan Amendment Policies 2 and 3.

Based on the findings above the proposed zoning and comprehensive plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **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 applicant states that the proposed zoning map and comprehensive map amendment would be consistent with the pattern of development in the area. Based on the 2017 Linn County aerial photograph Staff finds that the subject property is primarily surrounded by single-family residences. Furthermore, the subject property is surrounded by Residential Low Density (R-1) zoned properties. Therefore, the existing development pattern and future development in the area and surrounding land uses warrant the proposed amendment.

The application complies with this criterion.

3. **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: Based on comments the City of Sweet Home Staff Engineer, no water or sanitary sewer services are available at the ends of the streets. Both can be extended from 53rd Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52nd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with single-family residences in the future. Staff finds that utilities and services could

be efficiently provided to serve the proposed use of single-family residences or other potential uses in the proposed zoning district.

The application complies with this criterion.

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

Staff Findings: The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. The Oregon Statewide Land Use Planning program has a set of 19 Statewide Planning Goals. These Goals are mandated by the state to be in conformance with the City of Sweet Home Comprehensive Plan. In order to be consistent with Oregon's statewide planning goals, the applicant's request must remain in conformance with the Comprehensive Plan. The Planned Recreation Commercial designation provides for a mixture of commercial and residential uses associated with recreational development, while the Low Density Residential designation provides appropriate lands for low density, single-family home. The statewide planning goals pertinent to the application are listed below:

1. Statewide Planning Goal 2 is Land Use Planning, (OAR 660-015-0000(2)) with a purpose to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Sweet Home uses their adopted Municipal Code to describe the land use planning process and has an acknowledged Comprehensive Plan that is in compliance with Statewide Planning Goals.
2. Statewide Planning Goal 9, Economic Development, (OAR 660-015-000(9)) has a purpose to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 10 of the Comprehensive Plan states that the area provides for a mixture of commercial and residential uses associated with recreational development. It further states that the purpose of Recreation Commercial is to provide and maintain areas that possess unique characteristics for recreational commercial development that is suitable and desirable for businesses catering to tourist and recreational activity. This subject property currently has limited opportunity for commercial development. This area is not desirable for businesses at this time, as other, more appropriate land is available for commercial and tourism related businesses.
3. Statewide Planning Goal 10, Housing, is applicable to the proposed zone change and comprehensive map change. Oregon Administrative Rule (OAR) 660-008 states: "The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs." The City of Sweet Home completed a Housing Needs Assessment (HNA) in 2000, which identified the cities buildable land. Staff finds that the proposed zone change, and comprehensive map amendment would allow additional land within the city to be developed.
4. Statewide Planning Goal 11, Public Facilities and Services, (OAR 660-015-000(11)) has a purpose to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Since the subject property is within the city's service area for public utilities, with adequate service to the site required for the proposed development.

Staff submitted a notice to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing. As of writing this staff report no comments were

received from DLCD. Staff finds that the proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

The application complies with this criterion.

5. **OAR 660-012-0060(1)**. If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- i. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - ii. Change standards implementing a functional classification system; or
 - iii. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - a. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - c. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing frontage along Santiam Highway (Highway 20), Nandina Street, 52nd Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53rd Avenue is identified as a collector in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. No comments from ODOT have been received as of the writing of this staff report. The proposed use would be consistent with the previous map designation and the previous zoning. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan. The proposed zone change and comprehensive plan amendment does not significantly affect a transportation facility for the purposes of the Transportation Planning Rule (TPR) and therefore complies with the TPR.

The application complies with this criterion.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings listed in Section III of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for a zone change and comprehensive map amendment, staff has not recommended any conditions of approval.

V. PLANNING COMMISSION ACTION

In taking action on a zone change and comprehensive map amendment application, the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and make a decision on this application.

Motion:

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 ZMA 19-03; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 19-03 (specify reasons).
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 Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Aerial Photograph
- F. Planning Application Form



REQUEST FOR COUNCIL ACTION

| | | |
|---|--|---|
| PREFERRED AGENDA: February 25, 2020 (1 st Reading) March 10, 2020 (2 nd Reading) | TITLE: ZMA19-03 | TYPE OF ACTION: <input checked="" type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER |
| SUBMITTED BY: Angela Clegg, Assoc. Planner | ATTACHMENTS: Planning Commission Order of Approval | |
| REVIEWED BY: R. Towry, City Manager | Ordinance No. 4 for 2020 Original Application | |
| RELEVANT CODE/POLICY: SHMC 2.04.030 Powers of the City Council | TOWARD COUNCIL GOAL: Vision Statement, Aspiration I: Desirable Community, Mission Statement | |

PURPOSE OF THIS RCA:

To approve the Zone and Comprehensive Map Amendment Application ZMA19-03. The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65-acre property and a 0.75-acre property. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low Density (R-1). The Planning Commission held a public hearing and made a recommendation to move the application to City Council for approval. The City Council will hold a public hearing and decide on this application.

BACKGROUND/CONTEXT:

The Recreation Commercial Zone was created in 1999 to accommodate properties on the west side of Wiley Creek owned by Salmon River Partners, LLC. The proposed zone change would bring the zoning and comprehensive plan designation into conformity with the property’s original zoning designation of R-1 prior to 1999 (CS 22571, Partition #1999-42).

If the zone and comprehensive plan amendment are approved the applicant will submit a partition and a property line adjustment application to further the develop the land for single family dwellings. In the RC zone new single-family dwellings are not outright permitted.

SHMC 17.60.020 USES PERMITTED OUTRIGHT. M. Single-family dwellings on legal lots of record at the time of enactment of this chapter;

Residences are permitted as a conditional use in the RC zone. The cost of applying for a conditional use for each lot that the applicant wishes to development would not be cost affective for the applicant.

SHMC 17.60.030 CONDITIONAL USES PERMITTED. D. Residential uses not related to or in conjunction with a recreational development;

The applicant wishes to return the zoning to the original designation of Residential Low Density (R-1) zone. The R-1 zone is consistent with the current and historical use of the area.

THE CHALLENGE/PROBLEM:

Should the zoning and comprehensive plan be changed to the proposed properties to align them with the historic use of the area and the surrounding properties?

STAKEHOLDERS:

- The residents in the proposed zone change area.
- The residents in the surrounding areas.
- The City of Sweet Home.

