



CITY OF SWEET HOME CITY COUNCIL AGENDA

June 26, 2018, 6:30 p.m.
Sweet Home City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

WIFI Passcode:
guestwifi

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

A. Call to Order and Pledge of Allegiance

B. Roll Call:

Councilor Briana
Councilor Coleman
Councilor Gerson
Councilor Goble

Councilor Gourley
Mayor Mahler
Councilor Trask

C. Consent Agenda:

- a) Approval of Minutes: June 12, 2018 – City Council (pg. 3- 7)

D. Recognition of Visitors and Hearing of Petitions:

E. Old Business:

- a) Sweet Home Sanitation – Recycling Discussion – Scott Gagner (pg. 8-20)

F. New Business:

- a) **6:30 PUBLIC HEARING – TEXT AMENDMENTS TO TITLE 17 OF SWEET HOME MUNICIPAL CODE TO IMPLEMENT SB 1051 (2017); PLANNING FILE LA 18-01 (pg. 21-73**
- b) Request for Council Action – Request to Eliminate Fines on Children’s and Teen’s Materials and Out of City Library Card Fees for the Summer. (pg. 74-75)

G. Introduction, First and Second Reading of Ordinance Bills

H. Third Reading of Ordinance Bills (Roll Call Vote Required)

I. Resolutions

- a) **6:30 PM - PUBLIC HEARING: A RESOLUTION ADOPTING A BUDGET FOR 2018-2019, MAKING APPROPRIATIONS AND LEVYING TAXES (pg. 76-80)**

- b) Resolution No. 8 for 2018, A Resolution Adopting a Budget for 2018-2019, Making Appropriations and Levying Taxes (pg. 76-80)
- c) Resolution No. 9 for 2018, A Resolution Declaring the City’s Election to Receive State Revenues (pg.81-83)
- d) Resolution No. 10 for 2018, A Resolution Certifying the City Provides Four or More Services in Order to Receive State Revenues (pg.84-86)
- e) Resolution No. 11 for 2018, A Resolution Re-Designating the Sweet Home Enterprise Zone. (pg. 87-92)

J. Reports of Committees:

Administrative & Finance/Property	Goble
Public Safety/Traffic Safety	Briana
Public Works	Mahler
Park and Tree Committee	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Coleman
Fire District	Trask
Council of Governments	Gerson
Area Commission on Transportation	Briana
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley
Capitol Christmas Tree Committee (Minutes 06-05-18. 06-18-18)(pg. 93-96)	Coleman

K. Reports of City Officials:

- a) Mayor’s Report
- b) City Manager’s Report
 - i. Water Production Memo (pg. 97)
 - ii. S|EA – Sweet Home City Hall Schedule (pg. 98)
- c) Department Director’s Reports:
 - i. Finance Director
 - (1) SHMC Report – May 2018 (pg. 99)
 - ii. Library Services Director
 - iii. Community and Economic Development Director
 - iv. Police Chief
 - v. Public Works Director
 - vi. City Attorney’s Report

L. Adjournment

SWEET HOME CITY COUNCIL
MEETING MINUTES

June 12, 2018

Mayor Mahler called the meeting to order at 6:30 p.m. in the City Hall Annex. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, Community and Economic Development Director Jerry Sorte, Library Services Director Rose Peda, Finance Director Brandon Neish, Public Works Director Greg Springman, City Attorney Robert Snyder, Police Chief Jeff Lynn and Recording Secretary Julie Fisher.

Visitors Registered to Speak: None

Media: Alex Paul, Albany Democrat Herald
Sean Morgan, The New Era

Roll Call:	Councilor Briana	P	Councilor Gourley	P
	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Trask	P
	Councilor Goble	P		

Consent Agenda: **Motion was made to approve the Consent Agenda as submitted. (Trask/Goble) Motion passed with 7 Ayes, 0 Opposed, 0 Absent**

Items on the consent agenda are as follows:
Approval of Minutes: May 22, 2018 – City Council

Recognition of Visitors & Hearing of Petition: None

Old Business:

S EA Architect Presentation of Final Floorplan.	S EA Architect presented the final floorplan to the City Council along with finish selections. Consensus of the Council was to accept the floorplan and finish selections.
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New Business:

Request for Council Action – Sweet Home Sanitation Recycling Discussion Aaron Donley Scott Gagner	Scott Gagner presented to the Council information on the recycling crisis explaining the burden to SH Sanitation as recycling cost have increased 355% since June 2017. Mr. Gagner suggested two options: continued recycling that could increase rates by 11.7% or concurrence for landfill which will increase rates by 5.26%. The Council discussed both options and requested information to include actions taken by comparable cities as well as their current rates and increased rate amounts.
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Request for Council Action –
2018-2019 Contract Amendment -
Jacobs

PWD Springman introduced the request for the annual contract amendment of 3% for Jacobs (CH2M – OMI). The request noted Jacobs is experiencing a 3.8% cost increase. The Council discussed the high cost to the City for the operation and maintenance of the plant. PWD Springman stated that after the new wastewater treatment plant is complete, a feasibility study should be done to review options for continued operation and maintenance of the plant. PWD stated at this time, it is his recommendation to continue the contract with Jacobs who are doing a good job. The Council agreed they are happy with the performance of Jacobs, however were concerned with the increasing cost for operation and maintenance.

Motion to approve and execute Amendment No. 3 to Jacobs (CH2M – OMI) for the operations, maintenance, and management services for the City of Sweet Home, Oregon, to perform all administration and operation functions of the City’s water and wastewater treatment facilities. (Trask/Gourley)

Roll Call Vote

Councilor Goble	Aye
Councilor Gourley	Aye
Mayor Mahler	Aye
Councilor Trask	Aye
Councilor Briana	Aye
Councilor Coleman	Aye
Councilor Gerson	Aye

Request for Council Action -
Creation of Associate Planner
Position

Community and Economic Development Director Sorte explained due to an unsuccessful recruitment for a Planning Services Manager, staff believes it would be advantageous to create a mid-level planner position. This position will replace the Planning Services Manager position with an intent to invest in the selected candidate to eventually be the Planning Services Manager. The creation of this position would not add an FTE to the department.

Motion to create the Associate Planner position at a pay range of \$4,092 to \$4,786 (Gerson/Trask) Motion passed with 6 Ayes, 1 Opposed (Goble), and 0 Absent.

**Introduction, First and Second
Reading of Ordinance Bills:**

Introduction:	None
First Reading:	None
Second Reading:	None

Third and Final Reading of Ordinance Bills: None

Resolutions:

Resolution No. 6 for 2018 – A Resolution to set, copy, research and miscellaneous service fees. City Manager Towry explained the request to remove fees from the water resolution and add them into the fee resolution. All fees would be reviewed annually and would be together to make it easier for customers to research fees.

Motion to adopt Resolution No. 6 for 2017 – A Resolution establishing certain Public Information, Records, Research, Service and Miscellaneous City fees in accordance with Sweet Home’s Financial Policies. (Coleman/Briana) Motion passed with 7 Ayes, 0 Opposed, and 0 Absent.

Mayor Mahler ready by title only Resolution No. 6 for 2018.

Resolution No. 7 for 2018 – A Resolution Setting Rates for Water Services City Manager Towry introduced the request to review and approve revisions to base and commodity rates for water. During the City Council meeting on May 22, 2018 council voted unanimously to move forward with a plan in which users pay for the water used, lowering the base rate and increasing the commodity charge. Councilor Gourley stated there were unanswered questions from that May 22nd meeting and until those questioned were answered she thought the item should be tabled. Councilor Goble stated at the May 22nd meeting he had requested what the cost to the City is to make 100-cubic feet of water. He did not receive an answer. Councilor Briana stated he still would like additional options to include 400-cubic feet in the base rate.

Motion to approve Resolution No. 7 for 2018 (Gerson/Trask) motion passed with 4 Ayes (Gerson, Trask, Coleman & Mahler), 3 Opposed (Goble, Gourley, Briana) and 0 Absent.

City Manager Towry ready by title only Resolution No. 7 for 2018.

Committee Reports:

Administration & Finance/
Property Committee None

Public/Traffic Safety None

Public Works None

City Boards/Committees:

Chamber of Commerce Councilor Coleman reported the Chamber is in the next phase of recovery. Bill Matthews has stepped down as Chairman and George Medellin is interim Chairman.

Fire District	Councilor Trask reported the new rescue vehicle has been purchased and a used fire engine which will be used for wildland fires.
Park & Tree Commission	Councilor Trask referred to the minutes included in the packet.
Y.A.C.	None
Ad Hoc Committee Community Healthcare	Councilor Gourley referred to the minutes included in the packet.
Capitol Christmas Tree	Councilor Coleman reported the committee is seeking talent for a program after the parade and for the street fair prior to the parade.

