



# CITY OF SWEET HOME CITY COUNCIL AGENDA

February 25, 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.

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## Call to Order and Pledge of Allegiance

### Roll Call

### Consent Agenda:

- a) [Motion to Excuse \(pg 3\)](#)

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

### 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 \(pg 10-12\)](#)

### New Business:

- a) [Special Event Ordinance - Information Only \(pg 13-24\)](#)
- b) [Resolution No. 2 for 2020 - A Resolution to Designate City Property as Surplus and Authorize its Sale or Lawful Disposal \(pg 25-27\)](#)
- c) [Request for Council Action - Arbor Day Grant Application \(pg 28-32\)](#)
- d) [City Manager Evaluation Information Only \(pg 33-44\)](#)

### Ordinance Bills

- a) [Public Hearing - ZMA19-02 Zone Map Amendment - Ordinance No. 3 for 2020 \(pg 45-58\)](#)
- b) [Public Hearing - ZMA19-03 Zone Map Change - Ordinance No. 4 for 2020 \(pg 59-75\)](#)

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

Request for Council Action and First Reading of Ordinance Bills

Second Reading of Ordinance Bills

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

Third Reading of Ordinance Bills (Roll Call Vote Required)

**Reports of Committees:**

Administrative and Finance/Property

Park and Tree Committee

Youth Advisory Council

Chamber of Commerce

Chamber of Commerce

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

- a) [Annual Chamber Awards Banquet \(pg 84\)](#)

**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**

- a) [Comcast Notice \(pg 95-96\)](#)

**Adjournment**

# MEMORANDUM



TO: City Council  
FROM: City Manager Ray Towry  
DATE: February 25, 2020  
SUBJECT: Motion to Excuse

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The following motions are needed to comply with Rules of the City Council.

1) **Attendance.**

Councilors will inform the chairperson or the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the President Pro Tem or the City Manager regarding any absence by the Mayor.

- a) Per Section 12 of the City Charter, "An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in the case of the mayor, manager, municipal judge or councilor...and in the case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council."
- b) When unable to physically attend a Council meeting, City Council members may participate in Council meetings, including executive sessions and work sessions, by telephone or video conference. Telephonic or video participation must be approved in advance by the chairperson and there must be a quorum present in the City Council Chambers before telephonic participation will be allowed. All Council members, whether attending the meeting in person or by telephonic/video means, shall have identical voting rights. The participant must be telephonically/video present for the entire meeting.

**Motion to Excuse** Councilor Cortney Nash and Councilor Susan Coleman from the February 9, 2020 City Council Training Session.



# CITY OF SWEET HOME CITY COUNCIL MINUTES

February 07, 2020, 4:00 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

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## Mission Statement

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**The meeting was Called to Order at 4:05pm.**

## Roll Call

**Present: Mayor Mahler, Councilor Coleman, Councilor Gerson, Councilor Goble, Councilor Gourley(4:15pm), Councilor Nash, and Councilor Trask.**

## New Business:

a) Council Roles and Policies Discussion

The Council reviewed Roles of the Council and Council Responsibilities. The Council was presented with the League of Oregon Cities, *Local Government – The Basics, Local Government Basics, 10 Essentials for City Officials*, for review.

b) Culture Review

The Council discussed Culture and the type of culture that should be encouraged among Council and staff.

c) Vision, Mission and Goals Review

The Council reviewed the Vision, Mission and Goals that had been set during the 2019 City Council Training. There will be more detailed discussion and review during the City Council Training on Sunday, February 9, 2020.

d) Department Annual Reports

The Police and Community and Economic Development Departments presented the Council with their Annual Reports and included statistical reports from 2018 and 2019 for comparison.

**Adjournment at 9pm.**



# CITY OF SWEET HOME CITY COUNCIL MINUTES

February 08, 2020, 8:00AM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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## Mission Statement

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**The meeting was Called to Order at 8:11am.**

## Roll Call

**Present: Mayor Mahler, Councilor Coleman(2:14pm), Councilor Gerson, Councilor Goble(2:01pm), Councilor Gourley, Councilor Nash, and Councilor Trask.**

## New Business:

a) Police and Library Levy Discussion

The Council received information on roles of the Council regarding local option levies and what they are allowed or prohibited from doing according to Oregon law.

b) Public Relations Training – City Sponsored Event Sweetheart Run at Sankey Park

The Council attended the Sweetheart Run at Sankey Park. The Mayor gave the countdown to start the run. Staff will build a calendar to push events out to the Council.

c) Agenda Builder Training

The Council was briefed on the new Municode Agenda Builder program and how to access meeting Agenda, Packets and Minutes.

d) Department Annual Reports

The Executive, Library, Finance, and Public Works Departments presented the Council with their Annual Reports and included statistical reports from 2018 and 2019 for comparison.

e) Property Discussion

Staff presented the Council with a list of City owned properties and talked about each one.

**Adjournment at 6:45pm.**



# CITY OF SWEET HOME CITY COUNCIL MINUTES

February 09, 2020, 1:00 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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## Mission Statement

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**The meeting was Called to Order at 1:06pm.**

## Roll Call

**Present: Mayor Mahler, Councilor Coleman (AB), Councilor Gerson, Councilor Goble, Councilor Gourley, Councilor Nash (AB), and Councilor Trask.**

## New Business:

a) Council Self Evaluation

The Council discussed the value of self evaluation and how it could benefit the Council. A work session will be scheduled for the Council to decide what method to use and criteria to consider.

b) Vision, Mission and Goals Review

The Council reviewed the Vision, Mission and Goals that had been set during the 2019 City Council Training and new goals set which will be adopted at a future City Council meeting.

c) Charter Review

The Council reviewed the City of Sweet Home Charter and discussed sections in the Charter that need reviewed by the Charter Review Committee.

d) Boards, Commissions and Committees Review

The Council reviewed Boards, Committees and Commission of the City of Sweet Home. There was discussion regarding the Youth Advisory Council.

e) Strategic Plan Discussion

Staff presented to Council the Draft Strategic Plan and discussed some upcoming projects.

f) Council Election and Timeline Review

Staff presented Council with information regarding deadlines for the upcoming election.

**Adjournment at 4:12pm.**



# CITY OF SWEET HOME CITY COUNCIL MINUTES

February 11, 2020, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

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## Mission Statement

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## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30pm.

## Roll Call

### PRESENT

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

### ABSENT

Councilor Susan Coleman

Motion to Excuse Councilor Coleman from the meeting 02-11-2020:

Motion made by President Pro Tem Gerson, Seconded by Mayor Mahler.

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

## Consent Agenda:

Motion to Approve the Consent Agenda:

Motion made by Councilor Gourley, Seconded by Councilor Trask.

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

Absent: Councilor Coleman

- a) Request for Council Action - OLCC Change of Ownership - Mr. Lucky's Deli
- b) Motion to Excuse

Approval of Minutes:

- a) 2020-01-28 City Council Meeting Minutes

**Recognition of Visitors and Hearing of Petitions:**

None

**Old Business:**

- a) Jacob's Contract Discussion

Efrain Rodriguez and Brian Helliwell represented OMI (Jacobs) in a three step proposal to City Council that would include a new scope and structure of the contract to be determined in a joint workshop. KPIs would be added to better track performance and optimize the scope and risk, and negotiate reduced fees for operations by OMI. The third step would be for the City to review and finalize the Contract. OMI stated if the City no longer wishes to continue with OMI, they are willing to aid staff to ensure a smooth transition for the City.

Council by Consensus, was not interested in the proposal and directed staff to begin working on exit strategy.

**New Business:**

**Ordinance Bills**

City Attorney Snyder introduced a draft ordinance amending sections of the Sweet Home Municipal Code. The revisions removed fees from Code and added them to the Fee Schedule by Resolution. In addition, there were some language clarifications and the Marijuana chapter was removed as it no longer coincides with State Law.

Motion to move to first reading.

Motion made by Councilor Trask, Seconded by Councilor Goble.

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

Absent: Councilor Coleman

- a) Request for Council Action - Sweet Home Ordinance Amending Sections of the SHMC

Request for Council Action and First Reading of Ordinance Bills

Ordinance Bill No. 2 for 2020 was read in its entirety by City Attorney Snyder.

Motion to move to second reading:

Motion made by Councilor Goble, Seconded by Councilor Trask.

Voting Yea: Mayor Mahler, Councilor Nash, Councilor Trask, Councilor Goble, Councilor Gourley

Voting Naye: President Pro Tem Gerson

Absent: Councilor Coleman

Second Reading of Ordinance Bills

Third Reading of Ordinance Bills (Roll Call Vote Required)

- a) Ordinance No. 1 for 2020 - Sweet Home Ordinance Pertaining to the Use of Transit Shelters in the City of Sweet Home

Motion to Approve Ordinance No. 1 for 2020 - Ordinance No. 1281 Sweet Home Ordinance Amending Sections of the Sweet Home Municipal Code.

Motion made by Councilor Trask, Seconded by Councilor Goble.

Roll Call Vote : Voting Yea: Mayor Mahler, Councilor Nash, Councilor Trask, Councilor

Goble, Councilor Gourley  
Voting Nay: President Pro Tem Gerson  
Absent: Councilor Coleman

### **Reports of Committees:**

#### Youth Advisory Council

Councilor Gourley reported the YAC was hosting a forum with guest speaker Di Lacey, President of Western University of Health Sciences in Lebanon. The forum will also serve as a recruitment tool.

#### Ad Hoc Committee on Health

Councilor Gourley reported the health van was in Sweet Home for its first visit today and had served several individuals.

### **Reports of City Officials:**

#### Mayor's Report

Mayor Mahler reported on another successful Sweetheart Run.

Mayor Mahler made new appointments to the following subcommittees:

Councilor Gerson will replace Councilor Gourley on the YAC

Councilor Gourley will remain Chair of the Ad Hoc Committee for Community Health

Mayor Mahler will replace Councilor Gerson on the COG

#### City Manager's Report

City Manager Towry reported on the City Council Training Session that was held February 7, 8 and 9, 2020 and thanked the Council and staff for attending.

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

#### Library Services Director

- a) Library Happenings
- b) Patron Statistics
- c) Circulation Statistics

#### Community and Economic Development Director

- a) Monthly Department Report

#### Public Works Director

- a) PW Monthly Report

#### Police Chief

### **Council Business for Good of the Order**

Finance Director Brandon Neish reported that 51 utility accounts are scheduled for turn off tomorrow.

- a) Comcast Notice

### **Adjournment**

The City Council meeting adjourned at 7:12 pm



# REQUEST FOR COUNCIL ACTION

|                                                                                   |                                                                                                                                                                            |                                                                                                                                               |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PREFERRED AGENDA:</b><br>February 25, 2020                                     | <b>TITLE:</b><br>CDBG Certifying Officer<br>Resolution                                                                                                                     | <b>TYPE OF ACTION:</b><br><input checked="" type="checkbox"/> RESOLUTION<br><input type="checkbox"/> MOTION<br><input type="checkbox"/> OTHER |
| <b>SUBMITTED BY:</b><br>B. Larsen, Community and<br>Economic Development Director | <b>ATTACHMENTS:</b><br>Proposed Resolution No. 1<br>For 2020                                                                                                               |                                                                                                                                               |
| <b>REVIEWED BY:</b><br>R. Towry, City Manager                                     |                                                                                                                                                                            |                                                                                                                                               |
| <b>RELEVANT CODE/POLICY:</b><br>N/A                                               | <b>TOWARD COUNCIL GOAL:</b><br>Vision Statement, Aspiration II: Effective and efficient<br>local government, Mission Statement<br>Goal 2.1 Update and streamline processes |                                                                                                                                               |

## **PURPOSE OF THIS RCA:**

The purpose of this RCA is to designate the City Manager as the Federal Certifying Officer for the Community Development Block Grant-funded Linn County Housing Rehabilitation Partnership.