ISSUES & FINANCIAL IMPACTS:

1. Applicant – *be able to develop the property cost effectively*
2. Residents in the proposed zone change area – *more development in the area, loss of Wiley Creek access through the private properties.*
3. Planning and Community Development – *processing the applications and permits*

ELEMENTS OF A STABLE SOLUTION:

The proposed zone change will return the zoning to the original zoning and use for the area and allow the owner affordably to develop the property.

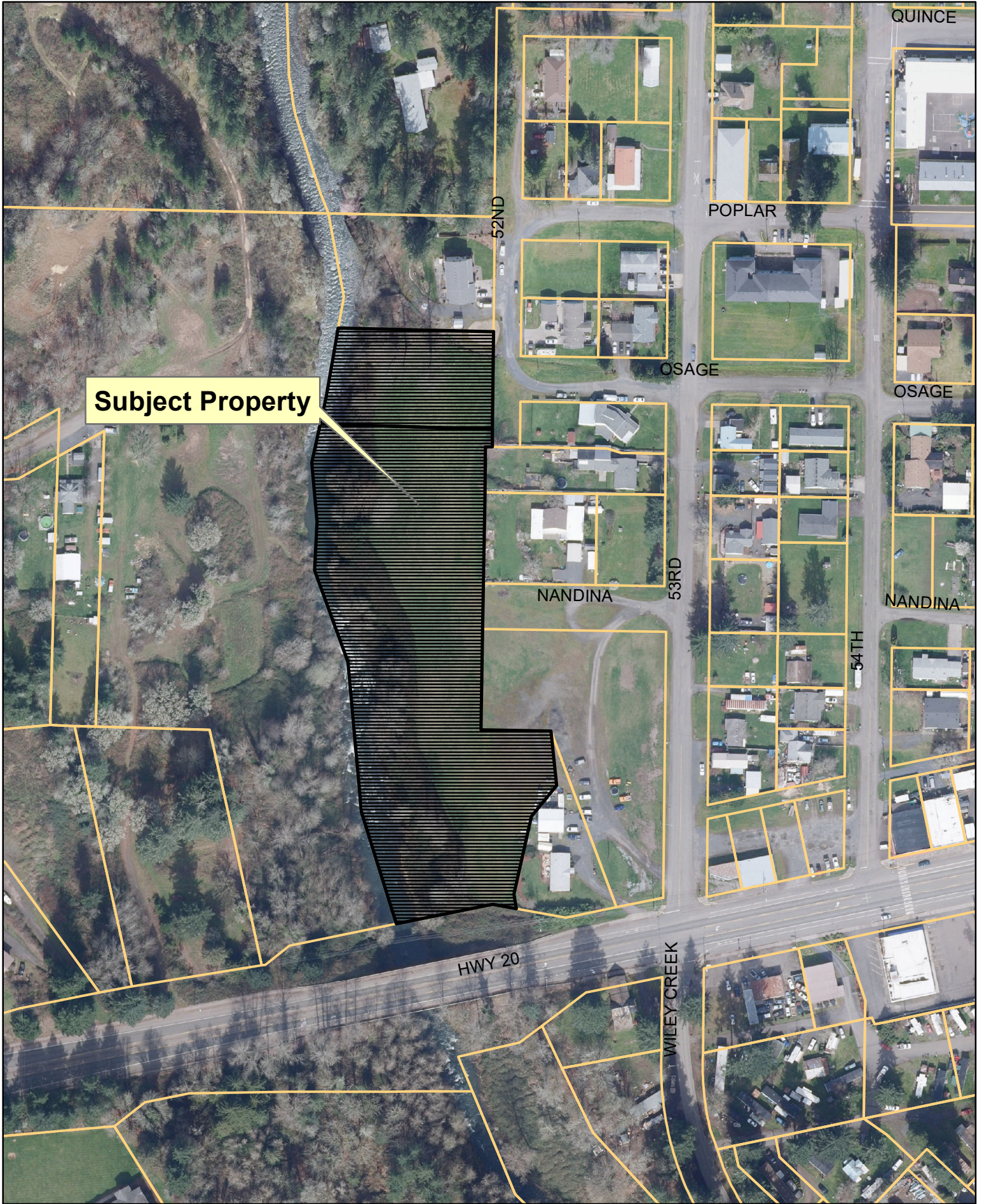
OPTIONS:

1. Do Nothing.
2. Deny Application Staff would prepare and Order of Denial for Application ZMA19-03.
3. Make a Motion to Approve Application ZMA19-03 as presented and Move Ordinance No. 4 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home to first reading.
4. Recommend different zone amendment. Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Council meeting.

RECOMMENDATION:

1. (February 25, 2020) Staff recommends option 2, Make a Motion to Approve Application ZMA19-03 as presented and Move Ordinance No. 4 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home to first reading.
The proposed zone change aligns with the comprehensive plan and is beneficial to the affected property owners.
2. (March 10, 2020) Staff recommends, Make a Motion to move Ordinance No. 4 for 2020 – An Ordinance Amending the Official Zoning Map of the City of Sweet Home to third and final reading. The proposed zone change aligns with the comprehensive plan and is beneficial to the affected property owners.

Exhibit B



Subject Property



1 inch = 177 feet

ZMA19-03
Subject Property Map
13S01E27C, Tax Lots 109 & 113

2020-03-10 City Council Packet REVISED pg. 78 Date: 8/7/2018



REQUEST FOR COUNCIL ACTION

| | | |
|--|--|---|
| PREFERRED AGENDA: February 11, 2020 (Intro) April 10, 2020 (3 rd Reading) SUBMITTED BY: R. Snyder, City Attorney REVIEWED BY: R. Towry, City Manager | TITLE: Sweet Home Ordinance Amending Sections of Code ATTACHMENTS: Proposed Ordinance | TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> ROLL CALL <input type="checkbox"/> OTHER |
| RELEVANT CODE/POLICY: SHMC | TOWARD COUNCIL GOAL: Goal 2 section 1 Update and streamline processes. Vision Statement II WE ASPIRE to have an effective and efficient local government. | |

PURPOSE OF THIS RCA:

The purpose of this ordinance is generally a housekeeping ordinance that amends and updates the SHMC in regard to making fees therein by resolution and to take out outdated provisions and amend current provisions as needed to update them.

BACKGROUND/CONTEXT:

The below background information is set out by code section for each corresponding code section in the proposed ordinance.

2.04.030 B. The current code sets out the fee for a person to pay when running for Council and the proposed code change sets the fee by Council resolution in the fees section.

