



CITY OF SWEET HOME CITY COUNCIL

AGENDA (REVISED OCT 8, 2021 AT 5:00 PM)

October 12, 2021, 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.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 473 954 605#

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Consent Agenda:

- a) Approval of Minutes:
 - i) [2021-09-28 City Council - WS \(pg. 3\)](#)
 - ii) [2021-09-28 City Council Minutes \(pg. 5\)](#)

IV. Recognition of Visitors and Hearing of Petitions:

V. Old Business:

VI. New Business:

- a) [Presentation on Current ODOT Projects \(pg. 9\)](#)
- b) [Request for Council Action - Intergovernmental Agreement for ODOT US 20/OR 228 ADA Curb Ramps \(pg. 10\)](#)

VII. Ordinance Bills

- a) Request for Council Action and First Reading of Ordinance Bills
- b) Second Reading of Ordinance Bills
- c) Third Reading of Ordinance Bills (Roll Call Vote Required)
 - i) [3rd Reading of Ordinance Bill No. 7, Ordinance No. 1299 for Zone Map Amendment Application ZMA21-03](#)

VIII. Reports of Committees:

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.

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

IX. Reports of City Officials:

Mayor's Report
City Manager's Report

X. Department Director's Reports

Library Services Director
i) [September 2021 Monthly Report \(pg. 33\)](#)
Community and Economic Development Director
i) [September 2021 Monthly Report \(pg. 35\)](#)
Public Works Director
i) [September 2021 Monthly Report \(pg. 39\)](#)

XI. Council Business for Good of the Order

XII Adjournment



CITY OF SWEET HOME CITY COUNCIL MINUTES

September 28, 2021, 5:30 PM
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Call to Order

The meeting was called to order at 5:30 PM. Mayor Mahler read a statement asking anyone attending to abide by the Governor's Mask Mandate.

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Dave Trask
Councilor Susan Coleman
Councilor Angelita Sanchez (phone)

ABSENT

Councilor Lisa Gourley
Councilor Dylan Richards

STAFF

City Manager Ray Towry
Police Chief Jeff Lynn
Communications Specialist Lagea Mull
Administrative Services Manager Julie Fisher
Library Services Director Megan Dazey
City Attorney Robert Snyder
Community and Economic Development Director Blair Larsen
Staff Engineer Joe Graybill

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MEDIA

Benny Wolcott, The New Era

Old Business:

None

New Business:

- a) Discussion Regarding County Owned Property Within City Limits

Mary Camarata, with Department of Environmental Quality (DEQ) gave a history of the property known as the Mill Property owned by Linn County thru foreclosure. Work has been completed by DEQ to determine the needs for future development, and the assessment is almost complete. Mary Camarata explained some of the issues that remain on the property. There was discussion on liability.

Adjournment

The meeting was adjourned at 6:15 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



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City Attorney Snyder stated the phone participation for the meeting is approved by the Mayor as Chairman of the meeting.

Call to Order and Pledge of Allegiance

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

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Dave Trask
Councilor Lisa Gourley
Councilor Susan Coleman
Councilor Angelita Sanchez

ABSENT

Councilor Dylan Richards

STAFF

City Manager Ray Towry
Communication Specialist Lagea Mull
Administrative Services Manager Julie Fisher
Finance Director Brandon Neish
City Attorney Robert Snyder
Library Services Director Megan Dazey
Community and Economic Development Director Blair Larsen

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Public Works Director Greg Springman
Chief of Police Jeff Lynn

MEDIA
Benny Wolcott

Consent Agenda:

Motion made by President Pro Tem Gerson, Seconded by Councilor Trask to approve the Consent Agenda.

Roll Call Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman, Councilor Sanchez

Approval of Minutes:

- a) 2021-09-09 City Council Minutes - WS
- b) 2021-09-14 City Council Minutes

Recognition of Visitors and Hearing of Petitions:

- a) Samaritan Health Services

Doug Boysen, CEO Samaritan; Marty Cahill, SHS Lebanon CSO; Milt Moran, SHS Board Chair, Lebanon Hospital Board Chair; Christy Duncan, SHS Foundation; and Brandy O'Bannon, SHS Foundation Director, presented an update on the urgent care clinic to be located on the Wiley Creek Senior Care Campus. The team noted they were attempting to meet the health care goals identified by the Sweet Home City Council during the Council Goal Setting Session: Long Term Care, Memory Care, Physical Therapy, Behavioral Health, and Urgent Care.

The team also spoke to the challenges of recruiting and retaining clinicians during the pandemic.

Vince Adams, 809 Mt. View Road. Spoke against the Homelessness Sleep Center and the use of taxpayers dollars for this purpose.

Robert Egner, 28628 Ridgeway Road, also spoke opposed to the Homelessness Sleep Center and was concerned about the City's responsibility when FAC fails.

Jeff Young, 1363 Clark Mill Road, also spoke against the Homelessness Sleep Center and how it will effect property values.

David VanDerlip, 37990 Courtney Creek Drive, Brownsville, addressed the Council regarding the mask mandate stating the mandate is not being followed in our community.

Lori Kurster submitted written comments against the Homelessness Sleep Center.

Joan Scofield submitted written comments with suggestions for the Homelessness Sleep Center.

Old Business:

- a) Request for Council Action - Resolution No. 23 for 2021 - A Resolution Adopting a Supplemental Budget for the State Gas Tax and Public Transit Funds

Finance Director Neish presented the resolution codifying the previously approved request for the street sweeper and Linn Shuttle Program Grant revenues and expenditures, adding revenue and expenditure authority.

Motion made by President Pro Tem Gerson, Seconded by Councilor Coleman to Approve Resolution No. 23 for 2021.

Roll Call Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor

Gourley, Councilor Coleman, Councilor Sanchez

b) Homeless Facility Discussion

City Manager Towry presented a request to submit a written request to Linn County to work toward an agreement to utilize County property for the use of a Homeless Sleep Center.

There was discussion regarding an Economic Impact Study which would be costly and take several months to complete.

Concensus of the Council was to move forward with a written letter to Linn County to further discuss potentially using the property.

New Business:

a) Request for Council Action - City Engineer of Record Contract Extension

Public Works Director Greg Springman and Trish Rice, Engineer Technician, presented the request for a contract extension with West Yost.

The Council had no objections to the extension that has already been executed.

b) Public Works Capital Improvement Plan (CIP) Projects Update - Information Only

Public Works Greg Springman, Engineer Technician Trish Rice, and West Yost Engineer Preston VanMeter, presented an update on City projects being worked on by West Yost.

Finance Director Brandon Neish gave an update on the Water Meter Replacement Project.

c) Request for Council Action - Resolution No. 24 for 2021 - A Resolution to Designate City Equipment as Surplus and Authorize its Lawful Disposal

Finance Director Brandon Neish presented the request to surplus items from the public library.

Motion made by Councilor Coleman, Seconded by Councilor Trask to approve Resolution No 24 for 2021.