## **BACKGROUND/CONTEXT:**

The City is the recipient of a Community Development Block Grant for the implementation of the Linn County Housing Rehabilitation Partnership. Federal regulations require the City's highest elected official, the Mayor, to execute all the documents associated with the program. However, the federal program also allows the City to designate another individual and authorize that person to execute documents. In the past, the City has participated in this same program, and designated the City Manager as the Federal Certifying Officer. A resolution is required to continue the same practice with this Community Development Block Grant.

## **THE CHALLENGE/PROBLEM:**

How do we quickly and efficiently execute documents for the Linn County Housing Rehabilitation Partnership?

## **STAKEHOLDERS:**

- City of Sweet Home and Linn County Residents. Residents benefit from an efficiently run Housing Rehabilitation Program that quickly makes resources available to them.
- City of Sweet Home Staff. Staff members are able to process documents for this program more quickly and efficiently if there is a designated Federal Certifying Officer.
- Local Nonprofit Partners. The City's nonprofit partners who are administering the program benefit from the expedited processes that result from having a designated Federal Certifying Officer.

## **ISSUES & FINANCIAL IMPACTS:**

Designating a Federal Certifying Officer adds no cost to the program, and allows documents to be processed more quickly, thus slightly reducing staff time.

## **ELEMENTS OF A STABLE SOLUTION:**

An ideal outcome would be the passage of a resolution designating a Federal Certifying Officer for the Linn County Housing Rehabilitation Partnership.

**OPTIONS:**

1. Do Nothing. Continue without the Linn County Housing Rehabilitation Partnership without a designated Federal Certifying Officer, other than the Mayor.
2. Motion to pass Resolution No. 1 For 2020 designating the City Manager as the Federal Certifying Officer for the Linn County Housing Rehabilitation Partnership.
3. Motion to amend Resolution No. 1 For 2020 designating an individual other than the City Manager as the Federal Certifying Officer for the Linn County Housing Rehabilitation Partnership and passing the Resolution as amended.

**RECOMMENDATION:**

Staff recommends option 2, Motion to pass Resolution No. 1 For 2020 designating the City Manager as the Federal Certifying Officer for the Linn County Housing Rehabilitation Partnership.

## RESOLUTION NO. 1 FOR 2020

### **A RESOLUTION CLARIFYING THE AUTHORITY OF THE CITY MANAGER TO EXECUTE DOCUMENTS RELATED TO COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE LINN COUNTY HOUSING REHABILITATION PARTNERSHIP HOUSING REHABILITATION LOAN PROGRAM.**

WHEREAS, the City of Sweet Home was the recent recipient of a Community Development Block Grant for the implementation of the Linn County Housing Rehabilitation Partnership Housing Rehabilitation Loan Program, which was assigned Project Number H19012; and

WHEREAS, the Community Development Block Grant Program typically provides that the City's highest elected official, which would be the Mayor, executes documents related to the Block Grant Program; and

WHEREAS, the Community Development Block Grant Program also provides for the option for a City to designate a person other than the Mayor to have the authority to execute documents associated with a grant awarded under the Community Development Block Grant Program; and

WHEREAS, for previous grants which have been awarded to the City under the Community Development Block Grant Program, the City Manager has been actively involved in the administration of the grants.

NOW, THEREFORE, the City Council resolves as follows:

Section 1. The City Council hereby appoints the City Manager as the Federal Certifying Officer for the Linn County Housing Rehabilitation Partnership Housing Rehabilitation Loan Program associated with the Oregon Community Development Block Grant No. H19012.

Section 2. This resolution shall be effective immediately upon its passage.

PASSED by the Council and approved by the Mayor, this 25<sup>th</sup> day of February, 2020.

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Mayor

ATTEST:

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City Manager – Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

|                                                                                   |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                     |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PREFERRED AGENDA:</b><br>February 25, 2020                                     | <b>TITLE:</b><br>Special Event Ordinance<br>(Information Only)                                                                                                                                                                                                                                      | <b>TYPE OF ACTION:</b><br><input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> MOTION<br><input checked="" type="checkbox"/> OTHER (Information<br>Only) |
| <b>SUBMITTED BY:</b><br>B. Larsen, Community and<br>Economic Development Director | <b>ATTACHMENTS:</b><br>Text of Proposed Special<br>Events Ordinance                                                                                                                                                                                                                                 |                                                                                                                                                                     |
| <b>REVIEWED BY:</b><br>R. Towry, City Manager                                     |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                     |
| <b>RELEVANT CODE/POLICY:</b><br>SHMC Chapters 5.04, 10.04,<br>12.12.              | <b>TOWARD COUNCIL GOAL:</b><br>Vision Statement, Aspiration II: Effective and efficient<br>local government, Mission Statement<br>Goal 2.1 Update and streamline processes<br>Goal 2.2 Develop continuity in planning and permitting<br>processes<br>Goal 2.5: Implement financial “best” practices |                                                                                                                                                                     |

## **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 & 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. *Discussion, feedback on the proposed ordinance, and City Council consensus to direct staff to place it on a future Council meeting agenda.*
3. *Direct staff to regulate special events in some other way.*

**RECOMMENDATION:**

Staff recommends option 2, *discussion, feedback on the proposed ordinance, and City Council consensus to direct staff to place it on a future Council meeting agenda.*

ORDINANCE BILL NO. \_\_ FOR \_\_\_\_

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

|                                                              |                                                                                                                                                                                                      |                                                                                                                                               |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PREFERRED AGENDA:</b><br>February 25 <sup>th</sup> , 2020 | <b>TITLE:</b><br>City Surplus Property                                                                                                                                                               | <b>TYPE OF ACTION:</b><br><input checked="" type="checkbox"/> RESOLUTION<br><input type="checkbox"/> MOTION<br><input type="checkbox"/> OTHER |
| <b>SUBMITTED BY:</b><br>J. Lynn, Chief of Police             | <b>ATTACHMENTS:</b><br>Resolution 2 for 2020                                                                                                                                                         |                                                                                                                                               |
| <b>REVIEWED BY:</b><br>R. Towry, City Manager                |                                                                                                                                                                                                      |                                                                                                                                               |
| <b>RELEVANT CODE/POLICY:</b>                                 | <b>TOWARD COUNCIL GOAL:</b><br>Goal #2 – Be an effective and efficient Government<br>Goal #3 – Look for methods to improve community safety<br>Goal #3 – Develop partnerships with regional services |                                                                                                                                               |

## **PURPOSE OF THIS MEMO:**

For Council to review the proposal and recommendation to adopt the City of Sweet Home Resolution No. 2 and declare as surplus property the attached list of Sweet Home Police Department vehicles and Sweet Home Public Works equipment.

## **BACKGROUND/CONTEXT:**

The Sweet Home Police Department maintains various equipment and vehicles to accomplish our mission. At times, that equipment and those vehicles either get replaced, upgraded, or outlive their useful life expectancy. When that happens, a decision must be made on whether or not to keep those items in the City's inventory or to dispose of them according to City policy and State law.

## **THE CHALLENGE:**

The challenge is to maintain modern, reliable equipment, including vehicles that will meet the needs of the City. At different points in the life of equipment or vehicles, the maintenance cost associated with them begin to increase and the cost/benefit of that equipment comes into question. The following is the list of equipment and vehicles in question.

### **Police Department Vehicles:**

1 – 1992 Ford E350 VIN 1FDKE30M9NHA48230

## **ISSUES & FINACIAL IMPACTS:**

1. Police Department – The listed vehicle has outlived its usefulness with the Sweet Home Police Department. A non-profit organization that is actively involved in the Street Outreach Team has met with the Police Department and discussion have taken place on the option of donating this vehicle to further their outreach efforts related to homelessness. The vehicle would allow them a mobile sheltered area where individuals could be talked to privately and out of the elements. I anticipate

that a formal request for the donation of the vehicle to be made within the next few weeks.

**OPTIONS:**

1. Do Nothing. Continue to keep the equipment and vehicles in the City's possession.
2. Authorize the City Department to Surplus the listed items – This vehicle has no further functional, useful value to the city.
3. Request Additional information on the specific items listed.

**RECOMMENDATION:**

City staff recommend option #2.

**RESOLUTION NO. 2 FOR 2020**

A RESOLUTION TO DESIGNATE CITY PROPERTY AS SURPLUS AND AUTHORIZE ITS SALE OR LAWFUL DISPOSAL.

WHEREAS, the City has determined there is no longer a use for the following City property;

Police Department Vehicles:

1 – 1992 Ford E350 VIN 1FDKE30M9NHA48230

WHEREAS, the City recognizes this property as surplus and available for public sale or other lawful disposal;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Sweet Home does hereby declare the property listed above as surplus and available for public sale or other lawful disposal.

This resolution shall be effective immediately upon its passage.

PASSED by the Council and approved by the Mayor, this 25th day of February 2019.

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Mayor

ATTEST:

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City Manager – Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

**PREFERRED AGENDA:**

February 25, 2020

**SUBMITTED BY:**

Angela Clegg, Assoc. Planner

**REVIEWED BY:**

R. Towry, City Manager

**TITLE:**

2020 Arbor Day Grant

**ATTACHMENTS:**

Memorandum to Ray Towry

Arbor Day Grant Application

Grant Agreement

**TYPE OF ACTION:**

☐ RESOLUTION

☒ MOTION

☐ OTHER

**RELEVANT CODE/POLICY:**

SHMC 10.04.030 Powers of the  
City Council

**TOWARD COUNCIL GOAL:**

Vision Statement, Aspiration I: Desirable Community

**PURPOSE OF THIS RCA:**

The purpose of this RCA is to receive approval from the City Council to accept the grant funds from Oregon Community Trees for the Arbor Day Celebration.

**BACKGROUND/CONTEXT:**

The City of Sweet Home has received the Arbor Day Booster Grant 11 of the 33 years that Sweet Home has been a part of Tree City USA. This grant is used to celebrate Arbor Day in our city, a requirement of the Tree City USA program. We have had to remove multiple trees in the past few years due to projects, storm damage, infrastructure damage, etc. We would like to plant 3 ornamental cherry trees at the north entrance of Sankey Park to enhance that entrance and to match the trees that were previously planted.

This year's celebration will be especially important to staff and the Park & Tree Committee. Alice Smith, a member of the Park & Tree Committee for more than 25 years, recently passed away. Staff and the Park & Tree Committee will be discussing a memorial bench dedication to Alice in the area where the trees are planted honoring her dedication to the City of Sweet Home.

**THE CHALLENGE/PROBLEM:**

Should the City accept the Oregon Community Trees grant for an Arbor Day celebration? Attached is the planting and maintenance plan submitted to the City Manager, Ray Towry, for review and approval. Staff feels this addresses the long-term care of the trees that will be purchased with this grant.

**STAKEHOLDERS:**

- **City of Sweet Home:** Having better, more vibrant parks increases positive use, lowers crime, and increases the property values of homes near the park.
- **Surrounding Residences:** Studies show that there is an increase in property values with homes near and abutting parks. Increased positive use in the parks can result in lower crime rates in surrounding neighborhoods and a more positive, family-friendly environment.
- **Outer Residences:** Improved parks create family friendly gathering areas that have safe park amenities mixed with open natural areas for families to explore.
- **Businesses:** Increased amenities within the community show vibrancy and will bring more people to town.
- **Visitors:** They see a vibrant and inviting community that makes them want to visit time and time again, and potentially choose Sweet Home as a place to live.