5.12.050. In the Peddlers code chapter, a license is required, and the amendment specifies that a license is for less than one year or one year if no other time period is specified.

5.24.020 B. The current code on social games provides that Religious organizations are not required to pay an application fee and the proposed change would apply said exemption to charitable and fraternal organizations as well making it consistent with the rest of the social games code sections. Also, the proposed code has the social games permit fee set by City Council resolution rather than an amount in the code itself.

5.24.050 4 F. The current code on Texas Hold'em requires an annual fee. The proposed code has said fee set by City Council resolution in the fees section.

5.24.050. K The current code on Texas Hold'em requires an annual fee that is required by the code section. The proposed code eliminates the reference to the amount of the fee because it will be set by resolution in the fees section.

5.28.020. A The current code on Taxicabs has fees set out in the code. The proposed code sets the fees by City Council resolution in the fees section.

5.28.020. D This subsection is no longer needed since the taxi fees will be set in City Council Resolution.

5.32.050 A. The wording changes correspond with the words used in the city code for Peddlers and reflect the concept supported by the courts that each applicant is evaluated on his/her own merits rather than a fixed criteria for all.

6.04.020 E. The change in wording is to cover in the code miniature donkeys and mules like miniature horses.

[8.12.020](#) This change adds the new city violations to the list for Chronic Nuisance Property that are:

26. Urinating or Defecating in Public Places [SHMC 9.24.050](#)

27. Consumption or Possession of Alcoholic Beverages in Public Places [SHMC 9.20.030](#)

[9.24.010 C](#). This addition to the Flying Model Aircraft code section is needed so that the code reader knows that drones are not covered thereby since the State of Oregon has precluded the regulation of drones by local government. See ORS 837.300

[9.48.020](#) The proposed changes take the fee schedule set forth in the Alarm Systems code chapter to have the fees set by City Council resolution.

[9.48.080](#) The proposed code takes out all the stated fees since they will be set by resolution for Alarm Systems.

[9.52](#). The proposed change eliminates this chapter of the code concerning possession of less than an ounce of marijuana since it is no longer the law. See ORS 475B.337 and ORS 475B.341 for current state law on marijuana possession. The proposed change does not change the local SHMC Chapter 3.34 that deals with marijuana taxation.

[10.04.030](#). The proposed change updates the date for authorization of city traffic signs, signals and other markings so that in a traffic court case it eliminates the need to find the documentation for the sign placement etc.

[10.04.055 A](#) The proposed change removes the word “Engineer” in the Heavy Motor Truck code section so that it is clear that the permit can be issued by the City which can use what department it needs to be the issuer of the permit.

[10.04.055 C](#) The proposed change removes the words “Engineer or the City Engineer’s designee,” in regard to the Heavy Motor Truck permit as stated above.

[10.08.130 C](#). The proposed code lets the city remove cars on its parking lots like an owner of property does under state law when someone leaves a car on their property.

[10.11.020](#) The word change from “discarded,” to “disabled,” makes it match the state law.

[10.16.050 A](#). This change takes out the word infraction and uses the word violation since this is the word now used by state law and city code.

[10.24.010 C](#). This is a change that makes the fee in the Bicycle chapter set by City Council resolution.

[10.28.030 E.7](#). This is a change that makes the fee in the RV chapter set by City Council resolution.

[15.12.050](#). The change is to update the City Hall address in the code section.

THE CHALLENGE/PROBLEM:

Should the city pass the proposed ordinance to update its code sections?

STAKEHOLDERS:

- City of Sweet Home Citizens – Citizens of Sweet Home need a code that is up to date and easy to understand.
- City of Sweet Home Staff – These changes aim to improve SHMC making it easier for staff to interpret and find information in the ordinances.
- City of Sweet Home City Council – City Council is responsible for ensuring the City Code is current.

ISSUES & FINANCIAL IMPACTS:

There should be no financial related issues in the implementation of this ordinance.

ELEMENTS OF A STABLE SOLUTION:

Sweet Home must have current codes.

OPTIONS:

1. Do Nothing. There would be no revisions to the current SHMC

2. Motion for additional revision. Council could review these proposed changes and recommend additional revisions. Staff would take these recommendations and revise the proposed ordinance for review at a future Council meeting.
3. Motion to move to first reading. Council could make a motion to move Ordinance 2 for 2020, Sweet Home Ordinance Amending Sections of Code to first reading.

RECOMMENDATION:

1. (February 11, 2020) Staff recommends option #3 – Make a motion to move Ordinance 2 for 2020, Sweet Home Ordinance Amending Sections of Code to first reading.
2. (March 10, 2020) Staff recommends– Following the third and final reading: Make a motion to approve Ordinance 2 for 2020, Sweet Home Ordinance Amending Sections of Code.

ORDINANCE BILL NO. 2 FOR 2020

ORDINANCE NO. 1282

SWEET HOME ORDINANCE AMENDING SECTIONS OF THE SWEET HOME MUNICIPAL CODE

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Subsection 2.04.030 B. the first sentence is amended to read as follows:

A declaration of candidacy shall be signed and a fee set by Council resolution shall be paid to the city at the time of filing.

Section 2 . Sweet Home Municipal Code Section 5.12.050 the first sentence is amended to read as follows:

A license issued under this chapter shall be valid for one year unless otherwise specified on the license for a shorter period of time.

Section 3. Sweet Home Municipal Code Subsection 5.24.020 B. is amended to read as follows:

B. Charitable, fraternal and religious organizations shall not be required to pay any application fee, but other applicants shall pay an application fee set by City Council resolution, which shall not be refunded if the permit is not granted.

Section 4. Sweet Home Municipal Code Subsection 5.24.050 F. is amended to read as follows:

F. *License fee.* For each business or other entity or organization license (including tournament organizer), an annual fee set by City Council resolution shall be required.

Section 5. Sweet Home Municipal Code Subsection 5.24.050 K. the fourth sentence is amended to read as follows:

All persons securing a license shall be required to pay an annual fee.

Section 6. Sweet Home Municipal Code Subsection 5.28.020 A. is amended to read as follows:

A. License fees set by City Council resolution shall be paid by each person, firm or corporation licensed under this chapter for the operation of one vehicle and for each additional vehicle used in the business per calendar year or any part thereof.

Section 7. Sweet Home Municipal Code Subsection 5.28.020 D. is deleted.