Roll Call Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman, Councilor Sanchez

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

Second Reading of Ordinance Bills

a) Ordinance No. 7 for 2021 - Zone Map Amendment Application ZMA21-03

Motion made by President Pro Tem Gerson, Seconded by Councilor Coleman to read Ordinance No. 7 for 2021 by title only.

Roll Call Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman, Councilor Sanchez

Ordinance Bill No. 7 for 2021 was read by title only.

Motion made by Councilor Gourley, Seconded by Councilor Coleman to move Ordinance No. 7 for 2021 to Third and Final reading October 12, 2021.

Roll Call Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman, Councilor Sanchez

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

None

Reports of City Officials:

Mayor's Report

Mayor Mahler announced the Annual Harvest Festival at Sankey Park on Saturday, October 2, 2021. The event is free and over 80 vendors have already registered.

City Manager's Report

City Manager Towry presented a written draft response to Oregon OSHA regarding a complaint received by the City.

City Manager Towry stated staff is still working with Project Falcon and hope to know more information soon.

The annual ICMA Conference is next week. Both City Manager Towry and CEDD Larsen will be attending.

City Manager Towry gave a quick Council Training review.

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

Finance Director

- a) August 2021 Monthly Report

A written report was included in the packet. Finance Director Neish explained the check written to CH2M (Jacobs) was the final check.

Police Chief

- a) Police Department Monthly Report

A written report was included in the packet. There were no question from the Council.

City Attorney

None

Council Business for Good of the Order

Councilor Trask thanked staff for the Council Training.

Councilor Gerson announced the SHOWCASE Art Soft Opening October 15th.

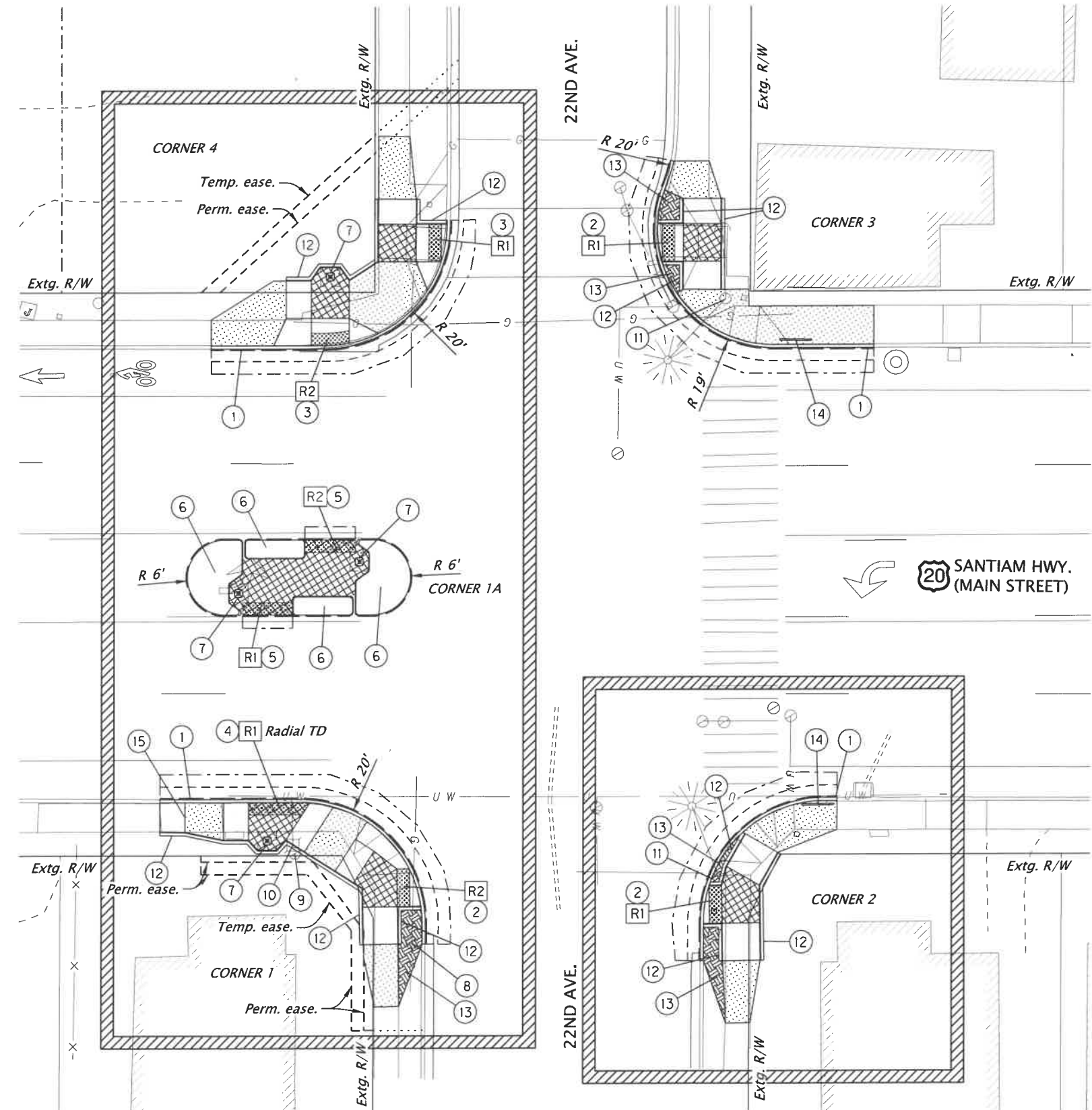
Adjournment

The meeting adjourned at 8:21 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



- ① Remove extg. curb
Const. curb and gutter with asphalt strip
(For details, see sht. BA01)
- ② Remove sidewalk
Const. curb ramps, perpendicular (CC-1) - 3
Inst. safety yellow truncated domes on new surface - 36 sqft
PCC surfacing
- ③ Remove sidewalk
Const. curb ramps, combination (CC-P2) - 2
Inst. safety yellow truncated domes on new surface - 48 sqft
PCC surfacing
(For details, see sht. BA09)
- ④ Remove sidewalk
Const. curb ramps, parallel (PL-1)
Inst. safety yellow truncated domes on new surface - 13 sqft
PCC surfacing
- ⑤ Remove sidewalk
Const. curb ramps, cut through island - 2
Inst. safety yellow truncated domes on new surface - 24 sqft
PCC surfacing
(For details, see sht. BB17)
- ⑥ Const. type C non-mountable island
(See dwg. RD705)
(For details, see sht. BB17)
- ⑦ Inst. rapid flashing rectangular beacon - 4
(For sht. nos., see sht. A02, Signals)
- ⑧ Maintain and protect gas valve
- ⑨ Relocate water valve
(By others)
- ⑩ Relocate water meter
(By others)
- ⑪ Maintain and protect extg. utility pole - 2
- ⑫ Const. std. curb
- ⑬ Const. landscaping
(For details, see sht. BA03)
- ⑭ Inst. crossing closure support - 2
Approval no. XXXXXX
(For sht. nos. see sht. A02, Signs)
- ⑮ Reconstruct driveway wing
(For details, see sht. BA02)

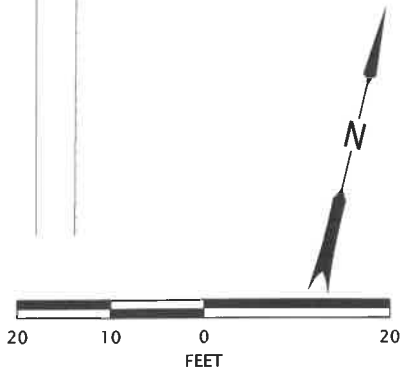
General Notes:

- Fill slope
- Cut slope

- R1 Ramp 1
- R2 Ramp 2

Right-of-Way delays or access delays - 5
See 00180.65.