## **ISSUES & FINANCIAL IMPACTS:**

- Project Amount: \$1,850.00
- Grant Amount: \$500.00
- Matching Funds (already budgeted): \$1,350.00

### **Project Components**

- 3 trees, planting \$450.00
- Promotion & Celebration \$1,350.00
- Educational Material \$50.00

## **ELEMENTS OF A STABLE SOLUTION:**

To secure funding to celebrate Arbor Day, a requirement of the Tree City USA program.

## **OPTIONS:**

1. Direct staff to sign the Arbor Day Booster Grant agreement as submitted;
2. Direct staff not to sign the Arbor Day Booster Grant agreement;
3. Direct staff to sign the Arbor Day Booster Grant with recommended City Council changes to the celebration (specify);
4. Take no action; or
5. Other

## **RECOMMENDATION:**

Staff recommends option 1, move to approve and direct staff to sign the Arbor Day Booster Grant Agreement as submitted.

# MEMORANDUM



TO: Ray Towry, City Manager  
FROM: Angela Clegg, Associate Planner  
DATE: February 25, 2020  
SUBJECT: Arbor Day Proposed Tree Planting Plan

**Grant Funding:** (See Attachment A, grant application and agreement)

**Proposal:** Staff and the Park and Tree Committee propose to purchase and plant 3 decorative trees in Sankey Park. The species and size will be equivalent to the species and size planted in 2019 to maintain a consistent plaza design.

Species: Ornamental Cherry; potentially Shirofugen and Akebono (nonfruit bearing)



Shirofugen



Akebono

Size: #25 (25-gallon pot or larger)

Location: (See Attachment B, proposed planting map)

**Proposed Maintenance and Care Plan:** (Provided by Lena Tucker, Deputy State Forester and Park and Tree Committee Member)

<https://friendsoftrees.org/news-resources/tree-care-guide/>

- 1) Purchase well developed/formed seedlings with healthy root ball – suggest the same source as our last purchase.
- 2) Evaluate the need to stake the seedlings for a few years to let them establish and become wind firm.
- 3) Mulch/control grass/weeds around the base of the seedlings – eliminate competition for moisture – do not let the mulch touch the base of the tree.
- 4) Establish a once/week watering routine – deep soaking of the roots 10-15 gallons/tree to start – from May-September (depends on the timing of drought/heat of summer).
- 5) Newly planted trees will need this watering routine for 2-3 years – depending on the drought situation.
- 6) Evaluate the need to prune the tree at about 3-5 years to enhance the future shape.
- 7) Long term - monitor for insect/disease damage and bark damage.

Deputy Tuckers Statement: we would be planting the same species of Cherry that we did at the Sankey dedication last year. So, this would continue a theme or design for that area. I think that is appropriate rather than putting in a wide variety of species. Everyone really appreciates the cherry blossoms.

**Proposed Maintenance and Care Plan:** (Provided by the Sweet Home Public Works Department)

- Comments per Kevin Makinson, Facilities and Park Crew Lead: The two trees planted in Sankey Park in 2019 were watered with 5-gallon buckets twice a week for three weeks. They were not trimmed in their first year. Trees will be trimmed once in late February and again in late fall.
- Comments per Dominic Valloni, Operations Manager: The Public Works Department plans to have irrigation to the planting area in Sankey Park by the end of February. No hand watering will be required for future plantings in Sankey Park.

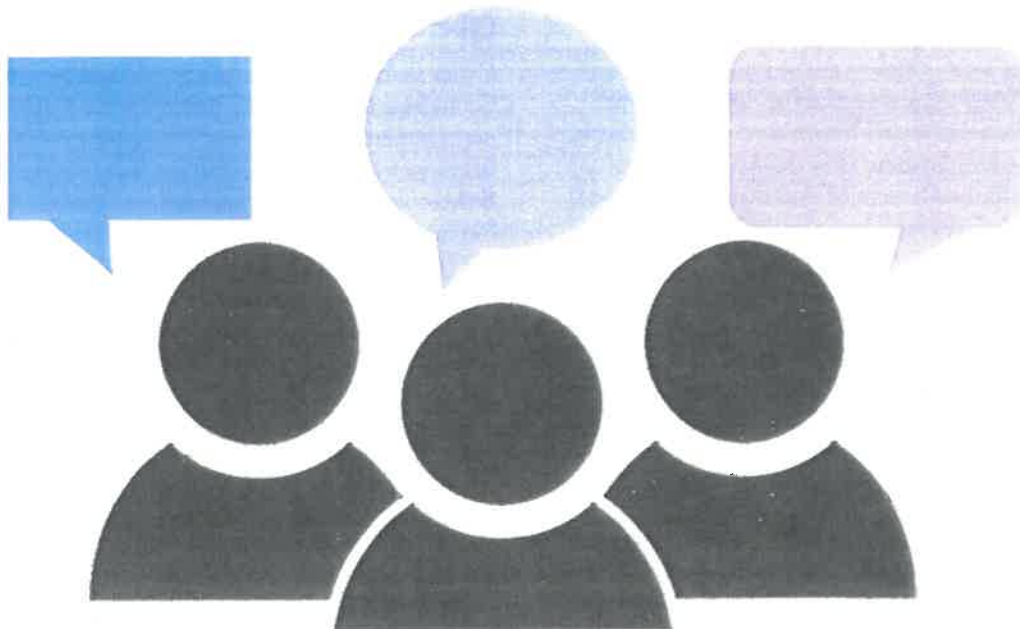
**Recommendation:** Staff recommends that the City Manager approve of the planting plan for the Arbor Day celebration and recommend to City Council the spending of the Arbor Day Booster Grant Funds.



1 inch = 53 feet

### Arbor Day Grant Cherry Tree Placement

Date: 8/7/2018  
City Council Meeting 2-25-2020 pg. 32



# Are You Still Doing City Manager Performance Evaluations?

## And What to Do Instead

By Scott Lazenby, Ph.D., Adjunct Associate Professor, Portland State University

**K**en Miller, author of *Extreme Government Makeover*, says to audiences he speaks to: “Raise your hand if you are the person you are today because of your annual performance review.” Most of the time, there are no hands raised. But in one session, a woman did raise her hand. Surprised, he asked her, “You really are the person you are today because of your annual performance evaluation?” She said, “Yes. Of course, I’m cynical and jaded.”

In his book, Miller makes the point that annual performance reviews do far more harm than good, and if you do nothing else, simply quit doing them.

Ken Miller isn’t alone in this opinion. Samuel Culbert has a PhD in clinical psychology and is a professor at UCLA’s Anderson School of Management. In his *Wall Street Journal* article titled “Get Rid of the Performance Review,” Culbert outlines the damage caused by the traditional annual performance review.

In his book by the same name, the first line states, “It’s time to finally put the performance review out of its misery,” and he spends the next 150 pages in a thoughtful argument backing up his assertion. He drives home the point that if the intent is to improve the performance of the individual and the organization, the annual review process in fact does the exact opposite.

Other management scholars and writers have come to the same conclusion. Tom Coens and Mary Jenkins, a labor attorney and personnel professional, wrote a book titled, “Abolishing Performance Appraisals.” Many companies are following their advice, either intentionally or through benign neglect.

Both sets of experts suggest positive alternatives to the annual review, and I’ll return to that in a moment. But first let’s step back and talk about why performance reviews seem to find their way into many city manager employment agreements.

### The Role of the City Council

The city council’s role is to set the overall policy direction for the city. But the council is also ultimately accountable to the voters for the effective operation of the city organization. In turn, the council hires a city manager to handle the day-to-day running of the city, and it is entirely appropriate for the council to hold her or him accountable for the performance of the organization. The first tenet of the ICMA Code of Ethics states, “Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.”

But what exactly does a council do to ensure that the city is running well?

First, the council decides who to hire as city manager. This is probably the most important step in the whole process. Continual self-improvement is important and something to strive for. But in reality, a person's ability to manage and lead is basically set on the day they are hired, and it's unreasonable to expect much change there. The skills, abilities and personality of the city manager will always be pretty much what they are when you hire them.

Second, the council does have control over when it's time for the city manager to leave the organization. It's not a decision to be taken lightly, and councils need to face the fact that city managers are just human beings, with strength and weaknesses, so switching out city managers means trading one set of weaknesses for another. But as a profession, we do acknowledge that we serve at the will of the council.

This kind of irreconcilable difference is relatively rare. The default decision should be the same one a city manager has with their department heads, who are also at-will employees: the assumption is that it's a long term relationship, and we'll work together to keep it a healthy one. There is absolutely no need to revisit the issue on an annual basis. It doesn't make sense to treat the CEO as a temporary employee.

## The Motivational Power of Council Goals

So how do you take a positive approach, and act as a city council to ensure the city manager's performance meets your expectations? Let's stipulate that the annual performance review isn't the way to do it. What do you do instead?

Samuel Culbert advocates what he calls a "performance preview." It's designed for a one-to-one conversation between an employee and supervisor, but the key elements apply just as well to a larger dialog between the members of the city council and the city manager and staff.

First, the discussion is forward looking, not backward looking. What are actions we will take going forward? What can we do in the future, not what have we done in the past.

Second, it's a two-way dialog, not a top down power play. The question is not only what can the city manager and staff do in the future to make the city operate more effectively, but also what can the city council do to improve the effectiveness of the organization?

**"Simply giving [a city manager] goals that are achievable but stretch the organization is the single most effective thing a city council can do to maximize the performance of their manager and staff."**

And this dialog has two components. The first focuses on specific actionable goals for the coming year. They should be grounded first in the council's overall vision for the community, such as "Help build a thriving downtown," or "Take care of our infrastructure." But to be useful in a performance management context, the focus should be on the tactical steps for moving toward these higher goals. Things like, "Create a downtown urban renewal district by September," or "Refer a park bond measure to the voters in November."

You may be thinking, "Wait—this is what we do already in our annual council retreat. There must be more to it than this."

My answer is, "no, there isn't." Because here's a secret I learned in 40 years of working with a lot of other city managers: all of us—well, at least most of us—are very powerfully motivated to please the city councils we work for, and to lead our staff in accomplishing the goals that are set before us. Some of us don't like to be told how to achieve the goals, and good governing boards focus on the ends rather than the means. But simply giving us goals that are achievable but stretch the organization is the *single most effective thing* a city council can do to maximize the performance of their manager and staff.

We're not alone in this. Daniel Pink, in his book *Drive*, summarizes decades of research on human motivation. He identifies the three most powerful motivators for all people: autonomy, mastery and purpose. As a city council, you can push every one of these buttons by saying, "Our common vision is to make our community a better place (purpose), and we can do this if you can help us achieve these goals (mastery), and we leave it up to you and your staff on how to get there (autonomy)."

In my experience, city councils can be pretty good at this. People often run for a city council position to make a difference in the community, and to get things done. It does involve some give and take to reach a consensus when there are competing goals, but it's much more fun to talk about concrete goals than to have endless conversations about nice but operationally useless generalities like transparency, sustainability and equity.

So bottom line, unless the city manager is a total screw-up, the city council can simply skip the performance review, and instead focus on setting clear, achievable and meaningful goals for the city manager and staff.

(continued on page 28)

## Critical Conversations

Samuel Culbert's "performance preview" does have a second component. This one is hard enough to implement in a one-to-one relationship between a supervisor and employee, and even more difficult in the context of the many-to-one relationship between the council and manager.

In a nutshell, it focuses on practical things that both parties can do to make the council-staff team work better. Would the council like more reporting on projects or programs? Or is the council getting buried in details? For its part, is the council providing clear direction, and deciding on key policy issues rather than ignoring them? Is the council focusing on the policy and staying out of administration?