Section 8. Sweet Home Municipal Code Subsection 5.32.050 A. is amended to read as follows:

A. The applicant, operator(s) or agent(s) of the secondhand dealer; officer(s), member(s), director(s) of the secondhand dealer or employee(s) of the secondhand dealer that buy, sell, trade or otherwise deal in secondhand goods with the public have a conviction within the last 15 years for any felony that would relate directly to the safety (either economic or

physical) of the public or within the last 5 years for any misdemeanor that would relate directly to the safety (either economic or physical) of the public. Time spent in jail or prison shall extend the time period for the 15-year period and five-year period for a maximum of two years from the date of application.

Section 9. Sweet Home Municipal Code Subsection 6.04.020 E. is amended by replacing the words “miniature horse(s)” in the first line of text with “miniatures thereof”.

Section 10. Sweet Home Municipal Code Section 8.12.020 CHRONIC NUISANCE PROPERTY list of crimes and violations is amended by adding thereto the following:

26. Urinating or Defecating in Public Places SHMC 9.24.050
27. Consumption or Possession of Alcoholic Beverages in Public Places SHMC 9.20.030
and renumbering the current 26. with 28. and placing it in the proper numerical order.

Section 11. Sweet Home Municipal Code Subsection 9.24.010 C. is created to read as follows:

C. This section does not apply to drones. See ORS 837.385.

Section 12. Sweet Home Municipal Code 9.48.020 is amended by removing therefrom the text “\$5” in Subsections A., B. and C. thereof and by creating Subsection D. to read as follows:

D. The fees referred to in this section shall be set by City Council resolution.

Section 13. Sweet Home Municipal Code Section 9.48.080 is amended to read as follows:

Signals from an alarm system which are false alarms are declared to be a public nuisance. The user may have an allowance for three false alarms occurring within a period of time starting from the date an alarm permit is issued until it expires. Subsequent false alarms within that period shall be charged a graduated fee as set forth in a resolution of City Council. Payment of service charges are payable within 60 days of notification that the charges are due. In addition to any and all other penalties provided for in this chapter, failure to pay the assessed service charge shall result in the user’s permit being suspended.

Section 14. Sweet Home Municipal Code Chapter 9.52 titled UNLAWFUL POSSESSION OF MARIJUANA, LESS THAN ONE OUNCE is hereby repealed in its entirety.

Section 15. Sweet Home Municipal Code 10.04.030 the last sentence is amended to read as follows:

All signs, signals, or other markings in place as of January 1, 2020, shall be considered to be traffic controls and parking controls that have been given full force and effect.

Section 16. Sweet Home Municipal Code Subsection 10.04.055 A. the first sentence at its end delete the word “Engineer”.

Section 17. Sweet Home Municipal Code Subsection 10.04.055 C. the first sentence delete the words “Engineer or the City Engineer’s designee”.

Section 18. Sweet Home Municipal Code Section 10.08.130 is amended by adding Section C. to read as follows:

C. Where O.R.S. 98.830 refers to “owner, or is in lawful possession” it is defined to include City Manager or designee, City Police Officer or Enforcement Officer of the city code and “private property” is defined to include City of Sweet Home owned property which includes city parking lots but excludes public ways.

Section 19. Sweet Home Municipal Code Section 10.11.020 is amended by replacing the word “discarded” with the word “disabled” therein.

Section 20. Sweet Home Municipal Code Subsection 10.16.050 A. is amended to read as follows:

A. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of SHMC Chapter 9.36. Each day’s violation of a provision of this chapter shall be a separate offense.

Section 21. Sweet Home Municipal Code Subsection 10.24.010 C. the third sentence is amended to read as follows:

The Police Department shall issue a corresponding registration card to the licensee upon payment of the license fee which shall be set by City Council resolution.

Section 22. Sweet Home Municipal Code Subsection 10.28.030 E.7.is amended to read as follows:

7. The owner shall pay an application fee set by City Council resolution upon applying for the TCR permit, which is nonrefundable.

Section 23. Sweet Home Municipal Code Section 15.12.050 the second sentence is amended to read as follows:

The Flood Insurance Study is on file at City Hall, 3225 Main Street, Sweet Home, Oregon.

PASSED by the Council and approved by the Mayor this 10th day of February, 2020

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

MEMORANDUM



TO: Ray Towry, City Manager
FROM: Rose Peda, Library Services Director
DATE: March 4, 2020
SUBJECT: Sweet Home Library Activities Report / February, 2020

Statistics

Patrons checked out 3413 items.

Patrons placed 322 items on hold.

468 individuals signed on to use the computers in the library and printed 1067 pages.

Resource sharing savings was \$3,799.69 for the month of January.

Events

The library held 8 storytimes for babies, toddler and preschoolers with 74 children and 66 adults in attendance. Staff read to 80 first and second graders at Oak Heights Elementary.

61 children and adults enjoyed an Origami Program and Penny's Puppets for "Take Your Child to the Library" on Saturday February 1.

Baroque Violinist, David Greenberg, performed to an audience of 26.

The library hosted 2nd graders from Oak Heights 2nd graders for an afterhours program in the library.

The library will be received a grant from the Confederated Tribes of Siletz Indians for \$4,125 to replace the 6 public access computers and to upgrade the photocopier and public printer with the color printing options.

The library applied for a grant from Trust Management, LLC in the amount of \$9,972.00 to replace some of the furniture in the library.

Library Advisory Board Minutes
February 13, 2020

Present at the meeting were Charlene Adams, Eva Journey and Don Hopkins.

Motion to excuse the absences of Kevin Hill and Brittany Donnell was made by Eva and the motion was seconded by Don. Motion approved with 3 ayes and 0 opposed.

Motion to approve the minutes for the December 12, 2019 meeting was made by Don and the motion was seconded by Eva. Motion approved with 3 ayes and 0 opposed.

There are no minutes from the January 9, 2020 meeting because the meeting was cancelled due to a lack of quorum.

The Library Board reviewed the statistical reports for the library. It was noted that checkouts for DVDs increased to 1,093 and resource sharing savings increased to \$4,191 for the month of January.

Discussion of the City Council work session and training. Rose included for the Board to review copies of the handouts. Noted from the report was the increase in individuals using the public computers, number of individuals served and the resource sharing savings. Resource sharing savings, last year, was \$35,107 which was more than our annual book budget of \$30,000.

The Financial Reports were reviewed and noted in the December report were the replacement costs for two new staff computers and a change in cell phone providers and cost of a new phone. The January report was reviewed and magazine renewal expenses from Ebsco, and Professional Security for the installation of additional security cameras were noted.