SWEET HOME SITE 28



REGISTERED PROFESSIONAL
ENGINEER
823
FINAL REVIEW
APR 14, 2020
MICHAEL WILDER

RENEWS: 06-30-2022

DAVID EVANS AND ASSOCIATES INC.
530 Center Street N.E. Suite 605
Salem Oregon 97301
Phone: 503.361.8635

US20/OR228 CURB RAMPS (SWEET HOME) PROJECT
HALSEY-SWEET HOME & SANTIAM HWYS.
LINN COUNTY

Designer: Shaun-Garey Wilder Reviewer: Terry Wheeler
Drafter: Alan Mitchell Checker: Paul Tappana

GENERAL CONSTRUCTION

SHEET NO.
C27



REQUEST FOR COUNCIL ACTION

Title: Intergovernmental Agreement for ODOT US 20/OR 228 ADA Curb Ramps Project and Presentation on Current ODOT Projects

Preferred Agenda: October 12, 2021

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

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

Relevant Code/Policy: N/A

Towards Council Goal: Goal 3.2: Community Safety

Attachments: Proposed Intergovernmental Agreement US 20/Oregon Route 228 Region2 ADA Curb Ramps
Plans for Proposed Main Street/22nd Avenue Pedestrian Crossing Improvements

Purpose of this RCA:

The purpose of this RCA is to seek approval for an Intergovernmental Agreement with the Oregon Department of Transportation regarding the US 20 / OR 228 ADA Curb Ramps project, which will incorporate pedestrian crossing improvements at the intersection of Main Street (US 20) and 22nd Avenue.

Background/Context:

Over the past several years, the City has dealt with several complaints and requests to make the intersection of Main Street and 22nd Avenue safer for pedestrians. Because this crossing is within the Main Street right-of-way, it is within ODOT's jurisdiction, and must comply with ODOT requirements. Staff has been working with ODOT to solidify designs. The pedestrian crossing will include an island ("pedestrian refuge") in the middle of Main Street, and a user-activated flashing beacon.

Recently, Councilor Sanchez reached out to Representative Cate and Senator Girod to request funding for this project. Because ODOT is already in the midst of a project in this area, to replace ADA ramps on Main Street, the desired pedestrian improvements have been added to that project. Funding from the state will go directly to ODOT to design and construct the improvements.

ODOT's proposed IGA requires the City to pay for electricity to the improvements, and maintain any improvements that are within City rights-of-way.

The Challenge/Problem:

Should the City enter into an IGA with ODOT for the construction, future maintenance, and electricity costs of a pedestrian crossing at the intersection of Main Street and 22nd Avenue?

Stakeholders:

- Sweet Home City Council – The City Council is responsible for approving agreements with other governmental agencies, and for authorizing the work that will accomplish its goals.
- Sweet Home Residents – Residents deserve pedestrian crossings that are safe for both pedestrians and motorists.
- Sweet Home Staff – Staff work to address residents’ concerns and accomplish the Council’s goals.
- ODOT– ODOT has jurisdiction over any improvements made within the US 20 right-of-way.

Issues and Financial Impacts:

The construction of the improvements will not require any City funding, however, under the proposed agreement, future maintenance and electricity will be a City responsibility. The City currently pays for street lighting along Main Street, and staff estimate that the flashing beacon will cost no more than a typical streetlight.

Elements of a Stable Solution:

A stable solution includes an approved agreement with ODOT that will improve the safety of the Main Street and 22nd Avenue intersection for pedestrians.

Options:

1. Do Nothing – The agreement will not be approved, and ODOT will not construct any pedestrian crossing improvements at the Main Street/22nd Avenue intersection.
2. Approve the proposed Intergovernmental Agreement with ODOT as proposed and authorize the City Manager to sign it – Approving the agreement as proposed will allow ODOT to move forward with the project, and construct a new pedestrian crossing.
3. Approve the Intergovernmental Agreement with ODOT with changes and authorize the City Manager to sign it – Approving the agreement with stated changes, if they are acceptable to ODOT, will move the project forward, and ODOT will construct a new pedestrian crossing.

Recommendation:

Staff recommends option 2: Approve the proposed Intergovernmental Agreement with ODOT as proposed and authorize the City Manager to sign it.

INTERGOVERNMENTAL AGREEMENT
US 20/Oregon Route 228 Region2 ADA Curb Ramps (Sweet Home)
City of Sweet Home

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the CITY OF SWEET HOME, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. US 20 and Oregon Route 228 (OR228) are part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC).
3. State, by ORS [366.220](#), is vested with complete jurisdiction and control over the roadways of other jurisdictions taken for state highway purposes. By the authority granted by ORS 373.020, the jurisdiction extends from curb to curb, or, if there is no regular established curb, then control extends over such portion of the right of way as may be utilized by State for highway purposes. Responsibility for and jurisdiction over all other portions of a city street remains with the Agency.
4. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval.
5. Traffic control devices that are a part of the Project will conform to current State standards and specifications, including but not limited to the Manual on Uniform Traffic Control Devices (MUTCD).

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to State shall design and construct Americans with Disabilities Act (ADA) compliant ramp improvements at various locations along US 20 and OR 228, hereinafter referred to as "Project." The Project

includes improvement and replacement of existing ADA ramps to meet current guidelines at locations within the limits on the map marked Exhibit A, and specifically at the locations listed on the table marked Exhibit A, Page 2, both by this reference made a part hereof.

2. The Project will be financed at an estimated cost of \$7,993,000.00 in state and federal funds. The estimate for the total Project cost is subject to change. State shall be responsible for any nonparticipating costs, and Project costs beyond the estimate.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance and power responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within two (2) calendar years following the date of final execution of this Agreement by both Parties.