This is the most difficult part of the conversation, because it requires the council to not only come to a consensus on what it wants (not always easy), but then to also articulate this consensus as clearly and unambiguously as possible. The book, *Crucial Conversations*, can help here, because as humans, we all tend to be pretty bad at this kind of conversation. Generalities

**“For the past six decades, researches have demonstrated over and over that pay is not a motivator.”**

like, “The city manager needs to be more assertive,” or “The council needs to be more transparent,” are useless and a waste of time. It’s better to focus on specific actions to be taken. As an example, during my time with the city of Lake Oswego we experimented with a different method of notifying the council when staff members are contacted by the press.

This conversation can occur whenever and as often as needed, and

treated as simply a fairly routine aspect of communicating and working together. Things should not be allowed to fester until some arbitrary calendar date rolls around. Here, Patrick Lencioni’s work on effective teams can be useful, and in rare cases, a facilitator trained in these concepts (building an environment of trust that leads to a healthy discussion of conflicting ideas) can help.

But returning to the issue of performance, I believe focusing on goals produces much greater results than a discussion on teambuilding, and I see no problem in skipping it altogether if there isn’t a pressing need for it.

# Mobilizing your community



Connected communities are strong communities. By advancing our technologies and services, we’re helping to create the opportunities that make Oregon a better place to live and work.

When everything works together, your community moves forward.

MOBILIZING  
YOUR  
WORLD



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## The Compensation Question

This article would end here, except for one problem. I know that at least one reader might be thinking, "If we don't do an annual performance review, what do we base the city manager's compensation on?" I'll address that here, but it disturbs me that this far into the 21st century we even need to have this conversation.

For the past *six decades*, researches have demonstrated over and over that pay is not a motivator. Let me repeat that. Pay is not a motivator. Let's be more specific. There is no relationship between pay and performance. It's on the bottom of Maslow's triangle, and you won't get staff to come to work for you, or stay with the organization, if compensation is significantly below the market. But once that basic need is met, it just isn't a motivator.

Daniel Pink, in the Ted Talk that is listed in the references below, notes that since this seems counter-intuitive to many people, it is the most researched area in all of management theory. Back in 1968, Frederick Herzberg published an article titled, "One More Time: How Do You Motivate Employees?" and it remains to this day the most reprinted article from the *Harvard Business Review*. (The magazine published the article again recently, and the editor wryly noted, "Herzberg's conclusions don't seem to have fully penetrated the American workplace, if the extraordinary attention still paid to compensation and incentive packages is any indication.") By the way, the answer to Herzberg's question is the same intrinsic motivators that Daniel Pink identifies. Doing a good job is rewarding in and of itself.

So here's how a city council should handle the compensation for the city manager. Do it exactly the same way you do for all your staff: establish a pay range and steps based on where you want your city to be in the larger market. Adjust the range from time to time for changes in the cost of living, like you do for other staff. Occasionally survey the market to make sure you're still in the range you want to be. That's it. There may be some other details in a compensation package, like covering some of the cost of using a private cell phone and car for city business, or matching contributions to a deferred comp account. But these too should be based on the market, and not some kind of performance incentive, like dangling cheese in front of a rat.

Remember, doing a good job and achieving objectives is a very powerful motivator in and of itself. In other research cited below, interfering with this motivator by tying a pay bonus to performance was found to *actually decrease performance*.

## Conclusion

First, *stop going through the motions of an annual city manager performance evaluation*. I suspect that many city councils may not be doing them anyway out of benign neglect. If that's the case, they should congratulate themselves for being a well-managed city. A consequence of not doing annual reviews is that the city manager's compensation would, and should, be based on market factors and the requirements of the job.

Second, do establish clear, achievable but stretching goals for the city manager and staff. Will all the goals be met? Of course not: as John Lennon said, "Life is what happens while we're making other plans." But this is the single most important thing a city council can do to make the organization as effective as it can be.

Third, when necessary, have an open two-way discussion on how the city council and staff can improve the team's effectiveness. This conversation should be forward-looking. And it should be a public discussion, since there will be no criticism if it instead focuses on positive steps people can take to work more effectively.

## References:

### Performance Reviews

*Get Rid of the Performance Review! How Companies Can Stop Intimidating, Start Managing—and Focus on What Really Matters*. Samuel Culbert, Hachette Book Group 2000.

"Get Rid of the Performance Review! It destroys morale, kills teamwork and hurts the bottom line; And that's just for starters." Samuel Culbert, *Wall Street Journal* Oct. 20, 2008.

*Abolishing Performance Appraisals: Why They Backfire and What to do Instead*. Tom Coens and Mary Jenkins, Berrett-Koehler Publishers, 2000.

### The Importance of Intrinsic vs. Extrinsic Motivation

*Drive: The Surprising Truth about What Motivates Us*. Daniel Pink, Penguin Books, 2009.

"The Problem of Pay" in *12: The Elements of Great Managing*, Rodd Wagner and James Harter, Gallup Press, 2006.

Ted Talk: *The Puzzle of Motivation*. Daniel Pink.  
[www.ted.com/talks/dan\\_pink\\_on\\_motivation](http://www.ted.com/talks/dan_pink_on_motivation)



Dr. Lazenby is the former city manager of Lake Oswego and Sandy. He has a PhD in public administration and policy from Portland State University (PSU) and is currently an adjunct associate professor in PSU's public administration program.

# City of Sweet Home Performance Evaluation City Manager

## PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Manager concerning the performance of the City Manager in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

## PROCESS

1. The City Manager prepares a memorandum to Council including his/her self-evaluation in a narrative format.
2. The City Manager will copy and distribute the City Manager Performance Evaluation form as well as the City Manager's self-evaluation to the Council for review.
3. The Council members will complete a performance evaluation for the City Manager and then return the completed form to the Mayor. The Mayor will return any incomplete or incorrectly filled out evaluations to be completed correctly.
4. The Mayor and President Pro-Tem will tabulate the results of the evaluation forms and create a compiled evaluation including average scores for each individual element and average scores for each overall section.
5. The Mayor and Councilors will meet with the City Manager to discuss his/her compiled evaluation in an Executive Session in a "round-table" format. Copies of each Councilor's completed individual evaluation must be made available to the City Manager for inspection forty-eight (48) hours prior to this meeting. Councilors will then complete the remaining "round table" portion of their evaluation and may adjust any previous scores as they see fit.
6. The Mayor and President Pro-Tem will tabulate the results of the finalized evaluation forms and create a compiled evaluation including average scores for each individual element and average scores for each overall section.
7. The Mayor and Council will meet with the City Manager in executive session to review the evaluation, unless the City Manager requests an open hearing per ORS 192.660(2)(i).

## INSTRUCTIONS

***Review the employee's work performance for the entire period; try to refrain from basing judgement on recent events or isolated incidents only.*** Disregard your general impression of the employee and concentrate on one factor at a time.

Evaluate the employee on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Circle the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below.

## Performance Evaluation

**Councilor:** \_\_\_\_\_

**Evaluation Year: 20 /20** \_\_\_\_\_

### RATING SCALE DEFINITIONS (1-5)

- (1) Unsatisfactory\* - The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- (2) Improvement Needed\*      The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- (3) Meets Job Standard      The employee's work performance consistently meets the standards of the position.
- (4) Exceeds Job Standard      The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
- (5) Outstanding      The employee's work performance is consistently excellent when compared to the standards of the job.
- Not Observed (NO)      The employee's work performance was not observed during this evaluation period.

\*Any score of a (1) Unsatisfactory or (2) Improvement Needed MUST be justified in the comment section.

## **1. City Council Relationships**

A. Effectively implements policies and programs approved by the City Council.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

B. Effectively aids the City Council in establishing long range goals.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

C. Keeps the City Council informed of current plans and activities of administration, best governmental practices and regulations, etc.

5-Outstanding      4      3-Meets Standard      2      1-Unsatisfactory      NO

Comments:

DRAFT

## 2. Performance related to the Job Description

“Serves as the administrative head of the government of the City and is responsible for the overall management, administration and supervision of all City departments and functions. Exercises direct or indirect supervision of all City Employees with the exception of the City Attorney and Municipal Judge.”

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

1. Maintain effective relationships with elected officials, the media and the public at all times.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

2. Follow established City Policies at all times.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

3. Recommend programs and policies to the City Council to ensure that the management of the City is effective and reflects current advances in city government.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

4. Develop professionally through formal and informal training and membership in professional organizations.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

5. Control City expenditures within budgetary limitations to ensure that public funds are spent wisely.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

6. Supervise City personnel to effectively train, motivate and promote a high degree of morale.

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

Comments:

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### **3. Evaluation Based on Council Goals-Complete After Round Table Discussion**

#### **GOAL #1: INFRASTRUCTURE**

1. Develop specific steps for implementation of the adopted infrastructure master plans.  
Water, Sewer, Streets, Parks, Property
2. Increase community awareness of infrastructure needs and appropriate planning documents.  
Water, Sewer, Streets, Parks, 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. Develop transparency in all communication.
5. Continue to implement strong financial practices.
6. Employ sound technology to maximize efficiency.

#### **GOAL #3: ESSENTIAL SERVICES**

1. Increase access to quality healthcare services in Sweet Home.
2. Look for methods to improve community safety.
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 future economic development efforts w/in City Hall
3. Develop economic opportunities w/ regional partners

5-Outstanding      4      3-Meets Standard      2      1-Unsatisfactory      NO

**Comments:**

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#### **4. Summary Rating of City Manager Self Evaluation – Complete After Round Table Discussion**

1. Identifies challenges?

5-Outstanding      4      3-Meets Standard      2      1-Unsatisfactory      NO

2. Identifies progress?

5-Outstanding      4      3-Meets Standard      2      1-Unsatisfactory      NO

### 3. Identifies improvements?

|               |   |                  |   |                  |    |
|---------------|---|------------------|---|------------------|----|
| 5-Outstanding | 4 | 3-Meets Standard | 2 | 1-Unsatisfactory | NO |
|---------------|---|------------------|---|------------------|----|

Comments:

DRAFT

## **5. Summary Rating – Complete After Round Table Discussion**

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

## 5-Outstanding

4

### 3-Meets Standard

2

1-Unsatisfactory

NO

Comments:

This evaluation has been reviewed and discussed between the City Council and the City Manager on:

Date: \_\_\_\_\_

Sweet Home City Council

Concurrence

\_\_\_\_\_  
Mayor Greg Mahler

YES / NO

\_\_\_\_\_  
Council President Pro-Tem Dave Trask

YES / NO

\_\_\_\_\_  
Councilor Susan Coleman

YES / NO

\_\_\_\_\_  
Councilor Diane Gerson

YES / NO

\_\_\_\_\_  
Councilor James Goble

YES / NO

\_\_\_\_\_  
Councilor Lisa Gourley

YES / NO

\_\_\_\_\_  
Councilor Cortney Nash

YES / NO

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date



# REQUEST FOR COUNCIL ACTION

|                                                                              |                                                                                                          |                                                                         |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>PREFERRED AGENDA:</b><br>February 25, 2020                                | <b>TITLE:</b><br>ZMA19-02                                                                                | <b>TYPE OF ACTION:</b><br><input checked="" type="checkbox"/> ORDINANCE |
| <b>SUBMITTED BY:</b><br>Angela Clegg, Assoc. Planner                         | <b>ATTACHMENTS:</b><br>Planning Commission Order<br>of Approval                                          | <input checked="" type="checkbox"/> MOTION                              |
| <b>REVIEWED BY:</b><br>R. Towry, City Manager                                | Original Application<br>Ordinance No. 3 for 2020                                                         | <input type="checkbox"/> OTHER                                          |
| <b>RELEVANT CODE/POLICY:</b><br>SHMC 10.04.030 Powers of the<br>City Council | <b>TOWARD COUNCIL GOAL:</b><br>Vision Statement, Aspiration I: Desirable Community,<br>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 18<sup>th</sup> Avenue and 22<sup>nd</sup> 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. 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.