Unfinished Business

M&W Electric completed the lighting upgrades including two exterior lights for the parking lot.

Rose said she will inform the Library Board when the budget meetings are scheduled.

The Dinna Fash Celtic program was well received with 43 in attendance.

New Business

Upcoming program David Greenberg will be performing on February 20 at 6:30pm.

Rose reported on the Siletz grant for the purchase of new public access computers in the amount of \$4,125.00. Along with replacing the public access computers, the library will add a color photocopier and wireless printing.

Trust Management grant was submitted to replace the furniture in the teen room, children's area, computer chairs and storage for DVDs in the amount of \$9,742.00

FFA Architects will be back to present the conceptual drawings to City Council on March 24, 2020 either at a work session or city council meeting. Discussion of the Capital Campaign and visiting Monroe Public Library.

Next meeting is scheduled for Thursday March 19, 2020 at 4:30pm.

MEMORANDUM



TO: City Council
Ray Towry, City Manager
Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: March 10, 2020

SUBJECT: Community and Economic Development Department Report for February, 2020

The Community and Economic Development Department (CEDD) consists of the City’s Building, Planning, Engineering, Economic Development, Code Enforcement, and Parks and Recreation programs. The following is a summary of activities and notes on current projects from February 1st, to February 29th, 2020.

1. BUILDING

- Summary of Building Program Permits Issued.

| Permit Category | February, 2020 | 2020 YTD | 2019 Total |
|---|-----------------------|-----------------------|------------------------|
| Residential 1 and 2 Family Dwellings | 4 | 5 | 31 |
| Residential Demolition | 0 | 2 | 8 |
| Residential Manufactured Dwellings | 1 | 1 | 17 |
| Residential Mechanical Permits | 8 | 13 | 116 |
| Residential Plumbing | 0 | 3 | 38 |
| Residential Site Development | 0 | 0 | 1 |
| Residential Structural | 3 | 9 | 54 |
| Commercial Alarm or Suppression Systems | 0 | 0 | 2 |
| Commercial Demolition | 0 | 1 | 3 |
| Commercial Mechanical | 0 | 2 | 18 |
| Commercial Plumbing | 0 | 1 | 15 |
| Commercial Site Development | 0 | 0 | 0 |
| Commercial Structural | 1 | 3 | 50 |
| Total Permits | 17 | 40 | 353 |
| Value Estimate of All Permits | \$1,186,990.19 | \$1,682,291.96 | \$24,458,766.87 |
| Fees Collected | \$15,131.05 | \$24,739.53 | \$298,099.90 |

2. PLANNING

- Summary of Planning Division Applications Approved:

| Application Type | February, 2020 | 2020 YTD | 2019 Total |
|---------------------------------|----------------|----------|------------|
| Code Amendments | 0 | 0 | 1 |
| Conditional Use | 0 | 0 | 7 |
| Partition | 1 | 1 | 10 |
| Planned Development/Subdivision | 0 | 0 | 1 |
| Property Line Adjustments | 1 | 1 | 7 |
| Variance | 0 | 0 | 6 |

- The overhaul of development code portions of the Sweet Home Municipal Code (SHMC) is progressing as planned. We expect an early draft in the next couple of months.
- A zone and comprehensive map amendment is in progress for the area north of highway 20 between 52nd and Wiley Creek in order to change the property from Recreation Commercial to Low-Density Residential. The Planning Commission recommended that the amendments be approved, and the Council approved it as recommended. The required zoning ordinance must be read at two more council meetings (March 10th and March 24th) in order to take effect.
- A zone map amendment is in progress for an area bounded by 18th & 22nd and Yucca & Tamarack. This is associated with a proposed Local Improvement District. The Planning Commission recommended that the amendment be approved, and the Council approved it as recommended. The required zoning ordinance must be read at two more council meetings (March 10th and March 24th) in order to take effect.
- No land use applications were submitted and completed in February.
- The next planning commission meeting is scheduled for March 2, 2020. A Planning Commission Training Session is scheduled for March 16, 2020.

3. ECONOMIC DEVELOPMENT

- Work on a property partition and right-of-way width change for 24th Ave is progressing. This is part of a comprehensive 24th Avenue Corridor Improvement Project. Due to requests from the neighboring property owners, the plan to partition the City's Maintenance Yard property will now move to the planning commission in order to approve a required access easement. Once the easement has been approved, the partition will be completed and the appropriate documents for the land swap will be drafted and signed. A Request for Council Action will be necessary to approve the partition application and adopt a resolution to swap the land. We hoped to have that completed, however state law requires an appraisal of the property. An appraiser has started work on this project and is expected to submit a final report by the end of the month.
- Staff are preparing an application to ODOT for a Rail Crossing at 24th Avenue. Meetings with Albany & Eastern Railroad have been positive, and they have stated that they will be submitting a letter of support that Staff can include with the application.
- Linn County has expressed an interest in transferring the old Weyerhaeuser mill site to the City, with payment delayed until development begins. Staff believe that this transfer can be completed without the City taking on any liability. The remaining cleanup looks positive, and it is possible that it could be completed by the end of the Summer. Staff is working on a Master Plan of the site that will detail property divisions, zoning designations, and roadway accesses. Linn County has agreed to pay for a consultant to study the site and determine the best road network to accomplish our goals for the area.

4. CODE ENFORCEMENT

- Summary of Actions.
 - CE currently has 44 open cases.

| Case Status | February, 2020 | 2020 YTD | 2019 |
|--|----------------|----------|------|
| In Progress—Investigating | 5 | 10 | 4 |
| Notice Issued | 15 | 22 | 5 |
| Pending Citation | 0 | 0 | 1 |
| Citations | 0 | 0 | 2 |
| Abatement | 0 | 0 | 1 |
| Complaints Noted with No Violation Found | 0 | 0 | 54 |
| Violations Resolved | 32 | 82 | 458 |
| Enforcement Type | February, 2020 | 2020 YTD | 2019 |
| Abandoned Vehicle | 0 | 2 | 5 |
| Animal | 2 | 4 | 63 |
| Blight | 0 | 1 | 2 |
| Public Right-of-way | 4 | 13 | 36 |
| Graffiti | 0 | 1 | 1 |
| Illegal Burn | 0 | 0 | 1 |
| Illegal Dumping | 0 | 0 | 7 |
| Illegal Parking (yard) | 6 | 4 | 12 |
| Junk Vehicle | 1 | 1 | 11 |
| Occupying an RV | 4 | 23 | 59 |
| Open Storage | 20 | 27 | 90 |
| Other | 1 | 1 | 18 |
| Public Nuisance | 13 | 29 | 57 |
| Tall Grass & Weeds | 0 | 0 | 161 |

The City’s Code Enforcement Officer responds to complaints submitted through the City’s website, and actively patrols the City and works to resolve identified code violations.