AGENCY OBLIGATIONS

1. Agency grants State the right to enter onto Agency's right of way for the performance of duties as set forth in this Agreement.
2. Agency agrees to State acquiring all right of way needed for construction of the Project. Agency shall, upon Project completion, accept jurisdiction and control over Project elements constructed within Agency right of way. (will add language that points to the specific letters in Terms of Agreement, i.e. 22nd Street,)
3. Agency shall be responsible for 100 percent of power costs associated with the RRFB installed as a part of this Project. Agency shall require the power company to send invoices directly to Agency.
4. Agency, by execution of this Agreement, gives its consent as required by ORS 373.030(2) and ORS 105.760 to any and all changes of grade within Agency limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any, arising out of the Project covered by the Agreement.
5. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
6. Agency's Project Manager for this Project is Ray Towry, City Manager, City of Sweet Home, 1140 12th Avenue, Sweet Home, Oregon, 97386; telephone: (541) 387-6243; email: rtowry@ci.sweethome.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall construct ADA compliant ramp improvements at various locations along US 20 and OR 228 as shown in Exhibit A, and listed in Exhibit A, Page 2.
2. State shall conduct the necessary field surveys, environmental studies, traffic investigations, preliminary engineering and design work required to produce and provide final plans, specifications and cost estimates for the Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, provide technical inspection, project management services and other necessary functions for sole administration of the construction contract entered into for this Project.
3. State shall be responsible for all costs associated with construction and installation of the Project.
4. State shall conduct all right of way activities in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, Federal-Aid Policy Guide, Code of Federal Regulations (CFR) and the ODOT Right of Way Manual, and Title 23 CFR Part 710 and Title 49 CFR Part 24.
5. Upon Project completion, State shall transfer to Agency any ownership interests State may have obtained along Agency's facilities. The method of conveyance will be determined by the Parties at the time of transfer and will be coordinated by the State's Region 2 Right of Way Manager.
6. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
7. State's Project Manager for this Project is Brennan Burbank, Resident Engineer for Consultant Projects, 455 Airport Road SE, Building B, Salem, Oregon 97301; telephone: (971) 701-3342; email: Brennan.burbank@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. **Americans with Disabilities Act Compliance:**
 - a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:
 - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of

1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;

- ii. Follow ODOT's processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
- iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

b. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:

- i. Pedestrian access is maintained as required by the ADA,
- ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
- iii. Agency, or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,
- iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
- v. Applicable permitting and regulatory actions are consistent with ADA requirements.

c. Maintenance obligations in this section shall survive termination of this Agreement.

2. This Agreement may be terminated by mutual written consent of both Parties.

3. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
5. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
6. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative

intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

7. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
8. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #22391) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

Signature Page Follows

CITY OF SWEET HOME, by and through
its elected officials

By _____

Date _____

By _____

Date _____

**LEGAL REVIEW APPROVAL (If required
in Agency's process)**

By _____

Agency's Counsel

Date _____

Agency Contact:

Ray Towry
City Manager
City of Sweet Home
1140 12th Avenue
Sweet Home, Oregon 97386
(541) 387-6243
rtowry@ci.sweethome.or.us

State Contact:

Brennan Burbank
Resident Engineer
455 Airport Road SE
Salem, Oregon 97301
(971) 701-3342
Brennan.burbank@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____

Delivery and Operations Division
Administrator

Date _____

APPROVAL RECOMMENDED

By _____

Region 2 Manager

Date _____

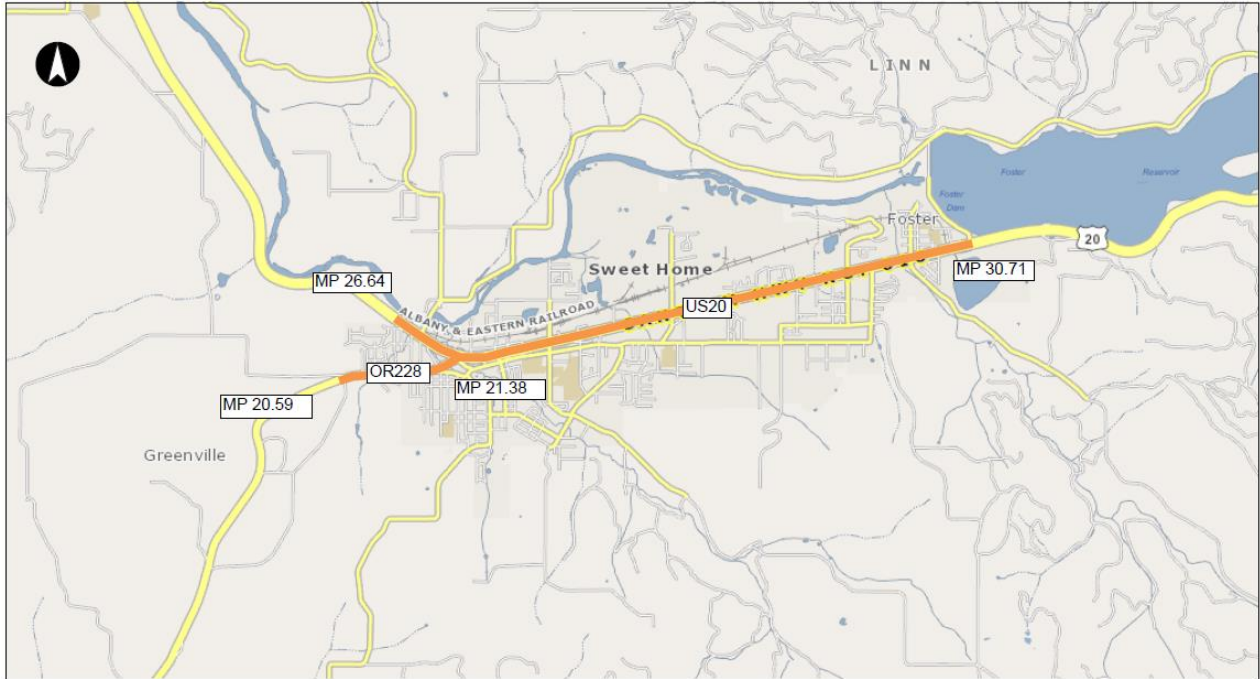
**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____

Assistant Attorney General

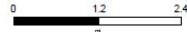
Date _____

EXHIBIT A



Oregon Department of Transportation

US20 Santiam Hwy / OR228 Region 2 ADA Curb Ramps_Sweet Home



Disclaimer:
This product is for informational purposes only and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of this information. ODOT assumes no responsibility for this information.