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 18<sup>th</sup> Avenue to 22<sup>nd</sup> 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 18<sup>th</sup> Avenue to 22<sup>nd</sup> 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 18<sup>th</sup> Avenue and 22<sup>nd</sup> 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 18<sup>th</sup> Avenue to 22<sup>nd</sup> Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lots Various.

**FILE NUMBER:** ZMA19-02

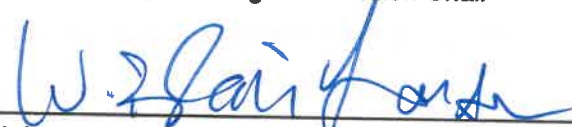
**REVIEW AND  
DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.12, 17.68, 17.30;  
OAR 660-012-0060

**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

|                                                                                                                                                         |                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <br>_____<br>Lance Gatchell, Planning Commission Chair                 | <br>_____<br>Date |
| <br>_____<br>Blair Larsen, Community and Economic Development Director | <br>_____<br>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 ZMA19-02**

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:**

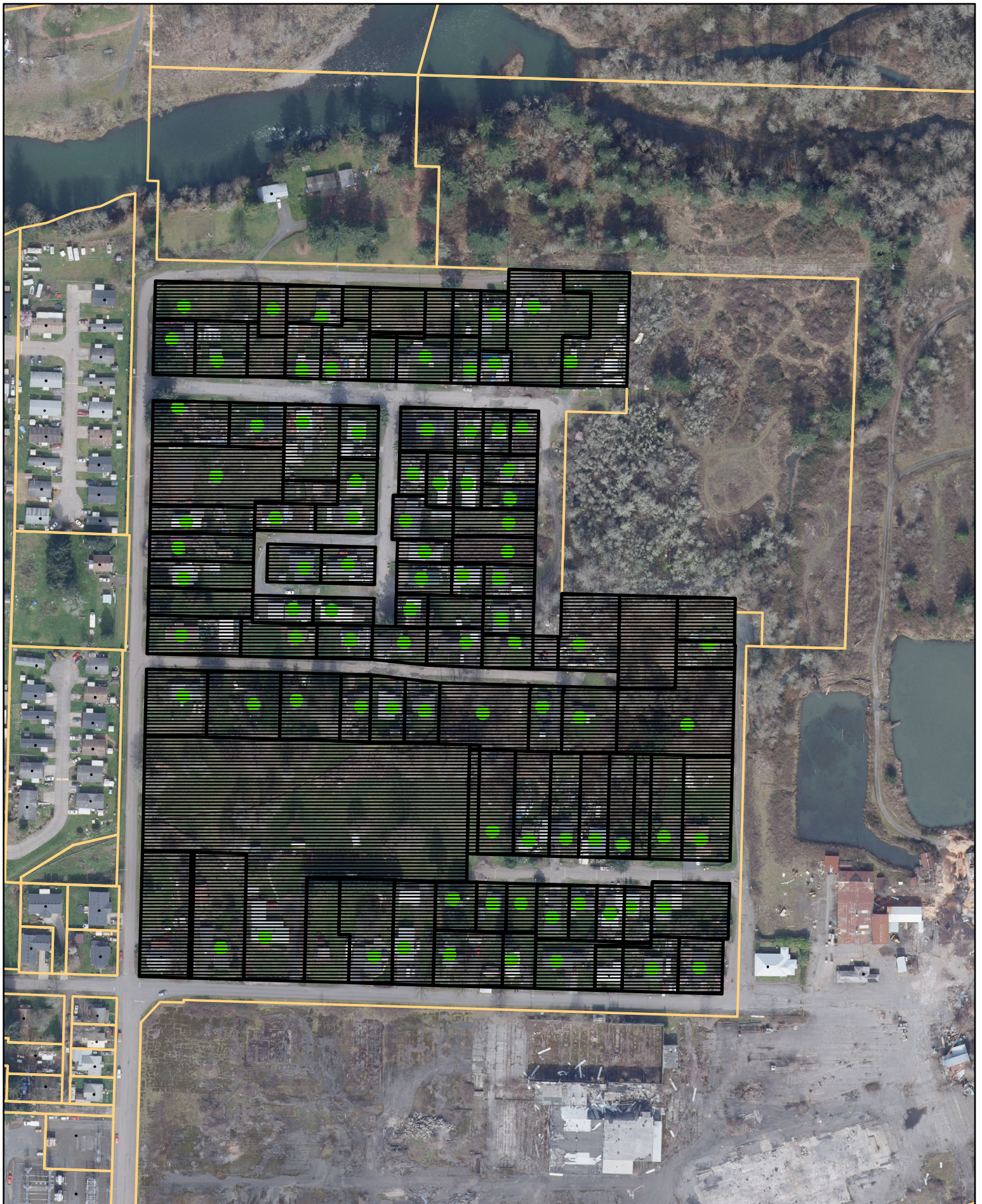
After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

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

City Council Meeting 2-25-2020 pg. 58  
Date: 12/06/19



# REQUEST FOR COUNCIL ACTION

|                                                                              |                                                                                                          |                                               |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>PREFERRED AGENDA:</b><br>February 25, 2020                                | <b>TITLE:</b><br>ZMA19-03                                                                                | <b>TYPE OF ACTION:</b>                        |
| <b>SUBMITTED BY:</b><br>Angela Clegg, Assoc. Planner                         | <b>ATTACHMENTS:</b><br>Planning Commission Order<br>of Approval                                          | <input checked="" type="checkbox"/> ORDINANCE |
| <b>REVIEWED BY:</b><br>R. Towry, City Manager                                | Ordinance No. 4 for 2020<br>Original Application                                                         | <input checked="" type="checkbox"/> MOTION    |
|                                                                              |                                                                                                          | <input type="checkbox"/> OTHER                |
| <b>RELEVANT CODE/POLICY:</b><br>SHMC 10.04.030 Powers of the<br>City Council | <b>TOWARD COUNCIL GOAL:</b><br>Vision Statement, Aspiration I: Desirable Community,<br>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. 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.

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 53<sup>rd</sup> 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 53<sup>rd</sup> 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 ZMA19-02

#### 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)]**

- 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 53<sup>rd</sup> Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52<sup>nd</sup> 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, 52<sup>nd</sup> Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53<sup>rd</sup> 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 52<sup>nd</sup> Avenue and Osage to 53<sup>rd</sup> Avenue and Highway 20 (north to south) and Wiley Creek to approximately 53<sup>rd</sup> 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.

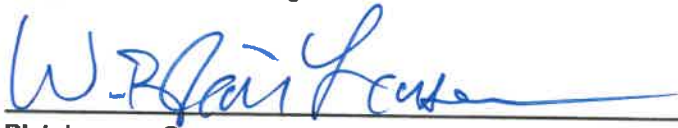
**PLANNING COMMISSION DECISION:** February 3, 2020

**CITY COUNCIL MEETING:** February 25, 2020.

**APPEAL DEADLINE:** February 14, 2020 at 5:00 PM

  
Lance Gatchell, Planning Commission Chair

2/7/2020  
Date

  
Blair Larsen, Community and Economic Development Director

2/7/2020  
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 53<sup>rd</sup> Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52<sup>nd</sup> 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, 52<sup>nd</sup> Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53<sup>rd</sup> 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:**

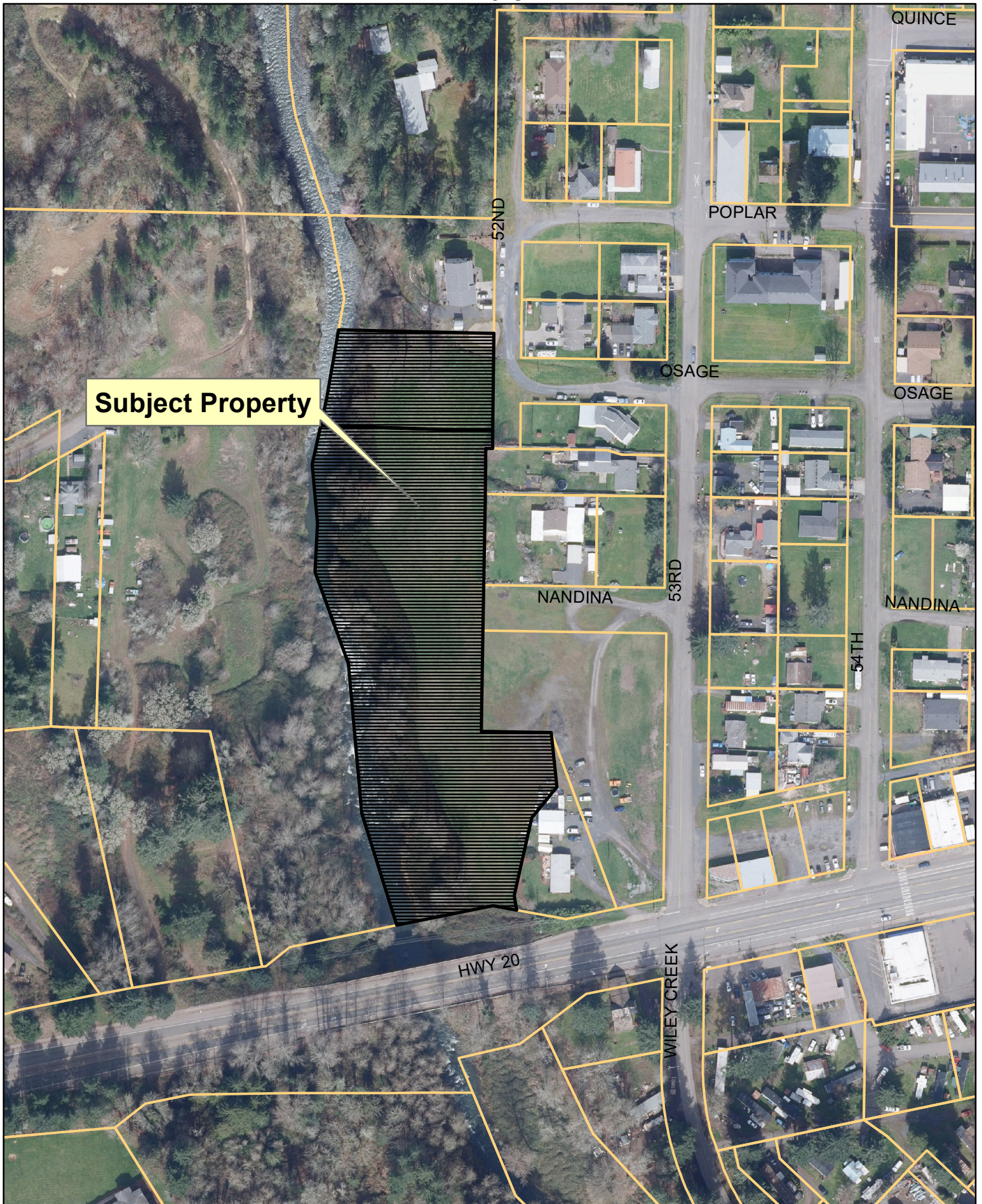
After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

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

# Exhibit B



Subject Property

HWY 20

WILEY CREEK

54TH

53RD

52ND

QUINCE

POPLAR

OSAGE

OSAGE

NANDINA

NANDINA

ZMA19-03

Subject Property Map

13S01E27C, Tax Lots 109 & 113

City Council Meeting 2-25-2020 pg. 75

Date: 8/7/2018

1 inch = 177 feet



ORDINANCE BILL NO. 2 FOR 2020

ORDINANCE NO. \_\_\_\_\_

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 ~~the period specified on the license for less than one calendar year, or for one calendar year if not otherwise specified 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager - Ex Officio City Recorder



ORDINANCE BILL NO. 2 FOR 2020

ORDINANCE NO. \_\_\_\_\_

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager - Ex Officio City Recorder



# MEMORANDUM

TO: City Council  
FROM: City Manager Ray Towry  
DATE: February 25, 2020  
SUBJECT: Annual Chamber Awards Banquet

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During the Council Training, the Council discussed the need to attend public events and the importance of community involvement. The Annual Chamber Awards Banquet is March 14<sup>th</sup> at 5pm. This year's theme is the Roaring 20's. Please join staff for a night of recognition for those in the community who go above and beyond to make a difference in Sweet Home. The City will also be presenting a *State of the City* address.