5. PARKS

- The next meeting of the Park and Tree Committee will be Wednesday, March 18, 2020.
- Arbor Day is Wednesday, April 22, 2020.
- Construction of Sankey Park Improvements has begun.
- Movies in the Park tentative dates and movies:
 - June 12th, *Goonies*
 - July 17th, *Toy Story 4*
 - August 14th, *The Lion King* (2019 live-action version)

6. OTHER PROJECTS

- Preliminary work on the 18th Ave & Willow St Neighborhood Water LID (Proposed) is making progress. Staff is working with City Attorney Robert Snyder on the LID scope, costs, and allocation to individual lots for the water system, and is working on estimates for street

improvements. Staff is also researching the possibility and effect of adding adjacent county-owned land to the LID in order to spread out the costs over a larger area.

- Now that the Council has authorized ownership of the sculpture in the ODOT right-of-way near the East Linn Museum, we are still waiting on a proposed Intergovernmental Agreement from ODOT, which will come before you when it is ready.
- Consultation with ODOT improvements at 22nd Ave & Main St. is ongoing, multiple options are on the table, including lighting, location, median refuge, RRFB pedestrian lights, etc. Staff is working with ODOT to generate affordable options.
- The property line adjustment for the east property line at the NCH is still pending. The adjacent owners are in favor of it, and a map has been created. A Request for Council Action is necessary to authorize the property line adjustment and adopt a resolution for the land swap. However, state law requires an appraisal of the properties, and we are now in the process of collecting bids for that work. After we receive an appraisal report, we will bring the issue before you at a Council meeting. The appraiser has recently begun work on this project, and is expected to submit a final report by the end of the month.
- The ODOT Foster Lake Sidewalk Project: City Staff has met with ODOT recently, and budgetary constraints have required that the project be limited to one side (the north) of US 20. Construction has been delayed until 2022.
- All CEDD Divisions have begun a systems analysis, in which they will “map” out all department processes so that efficiencies can be identified, delays can be removed, and things can be made easier for both customers and staff. These process maps will be documented for staff continuity and to share with other departments.

MEMORANDUM



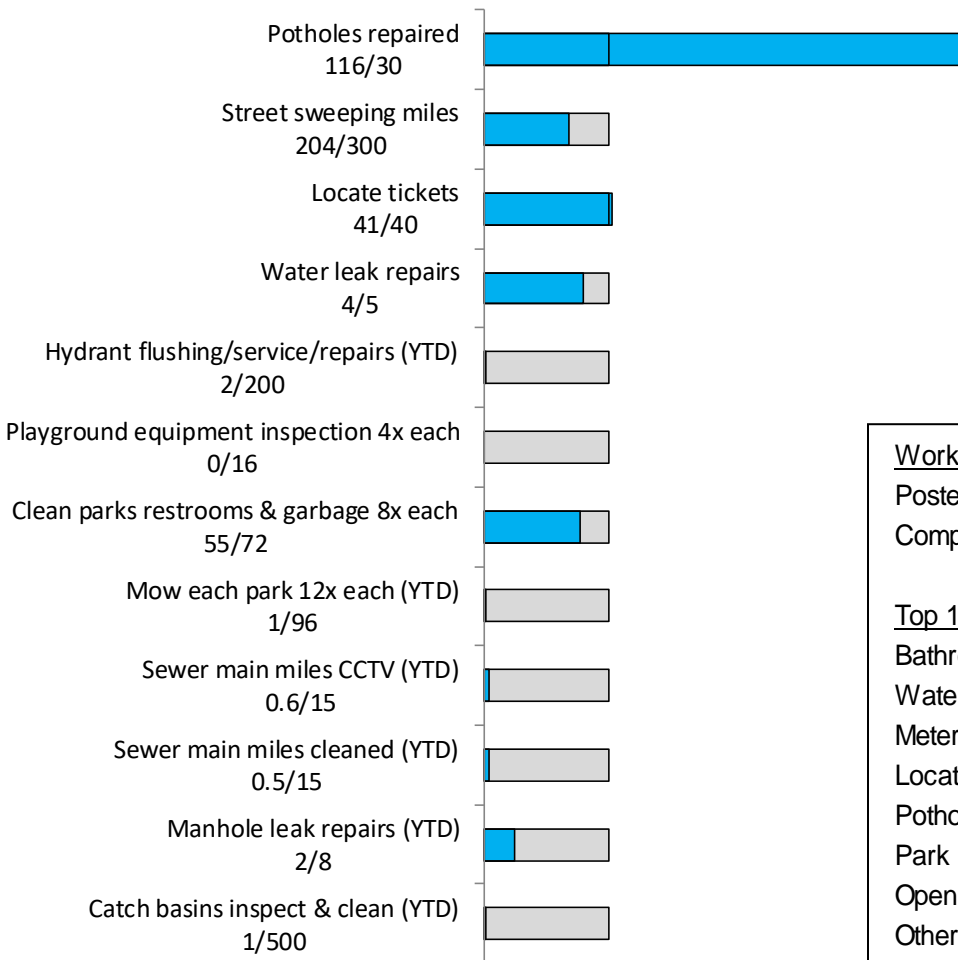
TO: Ray Towry, City Manager
 FROM: Greg Springman, Public Works Director
 DATE: March 4, 2020
 SUBJECT: Public Works Activities Report/March 2020

This memorandum provides a brief periodic update of specific projects, WTP/WWTP O&M and Compliance status, and activities performed by the Public Works Department.

Key Performance Indicators (KPI's) Dashboard

This dashboard section summarizes work done on key maintenance activities. Goals will be adjusted over time as workloads shift to keep up with current requirements. Routine activities are tracked monthly. Seasonal activities are tracked on a year-to-date basis.