Regional Boards/Committees:

Area Commission on Transportation (ACT)	Councilor Briana reported there are grants available for Safe Routes to School and Oregon Public Transportation. Councilor Briana has reached out to Joe Graybill regarding the Safe Routes to School and Ken Bronson who is over the Sweet Home busses.
COG	None
Solid Waste Advisory Council (SWAC)	None

Mayor's Report
Mayor Mahler stated traffic could be busy in our community next week as the weather heats up and boat traffic heads to Foster and Green Peter lakes due to the water advisory at Detroit Reservoir.

City Manager's Report
City Manager Ray Towry announced there is a volunteer position open on the Planning Commission as Anay Hausner has resigned. A reception for Ms. Hausner will be held June 18th at 6pm. Building Inspector Remesnik has announced his retirement June 15th. There will be a reception for Mr. Remesnik on June 15th from 4pm until 5:30pm. Discussion of moving the City Council meetings to the Police Department ensued. Consensus of the Council was to begin holding City Council meetings at the Police Department beginning in July. The following Work Sessions were scheduled: July 10, 2018 – Committee Review, July 24, 2018 – Council Rules, and August 14, 2018 – Jacobs Contract.

Department Directors Reports:

Finance Director
Finance Director Neish referred to the reports included in the packet. The Council questioned a payment to the City of Lebanon. It was explained Lebanon is acting as a fiscal agent for a grant. FD Neish stated June 13th is turn off day and 69 accounts are scheduled for turn off.

Library Director Library Services Director Peda referred to the library statistis included in the packet.
Signups for the Summer Reading Program begin June 18th. Two donations, each for \$250.00, have been received for the Summer Reading Program, one from the Elks and the other from Rotary.

Community and Economic Development Director Community and Economic Development Director Jerry Sorte announced that Tommy Mull has been hired as the new Code Enforcement Officer and they are working on a public information campaign.
Building Inspector Mike Remesnik is retiring and his last day is June 15th. There will be a reception this Friday from 4pm until 5:30pm.
Reporting on Economic Development, CEDD Sorte announced the CEIP (Commercial Exterior Improvement Program) is up and running and SHARE (Sweet Home Active Revitalization Effort) is conducting an outreach.
Permit applications received at City Hall have remained steady for Building and have increased for Planning.

Police Chief Chief Lynn reported a new Code Enforcement Officer has been hired. Chief Lynn announced the 23rd Annual Jim Bean Safety Fair and Prescription Drug Turn In Event on June 23rd.

Public Works Public Works Director Springman reported a new backflow device at Ashbrook Park.
The Council asked about water fills from tanker trucks and for construction. PWD Springman stated that those are being metered and, in some cases, fills completed on 24th near the PW Facility.

City Attorney None

Adjournment: With no further business the meeting adjourned at 8:15 PM.

The foregoing is a true copy of the proceedings of the City Council at the June 12, 2018 regular City Council Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



Recycling Rate Adjustment Comparison (35 Gallon Cart with 1x/Week Service)

Service Area	Population	Current Rate	\$ Adjustment	Monthly Rate after Adjustment	% Adjustment
Eugene (14.6% proposed)	163,460	\$21.50	\$3.15	\$21.50 proposed to \$24.65	14.60%
Springfield (5.9% in Jan, additional 5% July)	60,870	\$18.00	\$1.90	\$18.00 going to \$18.90	10.90%
Beaverton	96,577	\$22.55	\$2.65	\$25.20	10.52%
Portland	631,731	\$29.25	\$2.55	\$31.80	8.02%
Newport/Lincoln County	10,268, 47,038	\$19.59	\$4.50	\$24.09	18.70%
Lincoln City	8,536	\$18.72	\$1.85	\$20.57	9.00%
Depoe Bay	1,422	\$19.33	\$4.44	\$23.77	18.70%
Washington County	582,779	\$22.96	\$2.00	\$24.96	8.01%
Gresham/Clackamas Counties	110,553, 408,062	\$29.69/\$30.05	9-10% \$2.90-\$3.00	\$32.36/\$32.55	9.50%
Salem	164,549	\$25.85	\$0.80 in Oct 2017 + \$15.45 recycling contamination fines at the curb	\$26.65	3.00%
Florence (approved 5/21)	8,649	\$25.70	\$1.52	\$25.70, going to \$27.22	5.58%
Hillsboro	102,347	\$22.85	\$2.90	\$25.75	11.26%
Sherwood	19,283	\$25.16	\$1.02 residential and \$2.86 per yard commercial	\$26.18	3.90%
Ashland/Talent	20,861, 6,411	\$20.13	\$2.00	\$22.13	9.04%
Banks	1,934	\$22.62	\$2.00	\$24.62	8.12%
Jackson and Josephine County	216,527, 85,904	\$19.44/\$18.25	Landfilled recycling - recently reinstated	\$19.44/\$18.25	N/A
Coos Bay, North Bend, Bandon, Coos County	16,182, 9,673, 3,115, 63,761	\$20.75/\$20.59/\$17.14/\$20.61	5% + planned November CPI increase	\$21.70/\$21.67/\$18.04/\$21.69	5.00%
Creswell (proposed)	5,199	\$20.28	4.8% \$0.97	\$21.25	4.80%
Sweet Home (Proposed)	9,270	\$24.40	\$2.75	\$27.15	11.76%