Federal Aid-Number: SA00364

ODOT Key Number: K22205_N00009

County: Linn

City: Sweet Home

Date of Map Creation: September 18, 2020

Lines

 Project Limits

K22205/K22391

Exhibit A, Page 2, ADA ramp locations

Location	Corners
Highway: OR228	
Fern Ridge Rd/Rowell Hill Rd, MP20.59	North East corner
Fern Ln, MP20.75	North West and North East corners
Evergreen Ln, MP20.80	North West and North East corners
Vista Ln, MP20.92	North West, North East and South East corner's
First Ave, MP21.04	All corners at intersection.
Second Ave, MP21.09	All corners at intersection.
Second Ave, MP21.11	All corners at intersection.
Third Ave, MP21.14	All corners at intersection.
Fourth Ave, MP21.19	All corners at intersection.
Oak Terrace, MP21.20	All corners at intersection.
Fourth Ave, MP21.24	North West and North East corners
Long St, MP21.38	All corners at intersection.
Highway US20	
Osage St, MP26.66	All corners at intersection.
First Ave, MP26.71	All corners at intersection.
Pleasant Valley Ave, MP26.77	All corners at intersection.
Fourth Ave, MP26.87	All corners at intersection.
OR228, MP27.07	All corners at intersection.
Ninth Ave, MP27.17	All corners at intersection.
Tenth Ave, MP27.25	All corners at intersection.
Mid-block MP 27.30	North, South and Midblock ramps
12th Ave, MP27.35	All corners at intersection.
13th Ave, MP27.42	All corners at intersection.
Mid-block MP 27.47	North, South and Midblock ramps
15th Ave, MP27.53	All corners at intersection.
Mid-block MP 27.64	North and South ramps
18th Ave, MP27.72	All corners at intersection.
19th Ave, MP27.79	All corners at intersection.
22nd Ave, MP27.93	All corners at intersection.
23rd Ave, MP28.09	All corners at intersection.
24th Ave, MP28.18	All corners at intersection.
Clark Mill Rd, MP28.59	North East and South East corners
40th Ave, MP29.03	All corners at intersection.
42nd Ave, MP29.28	All corners at intersection.
43rd Ave, MP29.40	All corners at intersection.
44th Ave, MP29.47	All corners at intersection.
45th Ave, MP29.61	All corners at intersection.
46th Ave, MP29.73	All corners at intersection.

47th Ave, MP29.84	All corners at intersection.
49th Ave, MP30.00	All corners at intersection.
53rd/Wiley Creek, MP30.29	All corners at intersection.
54th Ave, MP30.34	North West and North East corners



REQUEST FOR COUNCIL ACTION

Title: Public Hearing for Zone Map Amendment Application ZMA21-03

Preferred Agenda: September 14, 2021 Public Hearing
September 14, 2021 1st Reading
September 28, 2021 2nd Reading
October 12, 2021 3rd Reading

Submitted By: Angela Clegg, Associate Planner

Reviewed By: B. Larsen, CEDD Director
R. Towry, City Manager

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

Relevant Code/Policy: SHMC 2.04.030 Powers of the City Council

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

Attachments: Original Application
Ordinance No. 7 for 2021, with Exhibit A: Planning Commission
Exhibit B, Site Map

Purpose of this RCA:

The Sweet Home Planning Commission held a public hearing on September 2, 2021 to review application ZMA21-03 and receive testimony. At that meeting, the Planning Commission approved the application and recommended that the City Council approve it.

On September 14, 2021 the City Council held a Public Hearing and completed the 1st Reading of Zone Map Amendment Application ZMA21-03. On September 28, 2021 the City Council completed the 2nd Reading of Zone Map Amendment ZMA21-03. On October 12, 2021 the City Council will complete the 3rd and final reading of Zone Map Amendment ZMA21-03.

Background/Context:

The applicant is proposing to change the Zoning Map in an area consisting of approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lot 600). The Sweet Home Zoning Map is proposed to change from the Low Density Residential (R-1) Zone to the Medium Density Residential Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation.

Application ZMA21-03 is being filed simultaneously with Application SD21-02. Approval of application SD21-02 is pending the approval of application ZMA21-03.

The Challenge/Problem:

Should the zoning map be changed to allow Medium Density Residential activity on the property in question, rather than the current Low Density Residential (R-1) designation?

Should the Comprehensive Plan designations be followed if the proposed amendment is consistent with the goals and policies of the comprehensive plan? The Comprehensive Plan States that the Planning Commission will recommend, and the City Council shall determine the location of boundaries by examining the goals and policies contained within the Plan. [Chapter 2, Page 12 of the Comprehensive Plan].

Stakeholders:

- The Owner/Developer would be able to develop the property as they have proposed.
- The residents and businesses in the surrounding area would benefit from the future site improvement of the property.
- The City of Sweet Home would benefit from the future site improvement of the property that could come from the changed zoning

Issues and Financial Impacts:

There are no issues or financial impacts currently identified.

Elements of a Stable Solution:

A stable solution is one in which a decision on the application is made that conforms with City Code and State Law.

The Sweet Home Comprehensive Plan guides official policy decisions about development within the area. The Plan aims to organize and coordinate complex interrelationships between people, land, resources, and facilities to meet the future needs of the citizens and to protect the livability of the community. The Plan also reflects the public’s goals and aspirations for Sweet Home about the best way to handle development and conservation in the City. The officially acknowledged Comprehensive Plan gives policy direction for land use decisions and coordinates private and public development. [Chapter 1, Page 1 of the Comprehensive Plan].

Comprehensive Plan Map Policy 1: 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. [Chapter 2, Page 12 of the Comprehensive Plan].

SHMC 17.12.025 Review Criteria for Map Amendments. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and
- D. The proposed amendment to the comprehensive plan map is consistent with Oregon’s statewide planning goals

Options:

1. Reject Ordinance Bill No. 7 for 2021, Ordinance No. 1299, thereby Denying Application ZMA21-03. Staff would prepare an Order of Denial for Application ZMA21-03.
2. Adopt Ordinance Bill No. 7 for 2021, Ordinance No. 1299, as presented.

3. Recommend a 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 Planning Commission and Council meeting.
4. **Recommendation:** Staff Recommends Option 2: Adopt Ordinance Bill No. 7 for 2021, Ordinance No. 1299, as presented.

ORDINANCE BILL NO. 7 FOR 2021

ORDINANCE NO. 1299

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the applicant, Cadwell Realty Group c/o Jason Cadwell, submitted Zone Change Application ZMA21-03 and requested a zone map change for an area consisting of approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lot 600). The Sweet Home Zoning Map is proposed to change from the Low Density Residential (R-1) Zone to the Medium Density Residential (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on September 2, 2021 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 September 2, 2021, meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on September 14, 2021, with due notice of such public hearing, to provide opportunity for public comment and testimony. The City Council approved this application by motion at their September 14, 2021, meeting; and

WHEREAS, the proposed Medium Density Residential (R-3) 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 ZMA21-03 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 including all subsequent amendments, for the area consisting of approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lot 600). The Sweet Home Zoning Map is proposed to change from the Low Density Residential (R-1) Zone to the Medium Density Residential (R-3) Zone.

Passed by the Council and approved by the Mayor this _____ day of _____ 2021.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA21-03

Exhibit A to Order of Approval for ZMA21-03

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)]**
- 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 long-term 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 affected.

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]
 - i. **To accurately reflect changes in the community.**
 - ii. **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]
 - i. **There is a need for the proposed change;**
 - ii. **The identified need can best be served by granting the change requested;**
 - iii. **The proposed change complies with the Statewide Planning Goals; and,**
 - iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]
- i. **High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lots 600). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone and Medium Density Residential.

Based on the Linn County 2021 aerial photograph, the area is surrounded by Residential Low Density, Residential Medium Density and Residential High Density Lots. Subdivision Application SD21-02 is pending the approval of Application ZMA21-03.

Based on the findings above the proposed zoning 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: Staff finds that the proposed zoning map amendment would be orderly and timely, be consistent with the pattern of development in the area, and based on the 2021 Linn County aerial photograph, staff finds that the subject property is surrounded by Low Density Residential, Medium Density Residential and High Density Residential lots.