February 2020



| | |
|--------------------------|-----|
| <u>Work Orders</u> | |
| Posted: | 516 |
| Completed: | 592 |
| <u>Top 10 Categories</u> | |
| Bathrooms/Garbage | 55 |
| Water Turn Ons/Offs | 49 |
| Meter Re-Read | 44 |
| Locates | 42 |
| Pothole Repair | 27 |
| Park Maintenance | 24 |
| Open Storage | 20 |
| Other - Water | 17 |
| Mail Run | 16 |
| Other - Streets | 15 |

WWTP and WTP Key Performance Indicators (KPIs)

Wastewater Treatment Facility – January 2020

99.0 MG of wastewater treated this month

5.11 MG max daily flow discharged

3.20 MG average daily flow discharged

27,566 lbs. solids inventory

Notes: Nine violations for January 2020

1/11/2020 Sanitary Sewer Overflow Influent VFD Failure

1/12/2020 pH Minimum daily below limit of 6.3 at 6.2

1/13/2020 pH Minimum daily below limit of 6.3 at 6.2

1/13/2020 TSS Daily Max lbs above limit of 690 at 816

1/14/2020 TSS Daily Max lbs above limit of 690 at 703

1/15/2020 pH Minimum daily below limit of 6.3 at 6.2

1/18/2020 TSS Weekly Ave lbs above limit of 520 at 759

1/29/2020 Sanitary Sewer Overflow Influent VFD Failure

1/2020 TSS Monthly Max Ave lbs above limit of 350 at 359

Water Treatment Facility – January 2020

34.54 MG treated this month

1.48 MG used for backwashing filters

1.11 MG average daily demand

Notes: No violations for January 2020

Current & Upcoming Projects

Wastewater Treatment Plant Improvement Project

Scope: Upgrades to equipment & processes for DEQ Compliance

Status: Project on schedule. WWTP Final design commenced in August, 2019. In September 2019, staff met with Architect designing the WWTP Admin building to discuss building layout, vision for the structure and project schedule.

Water Loss

Scope: Staff will continue to identify water leaks throughout the 54 miles of water distribution system.

Status: PW staff has completed all repairs on the identified water leaks. Over 100 repairs have been completed by PW staff to date. Staff will calculate water loss quarterly. Staff purchased new leak detection equipment to begin program in-house.

Radar Speed Signs

Scope: Purchase 6 radar speed signs throughout the community.

Status: Staff ordered 6 radar speed signs. Installed two signs, one on 1st Avenue, second on Airport Road. Permits applications has been submitted to ODOT for multiple location along State Highway 20 and Highway 228.

Sankey Park Improvements

Scope: Install new paths, lighting, and playground equipment.

Status: Staff specified all materials for project and set budget, project to commence February 2020.

2019 Overlay Project

Scope: 2" pavement overlay on Juniper St., 32nd Ct., 45th Ave., and 46th Ave. at Main St.

Status: Project in design.

Water Distribution System Evaluation – Murraysmith

Scope: Murraysmith will perform a hydraulic water model of the water distribution system to pinpoint operations deficiencies and develop a plan to mitigate water system deficiencies.

Status: City staff purchased water modeling software, which Murraysmith to hydraulically model the water distribution system. Project currently in progress.

System Development Charges (SDCs) – Murraysmith

Scope: Provide an update to the current water and sewer system development charges (SDCs) and establish new transportation, parks, and stormwater SDCs based on current capital improvement plans.

Status: Actively in progress

Backwash Pump Evaluation – Murraysmith

Scope: Evaluate feasibility of adding a backwash pump and using clearwell for filter backwashes and the corresponding effects on the distribution system and treatment.

Status: Waiting on Water Distribution System Evaluation

Finished Water Pump Evaluation – Murraysmith

Scope: Evaluate feasibility to add a Variable Frequency Drive (VFD) to the current finish water pumps to maintain a constant level in clearwell to help facilitate Backwash Pump.

Status: Waiting on funding source

WTP Disinfection Evaluation – Murraysmith

Scope: Murraysmith will perform a hydraulic water model of the water distribution system to pinpoint operations deficiencies and develop a plan to mitigate water system deficiencies.

Status: In Design

SWEET HOME CITY COUNCIL SELF EVALUATION

Please respond as you view the work of the Council as a body. Comments are valuable to point us toward improvement. All information is confidential and you do not need to sign the form.

1. In our decision-making, we plan for the future of Sweet Home.

YES NO MOVING TOWARD
COMMENTS: _____

2. We establish results and timelines to be achieved by staff.

YES NO MOVING TOWARD
COMMENTS: _____

3. Our relationships with citizens are transparent and sustainable.

YES NO MOVING TOWARD
COMMENTS: _____

4. We instill confidence in our leadership to make a better city.

YES NO MOVING TOWARD
COMMENTS: _____

5. We utilize our strategic plan to define end results, which assists us to be more pro active than reactive.

YES NO MOVING TOWARD
COMMENTS: _____

6. We take pride and satisfaction in the work we do and achievements of staff.

YES NO MOVING TOWARD
COMMENTS: _____

7. We are confident empowering management and employees to achieve our goals.

YES NO MOVING TOWARD
COMMENTS: _____

8. Open dialog, sharing of opinions, and creative thinking are encouraged in our council interactions.

YES NO MOVING TOWARD
COMMENTS: _____

9. We arrive at our decisions through careful study of the issues and the consequences.

YES NO MOVING TOWARD
COMMENTS: _____

10. "Being outside the city hall" presents on-going challenges, which we strive to over come.

YES NO MOVING TOWARD
COMMENTS: _____



1400 Queen Ave SE • Suite 201 • Albany, OR 97322
 (541) 967-8720 • FAX (541) 967-6123

February 7, 2020

City Manager Ray Towry
 City of Sweet Home
 1140 12th Avenue
 Sweet Home, OR 97386

RE: Revised Fiscal Year 2020-2021 OCWCOG Member Dues

Mr. Towry,

Enclosed is your membership dues invoice for the Fiscal Year (FY) 2020-2021, as approved by the Oregon Cascades West Council of Governments' (OCWCOG) Board of Directors (Board) in January 2020. Member dues are adjusted annually based upon the current population estimate for each jurisdiction and the Seattle Consumer Price Index.

Your member dues are used to match Federal and State dollars to fund your community programs, projects, and services. For example, your dues match, as required by State law, our Medicaid transfer dollars and allow us to determine eligibility and provide support to Medicaid clients. Your dues are also used to match, as required by Federal law, funding for your Economic Development District, which accesses Federal money for economic development and the development of a five-year *Comprehensive Economic Development Strategy* for our Region. Therefore, while member dues are a very small portion of the OCWCOG budget, about 1%, they are very important for the programs and projects that we administer in your community.