Staff is requesting Council RSVP to the City Manager's Office by March 1<sup>st</sup> so the table arrangements can be made.



## Finance Department

To: City Council  
Ray Towry, City Manager

From: Brandon Neish, Finance Director

Subject: Finance Department Monthly Report – January 2020

The Finance Department is responsible for the for the fiscal management of the City of Sweet Home. This includes accounts payable, payroll, general accounting, preparing the annual budget and the city's annual audit. This department also administers the city's assessment docket, coordinates employee's benefits and maintains financial records relating to grants and contracts. The following information represents the department's activities during the months of **January 2020**.

### Accounts Payable:

The Finance Department maintains a weekly schedule for AP disbursements when possible. City departments submit documentation through Springbrook to request payment to vendors. Once the Finance Department has a completed purchase order and invoice/receipt, a check is printed and mailed within seven (7) business days.

For the month of January 2020, 161 checks were printed totaling \$666,618.07. A list of the checks is provided for your review. Below is a list of the checks that were equal to or exceeded \$5,000 and their purpose (if not clear on list).

| <u>Check No.</u> | <u>Vendor</u>                | <u>Description</u>                           | <u>Amount</u>      |
|------------------|------------------------------|----------------------------------------------|--------------------|
| 90310            | Thomas & Erika Baham         | CEIP funds                                   | \$5,000.00         |
| 90319            | ES&A Sign Corp               | New sign for City Hall                       | \$12,590.00 (half) |
| 90324            | Grove, Mueller & Swank, Inc. | Initial audit expense                        | \$14,000.00        |
| 90330            | King Office Equipment, Inc   | Work stations for CEDD and Lobby furniture   | \$7,859.80         |
| 90332            | Stommel, Inc.                | Panasonic Toughbooks and install for PD cars | \$31,111.33        |
| 90382            | Primasing Motors, Inc        | Replacement vehicle for Code Enforcement     | \$20,917.48        |
| 90396            | CMI Software Corp            | Justice (PD records) licensing               | \$14,500.00        |

| <u>Check No.</u> | <u>Vendor</u>      | <u>Description</u>                                 | <u>Amount</u> |
|------------------|--------------------|----------------------------------------------------|---------------|
| 90435            | Peterson Machinery | Excavator rental for 52 <sup>nd</sup> Ave. project | \$7,554.34    |

#### Passports:

Since 2001, the city has been accepting passport applications for the United States Department of State. Travelers can call, stop by city hall or visit the city's website for information on application requirements.

For the month of January 2020, the city processed 66 passports and took 51 passport pictures.

#### Lien Searches:

The city has various liens that can be applied to properties in Sweet Home. The city can apply a lien for past due utility balances or a property owner can place a lien on their property for improvement assessments per ORS. An internet database maintains a list of these liens and is searchable by title companies for paying off outstanding balances during a sale. Each lien search generates \$25.00 for the city.

For the month of January 2020, 53 lien searches were completed.

#### Utility Billing:

Utility billing is responsible for the timely reading of water meters in the city and distribution of bills to residents and businesses. The revenue generated from the utility bills covers the costs associated with operating and maintaining the Water Treatment Plant and the Wastewater Treatment Plant as well as the maintenance of the city's distribution and collection systems.

For the month of January 2020, the city processed 212 service requests and saw 12 new customers open accounts in Sweet Home. In total, 40 accounts were opened and 38 were closed. The city processed 3,271 utility billing statements and 1,074 past due notices. **77 accounts were turned off for non-payment on January 8, 2020.**

# Bank Reconciliation

## Checks by Date

User: bneish  
 Printed: 02/19/2020 - 12:18PM  
 Cleared and Not Cleared Checks



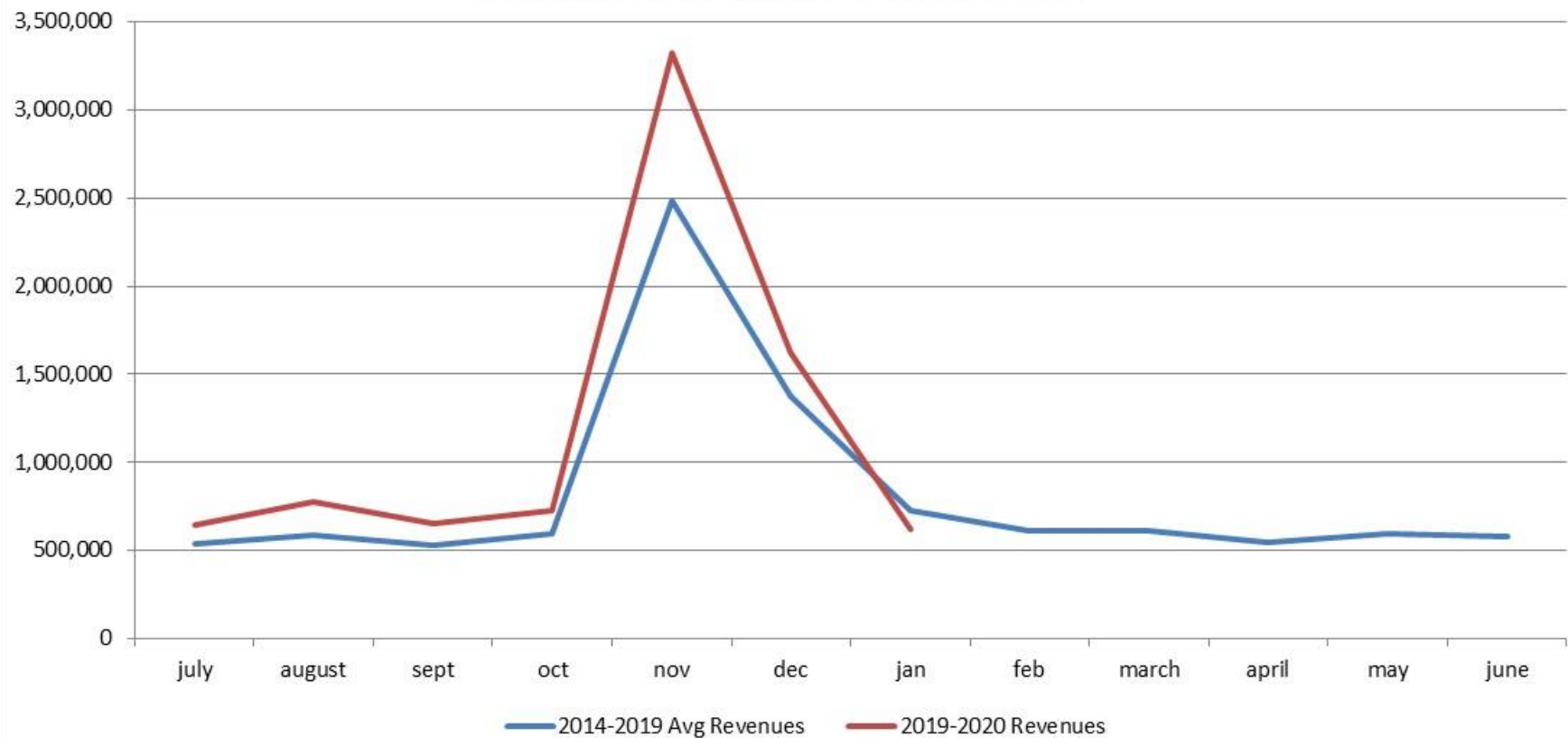
| Check No | Check Date | Name                                  | Comment | Module | Clear Date | Amount    |
|----------|------------|---------------------------------------|---------|--------|------------|-----------|
| 0        | 1/6/2020   | SWEET HOME POLICE EMPLOYEE            |         | AP     |            | 1,402.50  |
| 0        | 1/6/2020   | FEDERAL PAYROLL TAXES                 |         | AP     |            | 28,441.93 |
| 0        | 1/6/2020   | EBS TRUST                             |         | AP     |            | 80,995.41 |
| 0        | 1/6/2020   | FIRST INVESTORS - PAYROLL DED         |         | AP     |            | 250.00    |
| 0        | 1/6/2020   | ASI-PAYROLL DEDUCTIONS                |         | AP     |            | 141.03    |
| 0        | 1/6/2020   | CHILD SUPPORT ACCOUNTING UN           |         | AP     |            | 917.00    |
| 0        | 1/6/2020   | Vantagepoint Trf. Agents 300619       |         | AP     |            | 3,320.00  |
| 0        | 1/6/2020   | OREGON PAYROLL TAXES                  |         | AP     |            | 22,248.31 |
| 0        | 1/6/2020   | HSA - PAYROLL DEDUCTIONS              |         | AP     |            | 865.00    |
| 0        | 1/6/2020   | PERS                                  |         | AP     |            | 19,539.05 |
| 0        | 1/6/2020   | STANDARD INS. CO.                     |         | AP     |            | 4,040.00  |
| 0        | 1/6/2020   | SWEET HOME COMMUNITY FOUN             |         | AP     |            | 214.13    |
| 0        | 1/6/2020   | MEDICARE                              |         | AP     |            | 9,863.56  |
| 0        | 1/6/2020   | Vantagepoint Trf. Agents 108524/10904 |         | AP     |            | 31,907.87 |
| 0        | 1/6/2020   | NATIONWIDE-PAYROLL DEDUCTIO           |         | AP     |            | 1,050.00  |
| 0        | 1/6/2020   | AFLAC                                 |         | AP     |            | 894.14    |
| 0        | 1/6/2020   | FICA PAYROLL TAXES                    |         | AP     |            | 41,464.14 |
| 0        | 1/6/2020   | Vantagepoint Trf. Agents 705507       |         | AP     |            | 508.33    |
| 90303    | 1/6/2020   | OREGON AFSCME COUNCIL 75              |         | AP     |            | 893.11    |
| 90304    | 1/6/2020   | OREGON DEPT. OF REVENUE               |         | AP     |            | 807.74    |
| 90305    | 1/6/2020   | STEELHEAD STRENGTH & FITNES           |         | AP     |            | 605.80    |
| 90306    | 1/6/2020   | UNITED WAY                            |         | AP     |            | 50.00     |
| 90307    | 1/9/2020   | ALBERTSONS / SAFEWAY                  |         | AP     |            | 14.00     |
| 90308    | 1/9/2020   | ALTERNATIVE POWER SYSTEMS, I          |         | AP     |            | 350.00    |
| 90309    | 1/9/2020   | Amazon Capital Services, Inc.         |         | AP     |            | 1,261.11  |
| 90310    | 1/9/2020   | Thomas and Erika Baham                |         | AP     |            | 5,000.00  |
| 90311    | 1/9/2020   | Dennis Barnhardt                      |         | AP     |            | 200.00    |
| 90312    | 1/9/2020   | BI-MART CORPORATION                   |         | AP     |            | 198.47    |
| 90313    | 1/9/2020   | BUCK'S SANITARY SERVICE, INC.         |         | AP     |            | 145.00    |
| 90314    | 1/9/2020   | BULLARD LAW                           |         | AP     |            | 3,433.50  |
| 90315    | 1/9/2020   | Canon Financial Services, Inc.        |         | AP     |            | 458.71    |
| 90316    | 1/9/2020   | CENTURYLINK                           |         | AP     |            | 1,442.99  |
| 90317    | 1/9/2020   | COMCAST                               |         | AP     |            | 253.79    |
| 90318    | 1/9/2020   | DAN DEE SALES                         |         | AP     |            | 6.00      |
| 90319    | 1/9/2020   | ES&A Sign Corp                        |         | AP     |            | 12,590.00 |
| 90320    | 1/9/2020   | FERGUSON WATERWORKS #3011 A           |         | AP     |            | 2,232.42  |
| 90321    | 1/9/2020   | Gail Fischer Investigations           |         | AP     |            | 4,416.86  |
| 90322    | 1/9/2020   | Carol Gonzalez                        |         | AP     |            | 10.00     |
| 90323    | 1/9/2020   | Grainger, Inc.                        |         | AP     |            | 120.62    |
| 90324    | 1/9/2020   | GROVE, MUELLER & SWANK, INC.          |         | AP     |            | 14,000.00 |
| 90325    | 1/9/2020   | GEOFFREY HAMLIN                       |         | AP     |            | 150.00    |
| 90326    | 1/9/2020   | Desi Housley                          |         | AP     |            | 35.00     |
| 90327    | 1/9/2020   | HOY'S TRUE VALUE                      |         | AP     |            | 406.90    |
| 90328    | 1/9/2020   | Ivers Law Office LLC                  |         | AP     |            | 450.00    |
| 90329    | 1/9/2020   | JUNIOR LIBRARY GUILD                  |         | AP     |            | 142.50    |
| 90330    | 1/9/2020   | KING OFFICE EQUIPMENT, INC.           |         | AP     |            | 7,859.80  |