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: Water and sanitary sewer services are available in Live Oak Street. The subject property has frontage along Live Oak Street. The applicant has proposed a subdivision along with the Zone Map Amendment Application. Application SD21-02 is pending the approval of Application ZMA21-03.

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.

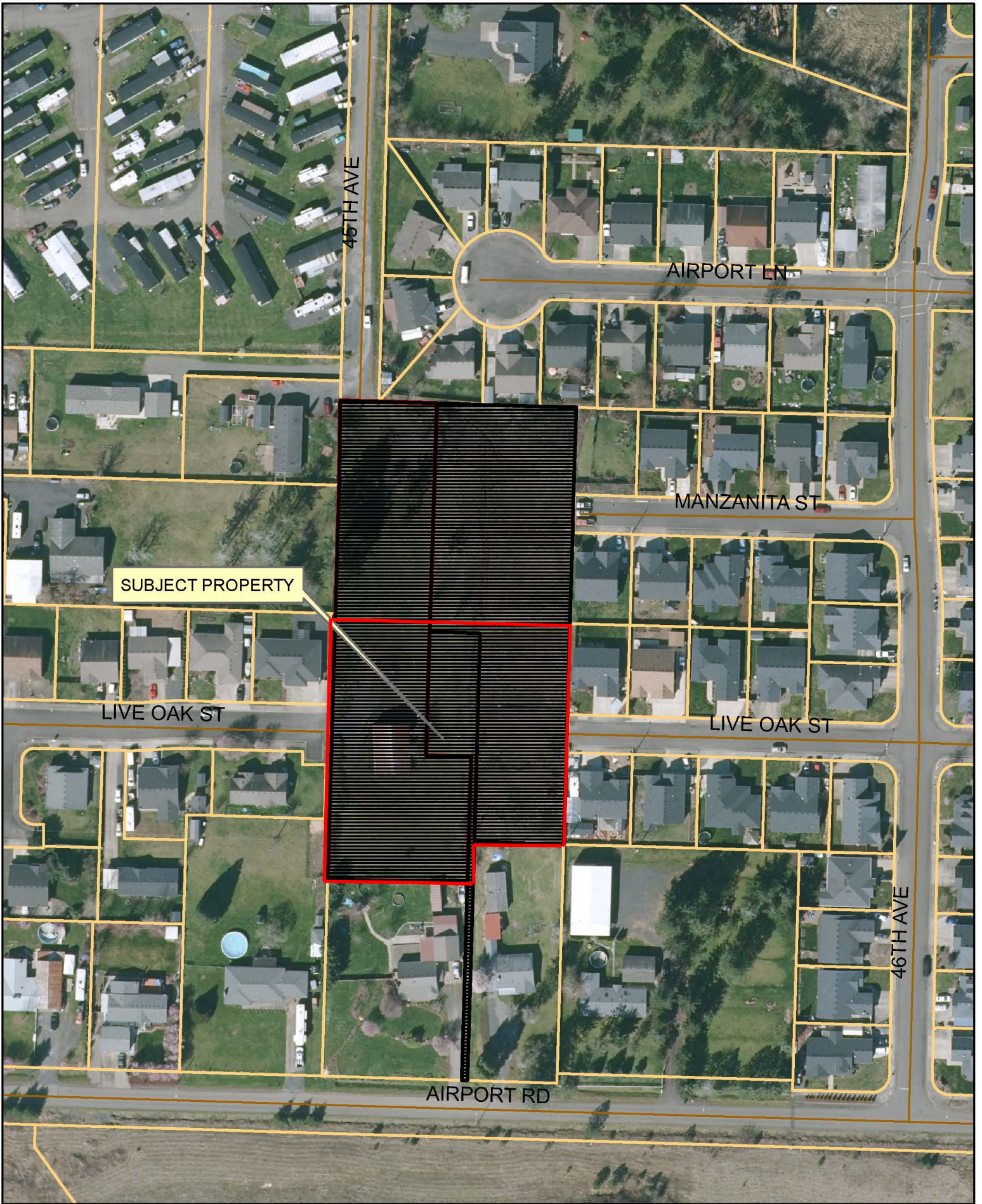
- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section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

- i. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- ii. **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**
- iii. **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 Live Oak Street. The applicant has proposed a change in zoning from the Residential Low Density (R-1) Zone to Medium Density Residential. The proposed use would be consistent with the Comprehensive Plan Map designation. 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 application complies with this criterion.



SUBJECT PROPERTY

46TH AVE

AIRPORT LN

MANZANITA ST

LIVE OAK ST

LIVE OAK ST

46TH AVE

AIRPORT RD



1 inch = 128 feet

ZMA21-03
Subject Property Map
13S01E33A 00600

Date: 7/27/21



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

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

Date Received: 07.16.21
Date Complete: 07.27.21
File Number: ZMA21-03

Map/Text Amendment Application Fee \$: ~~\$1,000.00~~
Zoning Application Fee \$: ~~\$1,030.00~~ 515.00
Receipt #:
Planning Commission Hearing Date: 09.02.21

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

City Council Hearing Date: _____

Applicant's Name:

Cadwell Realty Group c/o Jason Cadwell

Property Owner:

Linda S. Holley

Applicant's Address:

228 NW Hickory Street, Albany, Oregon 97321

Owner's Address:

607 7th Avenue, Sweet Home, Oregon 97386

Applicant's Phone and e-mail:

541-791-7946 jason@cadwellrealtygroup.com

Owner's Phone and email:

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:

Unaddressed

Subject Property Assessor's Map and Tax Lot:

Linn County Assessor's Map No. 13s01a33A, Tax Lot 600

Subject Property Size:

1.43

Current Zoning Classification

Low Density Residential

Current Comprehensive Plan Classification:

Medium Density Residential

Purpose of Request

The applicant is proposing to rezone the subject property from R1 (low-density residential) to R3 (medium-density residential). More information regarding the purpose of this zone change is provided in the application narrative.

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:

Proposed language for change.

Attach proposed text to this form.

Purpose of Request

Submittal Requirements

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

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

Applicant's Signature:

Jason Cadwell

Date: 7/17/2021 | 8:53 PM PDT

Property Owner's Signature:

Linda S. Holley

Date: 7/14/21



City of Sweet Home
 Sweet Home Public Library
 1101 – 13th Avenue
 Sweet Home, OR 97386
 541-367-5007

Sweet Home Public Library

Statistics

	August 2021	Sept 2021	YTD 2021	2020	5 YR AVG
Patron Activity					
OPAC Logins	277	254	2,410	2,448	2,567
SIP2 Logins	607	563	5,130	6,962	4,530
Circulation and Renewals					
Checkouts	2,855	2,354	22,891	26,079	38,663
Renewals by Staff	407	525	4,512	3,084	6,289
Renewals by OPAC	250	189	2,045	1,610	2,281
Holds Requested					
Holds by Staff	138	192	1,283	1,270	1,459
Holds by OPAC	118	89	1,141	1,528	1,390
Item Counts					
	35,700	35,784	35,784	35,596	35,348
Public Access Computers					
Pages Printed	n/a	3,148	n/a	4,209	5,075
Resource Sharing Savings					
	2,842.13	2,829.76	n/a	8,206.95	21,709
Items borrowed by consortium libraries	n/a	217	n/a	n/a	n/a
Items borrowed from consortium libraries	n/a	246	n/a	n/a	n/a

**Some stats are not currently available due to vendor log-in issues.*

Other statistics

Tuesday continues to be our busiest day of the week with over 900 items checked out on Tuesdays for the month. Wednesday and Thursday are equally busy with 595 items checked out each Wednesday and Thursday in September.