Dues are assessed for three areas: General Dues; Community Development (CD); and Transportation (Trans). General Dues are applied toward match for the Senior and Disability Services program; Community Development dues for the services that are provided by OCWCOG's Community and Economic Development program; and Transportation dues provide OCWCOG's Community and Economic Development staff capacity to work on transportation programs. Special Dues are restricted to the OCWCOG Board, at their discretion, to support programs or projects of regional significance.

A breakdown of your Member Dues are as follows:

| Member | FY 19-20 Dues | Pop. Estimate | FY 20-21 Dues | | | | Total FY 20-21 Dues | Change from FY 19-20 |
|------------|---------------|---------------|---------------|------------|------------|------------------|---------------------|----------------------|
| | | | General Dues | CD Dues | Trans Dues | Special Projects | | |
| Sweet Home | \$10,804.37 | 9,340 | \$7,322.56 | \$2,456.42 | \$954.15 | \$536.66 | \$11,269.78 | \$465.41 |

If you need any further information about this dues notice, and/or would like a copy of this year's *Work Program and Budget*, please call me at 541-924-8465. If appropriate, I would be pleased to attend a meeting of your Council to provide more details about OCWCOG services.

Sincerely,



Dann Cutter, Mayor of Waldport
Interim Executive Director



Biff Traber, Mayor of Corvallis
Interim Executive Director

cc: Councilor Diane Gerson, OCWCOG Board Member

Enc.



Oregon Cascades West Council of Governments
 1400 Queen Ave. SE Suite 201
 Albany, OR 97322
 Phone: (541) 967-8720
 Fax: (541) 967-6123
 Federal Tax ID: 93-0584306 CFDA No.

INVOICE

Date: 2/7/2020

Invoice No. FY20-21DUES
 Vendor No:
 Attention: Mr. Ray Towry
 City Manager
 City of Sweet Home
 1140 12th Avenue
 Sweet Home, OR 97386

| DESCRIPTION: | |
|---|---|
| <p>Annual Membership Dues for Fiscal Year 2020-21 <i>(July 1, 2020 through June 30, 2021)</i></p> | |
| Deliverables | Total |
| | <p>\$11,269.78</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> |
| TOTAL: | \$ 11,269.78 |

Other Comments

1. Total payment due July 1, 2019
2. Make check payable to:
 Oregon Cascades West Council of Governments
 Attn: Finance Department
 1400 Queen Ave. SE Suite 201
 Albany, OR 97322

Thank You For Your Business!



Saturday
March 28
10:00-6:00

72nd Annual

Sunday
March 29
10:00-5:00

RIVER WONDERS: AGATES AND JASPERS
1948 - 2020

**SWEET HOME
GEM & MINERAL SHOW**

- Raffle
- Displays
- Dealers
- Snack Bar
- Door Prizes
- Demonstrations
- Handicap Parking

Admission 50¢

Children 12 and under - FREE when accompanied by an adult

1641 Long Street, *High School Gym*, Sweet Home OR

For more information call 541-451-1577 ela4rocks@gmail.com or 541-451-2740

Facebook: Sweet Home Rock & Mineral Club



Community Services Program

1400 Queen Avenue SE, Suite 206 • Albany, OR 97322
 541-924-4539 • FAX 541-924-4544

MEMORANDUM

DATE: March 2, 2020

TO: Sweet Home City Council

FROM: Jennifer Moore, Community Services Program (CSP) Director

RE: ***Meals on Wheels (MOW) Service to Sweet Home Residents***

MOW serves specifically formulated meals to aging homebound adults, adults with disabilities who often live alone, and those with limited resources or ability to care for themselves in two ways. 1) through a dining room atmosphere at the meal site for those able to travel, and 2) through volunteers delivering hot meals directly to the client’s front door.

Thank you for donation of \$1,200 last year in support of *MOW*. As a committed community partner, you know that this support provides hot, nutritious meals delivered to clients in your community. We want to show you what your support means to the health of Sweet Home’s residents.

MOW specifically targets older adults in poor health, with low income, and with limited or no support structure: 45% of dining room clients and 63% of home-delivered meal clients have six or more medical conditions. Food insecure seniors are 50% more likely to be diabetic, 60% more likely to have congestive heart disease, and 75% more likely to suffer from depression. High nutrition risk, a social determinant of health, often results in increased medical expenses due to frequent hospitalizations and nursing home stays and is a major cause of Medicare related hospital readmissions.

During the previous fiscal year, between July 2018 and June 2019, *MOW* served 32,743 meals to 198 Sweet Home residents from the Sweet Home meal site, shown below, in addition to serving another 1,852 in the area. Lunch is served at noon on open serving days, with frozen meals available for weekdays that the site is closed. All meals are provided free of charge to clients, with an approximate value of \$327,730.

| City | Facility | Serving Days | Communities served from Site | Total meals served from Site |
|------------|-----------------------------|-----------------------------|------------------------------|------------------------------|
| Sweet Home | Sweet Home Community Center | Monday Tuesday Friday | Cascadia, Foster, Sweet Home | 34,595 |

Will you renew your support again this year? Local funding from City and County municipalities is critical to leveraging additional funding from other funding sources. We are asking Oregon Cascades West Council of Governments (OCWCOG) members to help us raise a program average of 5% of the cost of meals for their respective communities, to help better plan services and contracts in the future to continue helping your citizens.

During the current fiscal year, between July 2019 and December 2019, *MOW* has served just over 25,750 meals in your community which suggests an additional 36% increase in service.

Approximately 17.3% of Sweet Home residents are 65 years or older and live alone. And 80% of our meals are delivered to clients like Francis, shown right, who are homebound. In a recent survey, conducted annually, an average of 93% of all clients report the meals help them maintain or improve their general health, and remain in the home of their own choosing.



Please consider continuing to support this vital service for your residents.

Every \$10 donation purchases one nutritious meal designed to provide adequate caloric intake, quality proteins, and vitamins for a vulnerable shut-in senior, and delivers the following along with it:

- Social connections between diners over meals in the meal site
- A home visit which doubles as a well-check; when a volunteer delivers a hot meal to homebound clients, they're also visually checking the physical safety of the client and their home.
- A friendly visit for vulnerable residents in your community: aging adults, and adults with disabilities who often live alone, and have limited resources or ability to care for themselves.

The recommended donation is a meaningful percentage of the total cost of services provided.

Thank you for thoughtfully considering your support of *Meals on Wheels* and the Sweet Home residents we serve.