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|----------|------------|-----------------------------------------|---------|--------|------------|-----------|
| 90331    | 1/9/2020   | Legend Data Systems, Inc.               |         | AP     |            | 37.25     |
| 90332    | 1/9/2020   | Stommel, Inc.                           |         | AP     |            | 31,111.33 |
| 90333    | 1/9/2020   | Les Schwab Tire Centers of Portland, In |         | AP     |            | 153.62    |
| 90334    | 1/9/2020   | Linn County Road Department             |         | AP     |            | 85.00     |
| 90335    | 1/9/2020   | CHAYHOWA MCELHINNY                      |         | AP     |            | 70.00     |
| 90336    | 1/9/2020   | METEREADERS, LLC                        |         | AP     |            | 1,951.30  |
| 90337    | 1/9/2020   | MID-VALLEY NEWSPAPERS                   |         | AP     |            | 480.00    |
| 90338    | 1/9/2020   | MOONLIGHT BPO, INC.                     |         | AP     |            | 3,043.61  |
| 90339    | 1/9/2020   | NATIONAL PHOTOCOPY CORPORA              |         | AP     |            | 3,997.49  |
| 90340    | 1/9/2020   | NET ASSETS                              |         | AP     |            | 449.00    |
| 90341    | 1/9/2020   | NEW ERA                                 |         | AP     |            | 87.60     |
| 90342    | 1/9/2020   | NORTHWEST COMPRESSOR                    |         | AP     |            | 3,405.95  |
| 90343    | 1/9/2020   | Northwest Natural                       |         | AP     |            | 401.13    |
| 90344    | 1/9/2020   | OFFICE DEPOT                            |         | AP     |            | 133.54    |
| 90345    | 1/9/2020   | OREGON MAYORS ASSOC.                    |         | AP     |            | 139.00    |
| 90346    | 1/9/2020   | PACIFIC POWER                           |         | AP     |            | 20,999.76 |
| 90347    | 1/9/2020   | PASTEGA COFFEE SERVICE                  |         | AP     |            | 144.72    |
| 90348    | 1/9/2020   | PETROCARD                               |         | AP     |            | 3,168.30  |
| 90349    | 1/9/2020   | PETTY CASH - FINANCE OFFICE             |         | AP     |            | 72.84     |
| 90350    | 1/9/2020   | Radio Communications Service, Inc.      |         | AP     |            | 52.00     |
| 90351    | 1/9/2020   | KEITH ROHRBOUGH                         |         | AP     |            | 250.00    |
| 90352    | 1/9/2020   | SENIOR CITIZENS OF SWEET HOM            |         | AP     |            | 20.00     |
| 90353    | 1/9/2020   | ROBERT SNYDER                           |         | AP     |            | 13.75     |
| 90354    | 1/9/2020   | SUNSHINE INDUSTRIES UNLIMITE            |         | AP     |            | 1,313.00  |
| 90355    | 1/9/2020   | SWEET HOME CHAMBER OF COMI              |         | AP     |            | 5,000.00  |
| 90356    | 1/9/2020   | SWEET HOME ROTARY                       |         | AP     |            | 121.64    |
| 90357    | 1/9/2020   | THYSSENKRUPP ELEVATOR CORP.             |         | AP     |            | 545.36    |
| 90358    | 1/9/2020   | TWGW, INC. NAPA AUTO PARTS              |         | AP     |            | 344.17    |
| 90359    | 1/9/2020   | WALKER HEATING & AC, INC.               |         | AP     |            | 65.00     |
| 90360    | 1/9/2020   | WELLS FARGO VENDOR FIN SERV             |         | AP     |            | 157.93    |
| 90361    | 1/9/2020   | Kendra Whaley                           |         | AP     |            | 70.00     |
| 90362    | 1/9/2020   | WILDISH SAND & GRAVEL CO.               |         | AP     |            | 251.46    |
| 90363    | 1/13/2020  | ACCELA, INC. #774375                    |         | AP     |            | 1,499.00  |
| 90364    | 1/13/2020  | ALSCO                                   |         | AP     |            | 98.40     |
| 90365    | 1/13/2020  | Amazon Capital Services, Inc.           |         | AP     |            | 35.89     |
| 90366    | 1/13/2020  | AT&T Mobility/First Net                 |         | AP     |            | 793.51    |
| 90367    | 1/13/2020  | DAN DEE SALES                           |         | AP     |            | 61.98     |
| 90368    | 1/13/2020  | EAST LINN UTILITIES                     |         | AP     |            | 125.00    |
| 90369    | 1/13/2020  | FASTENAL COMPANY                        |         | AP     |            | 251.05    |
| 90370    | 1/13/2020  | FERGUSON WATERWORKS #3011 A             |         | AP     |            | 2,709.02  |
| 90371    | 1/13/2020  | GOVERNMENT FINANCE OFFICER              |         | AP     |            | 170.00    |
| 90372    | 1/13/2020  | Grainger, Inc.                          |         | AP     |            | 132.04    |
| 90373    | 1/13/2020  | INGRAM LIBRARY SERVICES                 |         | AP     |            | 136.34    |
| 90374    | 1/13/2020  | JOHN DEERE FINANCIAL                    |         | AP     |            | 167.96    |
| 90375    | 1/13/2020  | WESLEY JULSRUD                          |         | AP     |            | 15.46     |
| 90376    | 1/13/2020  | LIBERTY ROCK PRODUCTS, INC.             |         | AP     |            | 44.10     |
| 90377    | 1/13/2020  | Library Ideas, LLC                      |         | AP     |            | 33.88     |
| 90378    | 1/13/2020  | MURRAYSMITH, INC.                       |         | AP     |            | 92,093.03 |
| 90379    | 1/13/2020  | NEW ERA                                 |         | AP     |            | 534.10    |
| 90380    | 1/13/2020  | OREGON HEALTH AUTHORITY - S             |         | AP     |            | 195.00    |
| 90381    | 1/13/2020  | PRESIDENT'S CLUB                        |         | AP     |            | 6,815.83  |
| 90382    | 1/13/2020  | PRIMASING MOTORS, INC.                  |         | AP     |            | 20,917.48 |
| 90383    | 1/13/2020  | SAIF CORPORATION                        |         | AP     |            | 75.00     |
| 90384    | 1/13/2020  | SOUTH FORK TRADING CO., INC.            |         | AP     |            | 7.90      |
| 90385    | 1/13/2020  | WALKER HEATING & AC, INC.               |         | AP     |            | 255.00    |
| 90386    | 1/13/2020  | WILDISH SAND & GRAVEL CO.               |         | AP     |            | 342.70    |