Events

Opened for 2 additional hours in the morning on Tuesdays starting on September 14th.

The Harvest Festival went very well with lots of entertained kids, teens and adults checking out the games and activities in the Kid's Zone.

The official end of summer reading was in September we had the following participants:

Pre-K – 52

Elementary – 96

Teens – 26

Upcoming Events

We will be partnering with the SHPD to have a story time and Halloween Safety talk with an officer for kids on October 29 at the SHPD, *time TBD*

Projects ongoing

Rearranging and labeling the DVD collection to alphabetize collections and create a Juvenile section of G and PG rated movies.

Collection maintenance and weeding of Mystery collection is ongoing. Looking at each book for condition and current circulation. New gaps in series are filled, as needed. Books with little to no recent circulation or in poor condition are removed from collection and donated to the Friends of the Library.

Increase of presence on social media to promote Library, library collections, City events and the city as a whole.

Updating Library website as necessary.

New Library update

Megan met with previous architects and library consultant to talk about the Library Needs Assessment report that was submitted in 2020 and learn more of the background.

MEMORANDUM



TO: City Council
Ray Towry, City Manager
Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: October 12, 2021

SUBJECT: Community and Economic Development Department Report for September 2021

The Community and Economic Development Department (CEDD) consists of the City's Building, Planning, Engineering, Economic Development, Code Enforcement, and Parks and Recreation programs. The following is a summary of activities and notes on current projects from September 1st, to September 30th, 2021.

1. BUILDING

- Summary of Building Program Permits Issued.

Permit Category	September, 2021	August, 2021	2021 YTD	2020 Total	2016-2020 Annual Average
Residential 1 and 2 Family Dwellings	4	2	19	22	31.2
Residential Demolition	0	1	8	7	7
Residential Manufactured Dwellings	3	0	14	7	12.6
Residential Mechanical Permits	10	11	86	93	101.6
Residential Plumbing	4	1	26	27	26.2
Residential Site Development	0	0	0	0	1.2
Residential Structural	4	7	47	55	44.6
Commercial Alarm or Suppression Systems	0	0	6	2	1.4
Commercial Demolition	0	0	3	4	3
Commercial Mechanical	0	5	15	17	14.8
Commercial Plumbing	0	6	7	9	11.6
Commercial Site Development	0	0	1	2	2.6
Commercial Structural	2	13	32	29	40.0
Total Permits	27	46	264	274	297.8
Value Estimate of All Permits	\$1,123,303.02	\$5,939,375.00	\$13,401,548.78	\$15,074,659.04	\$15,649,218.08
Fees Collected	\$17,533.43	\$80,194.43	\$194,908.36	\$212,454.67	\$216,365.51

2. PLANNING

- Summary of Planning Division Applications Approved:

Application Type	September, 2021	August, 2021	2021 YTD	2020 Total	2016-2020 Annual Average
Annexations	0	0	0	1	0.4
Code Amendments	0	0	1	1	0.6
Conditional Use	0	0	10	5	6.6
Partition	0	1	14	8	5.6
Planned Development/ Subdivision	0	0	2	0	0.6
Property Line Adjustments	0	0	13	15	8.8
Vacation	0	0	0	0	0
Variance	0	0	1	1	6.4
Zoning Map Amendment	0	1	3	4	1.4

- 3 land use applications were submitted in August.
- 14 Land Use Applications are pending final approval.
- 5 Fence Permits were issued in August.
- The overhaul of development code portions of the Sweet Home Municipal Code (SHMC) is progressing as planned. The Planning Commission is now meeting twice every month until they have completed their review of the new draft. It is expected that Planning Commission review will not be complete until the fall, at the earliest. Once the Planning Commission has completed their review, they will make a recommendation to the City Council, after which the Council will have an opportunity to review the document and consider changes.
- The City has received a grant from the State to update our Transportation System Plan and create an Area Plan for the undeveloped land on the north side of the City. ODOT has issued the Request for Proposals, from which a consultant will be selected to do the work.
- The next Planning Commission meetings are scheduled for October 21, and November 4, 2021.

3. ECONOMIC DEVELOPMENT

- As you are aware, the City recently hosted a site-selection group investigating sites in Sweet Home for a very large paper manufacturing facility. This development would be a \$500M investment, with at least 200 new jobs. We're told by Business Oregon that the City is the leading site in Oregon, however, we are in competition with other sites in Washington, Idaho, and Montana. Since the visit, Staff has been hard at work providing answers to many follow-up questions. We hope to soon learn if we are included on the company's short-list.
- Dougherty Landscape Architects (DLA) continue to work on the Downtown Streetscape and Parking Plan. We applied for and received a CARES Act (COVID response) grant from Linn County for this project in the amount of \$10,000. DLA has submitted additional drafts, which staff are now reviewing.
- Staff is winding down our COVID-19 support activities, however we still have plenty of Personal Protective Equipment (PPE) from the State available for distribution to businesses at no charge. We will continue to distribute those materials to all who are interested.

- Now that the land swap agreement for 24th Ave has been approved, Staff is working on the land use applications and surveys. The Partition requires a conditional use permit, which will be reviewed by the Planning Commission at their October 7th meeting.
- Our application to ODOT for a Rail Crossing at 24th Avenue is a success! Staff received the final crossing order this past week.
- Work on the former Weyerhaeuser mill site is not progressing. While the remaining cleanup looks positive, nearly a year remains before final approvals from DEQ, and Linn County has rejected all the proposals that were submitted in response to their recent Request for Proposals. City Staff have been working with various interested private parties to develop a combined proposal for the development of the site.

4. CODE ENFORCEMENT

- Summary of Actions.