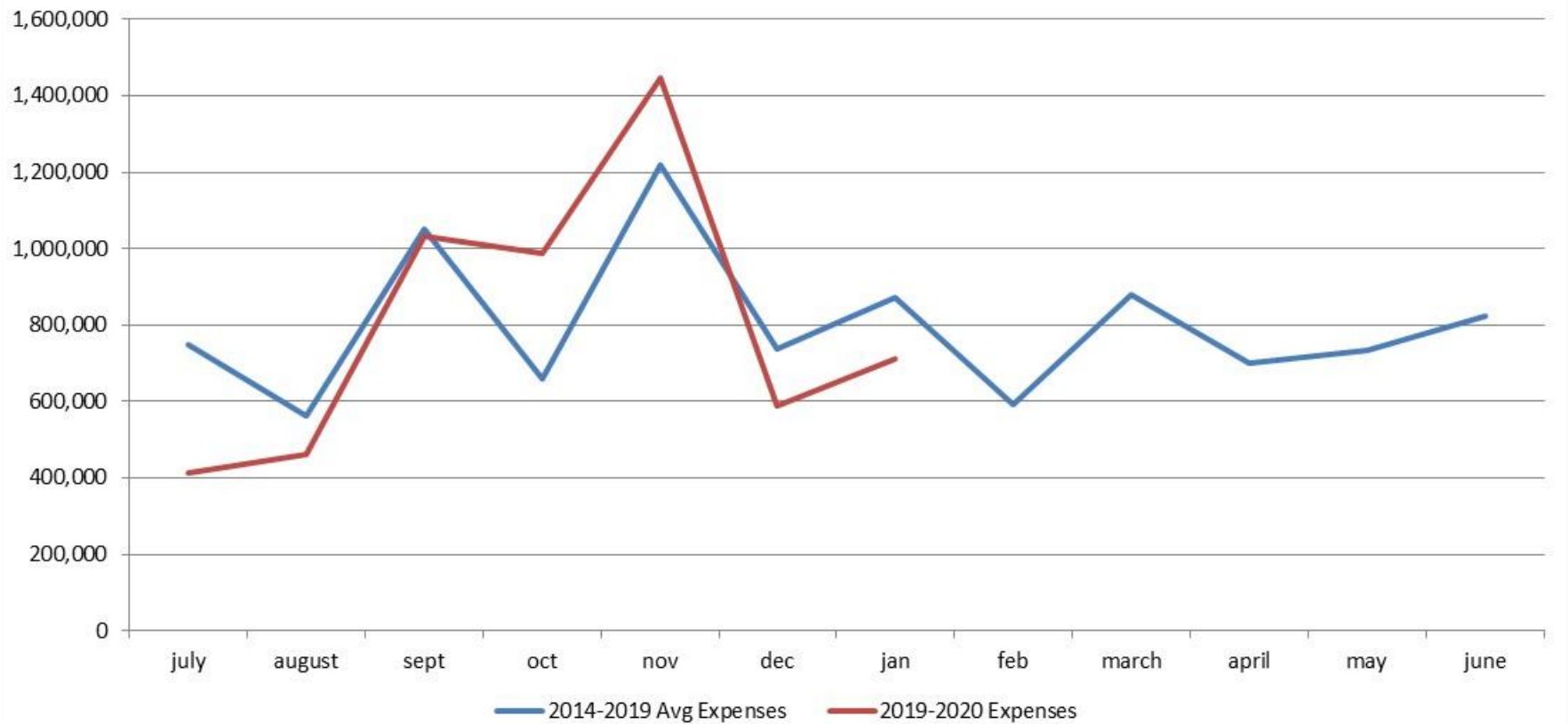
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|----------|------------|--------------------------------------|---------|--------|------------|-----------|
| 0        | 1/22/2020  | ALEXANDRA MCDONALD                   |         | AP     |            | 15.00     |
| 90387    | 1/22/2020  | ALSCO                                |         | AP     |            | 86.12     |
| 90388    | 1/22/2020  | Amazon Capital Services, Inc.        |         | AP     |            | 1,793.88  |
| 90389    | 1/22/2020  | BLACKSTONE PUBLISHING                |         | AP     |            | 106.43    |
| 90390    | 1/22/2020  | Canon Financial Services, Inc.       |         | AP     |            | 417.01    |
| 90391    | 1/22/2020  | Cascade Timber Consulting, Inc.      |         | AP     |            | 1,666.32  |
| 90392    | 1/22/2020  | CENTER POINT LARGE PRINT             |         | AP     |            | 175.56    |
| 90393    | 1/22/2020  | CENTURYLINK - Bus                    |         | AP     |            | 827.06    |
| 90394    | 1/22/2020  | CH2M OMI, Inc.                       |         | AP     |            | 88,439.17 |
| 90395    | 1/22/2020  | CJ BUILDING, INC                     |         | AP     |            | 43.37     |
| 90396    | 1/22/2020  | CMI SOFTWARE CORPORATION             |         | AP     |            | 14,500.00 |
| 90397    | 1/22/2020  | COMCAST                              |         | AP     |            | 632.70    |
| 90398    | 1/22/2020  | COMCAST BUSINESS                     |         | AP     |            | 3,639.83  |
| 90399    | 1/22/2020  | DEPT. OF CONSUMER AND BUSINI         |         | AP     |            | 3,691.96  |
| 90400    | 1/22/2020  | EBSCO Industries, Inc.               |         | AP     |            | 415.96    |
| 90401    | 1/22/2020  | GATEWAY IMPRINTS, INC.               |         | AP     |            | 529.50    |
| 90402    | 1/22/2020  | JANE HAZEN                           |         | AP     |            | 42.26     |
| 90403    | 1/22/2020  | KIP AMERICA, Inc.                    |         | AP     |            | 240.00    |
| 90404    | 1/22/2020  | LEAGUE OF OREGON CITIES              |         | AP     |            | 570.40    |
| 90405    | 1/22/2020  | Library Ideas, LLC                   |         | AP     |            | 26.10     |
| 90406    | 1/22/2020  | METRO OVERHEAD DOOR, INC.            |         | AP     |            | 428.00    |
| 90407    | 1/22/2020  | LEONARD MOFFO                        |         | AP     |            | 90.21     |
| 90408    | 1/22/2020  | NEOFUNDS BY NEOPOST                  |         | AP     |            | 1,000.00  |
| 90409    | 1/22/2020  | NEW ERA                              |         | AP     |            | 134.00    |
| 90410    | 1/22/2020  | O & M POINT S TIRE & AUTO SERV       |         | AP     |            | 162.00    |
| 90411    | 1/22/2020  | Oregon Network of Child Abuse Interv |         | AP     |            | 175.00    |
| 90412    | 1/22/2020  | OREGON ASSOC. CHIEFS OF POLIC        |         | AP     |            | 300.00    |
| 90413    | 1/22/2020  | PASTEGA COFFEE SERVICE               |         | AP     |            | 25.00     |
| 90414    | 1/22/2020  | PETROCARD                            |         | AP     |            | 2,681.60  |
| 90415    | 1/22/2020  | PITNEY BOWES                         |         | AP     |            | 144.12    |
| 90416    | 1/22/2020  | Prime Resins, Inc.                   |         | AP     |            | 1,603.90  |
| 90417    | 1/22/2020  | PURCHASE POWER                       |         | AP     |            | 620.99    |
| 90418    | 1/22/2020  | GINA RILEY                           |         | AP     |            | 49.99     |
| 90419    | 1/22/2020  | ROBERT SNYDER                        |         | AP     |            | 9.25      |
| 90420    | 1/22/2020  | Staples, Inc.                        |         | AP     |            | 946.12    |
| 90421    | 1/22/2020  | JON SUGDEN                           |         | AP     |            | 40.99     |
| 90422    | 1/22/2020  | Sunset Electric, Inc.                |         | AP     |            | 45.00     |
| 90423    | 1/22/2020  | Sweet Checks Cookie Company          |         | AP     |            | 104.00    |
| 90424    | 1/22/2020  | SYNCB/AMAZON                         |         | AP     |            | 1,626.16  |
| 90425    | 1/22/2020  | Penelope R Walter                    |         | AP     |            | 300.00    |
| 90426    | 1/28/2020  | Amazon Capital Services, Inc.        |         | AP     |            | 619.43    |
| 90427    | 1/28/2020  | Audio Video Design Group, LLC        |         | AP     |            | 500.00    |
| 90428    | 1/28/2020  | COMCAST                              |         | AP     |            | 92.76     |
| 90429    | 1/28/2020  | DAN DEE SALES                        |         | AP     |            | 254.98    |
| 90430    | 1/28/2020  | KIRA DENTON                          |         | AP     |            | 50.00     |
| 90431    | 1/28/2020  | HOY'S TRUE VALUE                     |         | AP     |            | 20.00     |
| 90432    | 1/28/2020  | MOONLIGHT BPO, INC.                  |         | AP     |            | 687.60    |
| 90433    | 1/28/2020  | NORM'S ELECTRIC, INC.                |         | AP     |            | 432.54    |
| 90434    | 1/28/2020  | O'REILLY AUTOMOTIVE, INC.            |         | AP     |            | 12.56     |
| 90435    | 1/28/2020  | Peterson Machinery                   |         | AP     |            | 7,554.34  |
| 90436    | 1/28/2020  | PETROCARD                            |         | AP     |            | 1,817.63  |
| 90437    | 1/28/2020  | SOUTH FORK TRADING CO., INC.         |         | AP     |            | 10.69     |
| 90438    | 1/28/2020  | Stepper Consulting, Inc.             |         | AP     |            | 7,335.00  |
| 90439    | 1/28/2020  | Tell & Sell                          |         | AP     |            | 322.64    |
| 90440    | 1/28/2020  | THE BUILDING DEPARTMENT, LLC         |         | AP     |            | 5,895.04  |
| 90441    | 1/28/2020  | TRAFFIC SAFETY SUPPLY CO., INC       |         | AP     |            | 365.26    |



## 6 YEARS OF REVENUES BY MONTH



## 6 YEARS OF EXPENSES BY MONTH





**SWEET HOME POLICE DEPARTMENT**  
**CHIEF OF POLICE**  
1950 Main Street  
Sweet Home, OR 97386  
(541) 367-5181 Fax (541) 367-5235

|                                       | 01/31/2020        | 01/31/2019        | % Change      |
|---------------------------------------|-------------------|-------------------|---------------|
| <b>Call Volume:</b>                   | <b>2020-00732</b> | <b>2019-00658</b> | <b>10.11%</b> |
| <b>CAD Calls:</b>                     | <b>1511</b>       | <b>1440</b>       |               |
| <b>ONIBR Person Crimes</b>            | <b>17</b>         | <b>10</b>         |               |
| <b>ONIBR Person Crimes Cleared:</b>   | <b>14</b>         | <b>7</b>          | <b>82.35%</b> |
| <b>ONIBR Property Crimes:</b>         | <b>32</b>         | <b>27</b>         |               |
| <b>ONIBR Property Crimes Cleared:</b> | <b>8</b>          | <b>11</b>         | <b>25.00%</b> |

**Trends:**

**Person Crimes are defined as:**

On Friday, March 6, 2020 at 5:30 pm, the Sweet Home Police Department will be hosting our annual Awards Banquet with the Sweet Home Fire and Ambulance District. It is a dinner banquet that is designed to recognize the efforts and good work that the emergency service providers do in our community. I would like to encourage all City Council members and their significant others to attend. I look forward to a great night and hope to see all there.

SHPD's Property Watch has started. We are in the process of advertising the program and intend on reaching out to all commercial property and business owners to explain the program to them. We have several businesses that have signed up and we are encouraged by the response. I have again attached information associated with the program. I would like to encourage anyone interested in learning more about the program to contact our Department.

Our recruitment is continuing for the open positions within our Department. Currently we have two open officer positions and one CSO/Evidence Specialist position open. Those positions will remain open until filled. However, the initial review of applications will begin at the end of the month.

On March 10<sup>th</sup>, SHPD will be conducting an enhanced traffic enforcement operation in the downtown corridor. The intent of the operation will be to promote the overall safe operation of vehicles in downtown. The areas of focus will be on speed, crosswalk violations (both pedestrian and vehicle), seat belt enforcement and cell phone usage. Public information will be sent out prior to the event to further educate the public and to remind all to drive safe. At a minimum we will be conducting some form of enhanced traffic enforcement on a quarterly basis.

|                                | January 2020 | January 2019 |
|--------------------------------|--------------|--------------|
| Assault                        | 6            | 1            |
| Child Neglect                  | 0            | 0            |
| Criminal Homicide              | 0            | 0            |
| Elder Abuse                    | 0            | 0            |
| Harassment                     | 6            | 5            |
| Menacing                       | 0            | 0            |
| Other Sex Offense              | 2            | 2            |
| Forcible Rape                  | 0            | 0            |
| Violation Court Stalking Order | 1            | 0            |
| Violation Restraining Order    | 0            | 2            |

**Property Crimes are defined as:**

|                     | January 2020 | January 2019 |
|---------------------|--------------|--------------|
| Arson               | 0            | 0            |
| Burglary            | 1            | 3            |
| Criminal Mischief   | 8            | 4            |
| Forgery             | 1            | 0            |
| Fraud               | 1            | 2            |
| Motor Vehicle Theft | 1            | 3            |
| Robbery             | 0            | 0            |
| Theft               | 20           | 15           |



January 28, 2020

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

Re: Changes in Pricing for Gaiam TV Fit & Yoga, Gaia, and Docurama

Dear Ray,

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note that effective March 19, 2020, the price for three subscription on demand packages will change. Gaiam TV Fit & Yoga will increase from \$6.99 to \$7.99 a month, Gaia will increase from \$9.99 to \$11.99 a month, and Docurama will increase from \$2.99 to \$4.99 a month. We are notifying customers of these changes through bill messages.

Please feel free to contact me at (503) 605-6015 or [kirk\\_nord@comcast.com](mailto:kirk_nord@comcast.com) if you have any questions.

Sincerely,

Kirk Nord  
Director, Government & Regulatory Affairs  
Oregon/SW Washington Region



February 12, 2020

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

Re: Xfinity TV Channel Updates

Dear Ray,

We are committed to keeping you and our customers informed about Xfinity TV changes. We wanted to notify you that NDTV Good Times stopped delivering its signal to all North American distributors, including Comcast, at approximately 7:00 PM EST on February 7, 2020, and therefore, we are not able to provide this programming to our customers at this time. We are working with NDTV to determine whether and when they will be able to restore their signal. We will keep our customers informed of any further changes in regards to this subscription channel.

Please feel free to contact me at (503) 605-6015 or [kirk\\_nord@comcast.com](mailto:kirk_nord@comcast.com) if you have any questions.

Sincerely,

Kirk Nord  
Director, Government & Regulatory Affairs  
Oregon/SW Washington Region