Case Status	September, 2021	August, 2021	2021 YTD	2020 Total	2018-2020 Annual Average
New Complaints	10	14	78	76	N/A
New Officer-Detected Violations	1	2	64	N/A	N/A
Violations Resolved	13	10	135	195	326.33
Complaints Noted with No Violation Found	2	2	11	17	25
Open Cases at End of Period	24	28	24	28	N/A
Citations	1	3	7	5	1.67
Abatements	0	0	0	0	0
Enforcement Type	September, 2021	August, 2021	2021 YTD	2020 Total	2018-2020 Annual Average
Animal	5	4	33	49	50.33
Blight	0	0	2	1	1
Illegal Burn	0	0	0	0	2
Illegal Dumping	0	0	0	0	0.67
Illegal Parking	0	1	9	24	9.33
Illegal Sign	0	0	1	6	3.33
Junk/Abandoned Vehicle	0	0	3	8	10.67
Minimum Housing	0	0	0	4	4.33
Occupying an RV	5	2	21	50	47.33
Open Storage	0	2	23	84	79.33
Other	0	4	10	7	24
Public Nuisance	2	0	13	103	59
Public Right-of-way	0	0	2	13	16.33
Tall Grass & Weeds	1	2	65	161	142
Vacant Lot	0	0	0	0	0.33

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

5. PARKS

- The Park and Tree Committee will meet next on October 20, 2021.
- The Harvest Festival on October 2nd was a great success—the weather was great, and the event was well received with great turnout from both vendors and residents.
- Construction of Sankey Park Improvements is continuing. Construction on the play structures and concrete has been completed, as well as much of the lighting installation. Some electrical, irrigation, and concrete work remains.
- Design work is underway for a new park adjacent to City Hall. The Park will include a donated playground structure and dog park.

6. OTHER PROJECTS

- The Council has authorized ownership of the sculpture in the ODOT right-of-way near the East Linn Museum, and we have received a proposed Intergovernmental Agreement from ODOT. However, Citizens have come forward seeking to add a roofed structure over the artwork to protect it from the weather. Staff is working with ODOT to modify the IGA in order to allow the construction of a roofed structure. Staff inquired to learn if City acquisition of the property was a possibility. Initially, ODOT informed us that such action was not a possibility. However, after additional follow-up, ODOT is indicating that a right-of-way vacation is possible, which would add some of the property to the East Linn Museum property. ODOT has begun work on this transfer of property, and Staff is coordinating with them and the East Linn Museum to complete the transaction. In the interim, City Staff have applied a clear “log oil” treatment to preserve the surface of the logger statue.
- Willow Street Neighborhood LID: Staff is working with several parties to find the best financing option for the project.
- The ODOT Foster Lake Sidewalk Project: Budgetary constraints have required that the project be limited to one side (the north) of US 20. The new scope also removes the section underneath the railroad bridge and calls for a soft-surface path in that location to be constructed by the City. Construction has been delayed until 2022, but engineering work is continuing throughout 2021. ODOT Staff will be present at the October 12th meeting to discuss this project.
- The CEDD systems analysis is ongoing. This project will “map” out all department processes so that efficiencies can be identified, delays can be removed, and operations can be made easier for both customers and staff. These process maps will be documented for staff continuity and to share with other departments. Staff turnover has caused some delays but will provide new opportunities for improvement in this project.
- Staff is working with ODOT on a pedestrian crossing at 22nd Avenue and Main Street. State Funding has been identified, and we have an agreement with ODOT on what improvements will be constructed and where. This will come at little to no cost to the City. This improvement will be combined with an existing ODOT project to replace ADA ramps at intersections on Main Street. An Intergovernmental Agreement will go before you at the October 12th meeting, and representatives from ODOT will make a presentation on ODOT projects within the City and answer questions.
- CEDD Staff are assisting in the update of the City’s Natural Hazards Mitigation Plan (NHMP) by providing maps and information. The NHMP is now nearly complete.
- CEDD Staff have been developing designs for the budgeted City Hall renovation and emergency generator installation.

MEMORANDUM



TO: Ray Towry, City Manager
 FROM: Greg Springman, Public Works Director
 DATE: October 12, 2021
 SUBJECT: Public Works Activities Report – September 2021

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

This table section summarizes work done on key maintenance activities.

Work Type	September, 2021	August, 2021	2021 YTD	2020	2 Yr Avg
Bathrooms/Garbage	23	0*	107	597	670
Catch Basin Inspection/cleaning	1	0	1	48	40
Leaf Collection	0	0	1	138.5	181
Hydrant Flushing	64	4	106	280	292
Locates	35	47	262	520	484
Meter Re-Read	56	129	479	830	636
Mowing	12	1*	18	82	106
Playground EQ Inspection	4	0*	40	21	60
Pothole Repair	0	77	378	667	638
Sewer CCTV Miles	0.00	0.06	0.08	5.71	4
Street Sweeping Miles	77	76	328	2086	3114
Water Main Repair	1	1	5	5	10
Water Service Repair	1	10	8	73	52
Water Turn Ons/Offs	67	60	324	914	977
Total Completed Work Orders	492	500	4227	7895	8233

*Data incomplete due to staff change over and technological issues. New tablets and training completed.

WWTP and WTP Key Performance Indicators (KPIs)

	August, 2021	July, 2021	2021 YTD	2020	2019	5 Yr Avg
Potable						
MG Treated	38.8	40.11	282.20	345.13	444.48	434.89
Backwash Water in MG	1.83	1.9	23.36	18.42	22.90	13.50
Ave daily demand in MG	1.25	1.29	1.04	0.95	1.21	1.17
Sanitary						
MG Treated	22.03	24.63	384.19	596.71	547.14	559.36
Max Daily Flow in MG	0.84	0.9	4.73	6.66	7.30	6.02
Average Flow in MG	0.71	0.79	1.60	1.63	1.50	1.53

MG is Million
* Gallons

Notes: There were no water quality exceedances reported for the month of August

Current & Upcoming Projects

Wastewater Treatment Plant Improvement Project

Scope: Upgrades to equipment & processes for DEQ Compliance

Status: Staff has completed the 90% design evaluation of the WWTP Improvement Project. Staff is seeking approval for funding through DEQ SRF Loan, with USDA funding project at final completion. Staff provided Council a detailed project update in September 2021.

Water Loss

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

Status: PW staff will continue to provide updates as available.

Sankey Park Improvements

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

Status: Paths and lighting work has resumed August 2021. Paths completed in September 2021. Minor concrete and lighting is remain prior to completion.

2021 Overlay Project

Scope: Overlay multiple streets through the community.

Status: Phase I construction has been completed. Phase II bids have been received, staff to recommend award of contract to Council August 2021. Paving work scheduled for completion October 2021.

Water & Stormwater Master Plans – West Yost

Scope: Develop Water & Stormwater Master Plans to support development

Status: Staff approved Task Orders. Projects will commence October 2021.

Backwash Pump Evaluation – West Yost

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

Status: Design with West Yost, design

Finished Water Pump Evaluation – West Yost

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

Status: In design with West Yost, completion scheduled for September 2021.

Fluoride at WTP

Scope: Fluoride system at WTP has failed/End of life budgeted for replacement FY21/22.

Status: PW Staff obtaining quotes to evaluate currently.

Streaming Current Monitors Replacement

Scope: The Streaming Current Monitors (SCMs) have failed at the WTP and are at end of life. Replacement is budgeted for the FY21/22

Status: PW staff have obtained a quote from our Integrator of Record and are proceeding on this project utilizing that contract. Current estimated time for completion unknown

Wastewater Filter Belt Press

Scope: Filter Belt Press was installed in approx. 1974 and is an operational and financial challenge to keep operating, looking to prepurchase new dewatering equipment for the wastewater treatment plant as part of the upgrade project.

Status: PW staff currently working with Engineer of Record to confirm sizing of dewatering equipment.