Date: 5/22/18

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

RE: Request for Recycling Rate Adjustment

Mr. Towry,

As we have been discussing over the past several months, the China-induced recycling market crisis has become an overwhelming burden for solid waste companies across Linn County and the West Coast. Sweet Home Sanitation is certainly no exception and has felt the full weight of this burden. To recap, roughly 12 months ago (June 2017) Pioneer Recycling paid us approximately \$30 per ton for mixed recycling. Starting last September, exporters began to increase pricing in the event that China would follow through with their ban. Costs continued to increase as material recovery facilities (MRFs) slowed down their processing lines and added personnel to improve quality. China imposed their effective ban on January 1, and they have not flinched so far. MRF's have cleaned the material up enough to keep it moving to alternative Asian destinations and even some domestic mill applications. The biggest source of contamination has proven to be non-program plastics and, simply put, household garbage that has never been allowed in the program. As of - May 2018, Pioneer charges us \$84 per ton for the same material they paid us \$30 per ton a year ago. When transportation and handling costs are factored in, the cost per ton rose from an average of \$26.04/ton in 2017 to a current cost of \$118.47/ton, an increase of 355%.

To isolate the impact of the recycling issue on our business, we borrowed a single-item rate making tool used by the Washington State Utilities and Transportation Commission most often used to determine the impact of spikes in fuel costs in between general rate filings. Adapting it for recycling, the methodology starts with the baseline recycling expense as a percentage of revenue, which for Sweet Home was 3.3%. That percentage is multiplied by the 355% increase in recycling expense to arrive at the 11.76% change in revenue required to recover the increased cost. Assuming we process the same volume of mixed recycling as we did in 2017, our additional expense per year to provide recycling services is \$257,251.

With the potential of double digit rate increases, we believe it's important to present options. There is an economic component of the State's definition of a recyclable material. If it costs more to recycle the material than to dispose of it in a landfill, the material fails the economic test. In 2017, the economic test clearly defined our commingle mix as recyclable. Commingle now fails the test, and landfilling is an option, subject to the DEQ's concurrence with our conclusion. For comparison purposes using the same model, landfilling the City's mixed



recycling would realize an increased cost of \$114,550 for the year. These costs would require a 5.23% rate increase.

Our Exhibit entitled Pro Forma Rate Adjustments Excluding Other Factors contains examples of the commodity-induced increase for key sample rates under both the recycling and landfilling options.

While the big news is the 355% increase in recycle costs, we continue to experience cost increases in other parts of our business, including labor and truck operating expenses. We are proposing this rate increase be included with our annual price adjustment for the year effective July 1st. 2017's Portland-Salem CPI, which our annual adjustment is tied to, was 4.2%. This percentage will be added to our recycling adjustment costs, creating an overall price adjustment of 15.96% to continue recycling, and 9.43% to landfill the recycling.

We understand it is never the intent of the City to landfill recycling, however the extent of this recycling crisis is severe and unprecedented. The City must decide its priorities. Most Oregon communities have elected to retain their recycling programs, and we at Sweet Home Sanitation believe that recycling continues to add long term environmental benefits that aren't currently reflected in its cost. We encourage the City to continue to recycle. Regardless of the City's decision, we believe that a review of recycling prices in 6 months is important to determine if rate or system adjustments are necessary. Accordingly, we recommend that language be incorporated that would allow either party the right to request a sooner rate adjustment to follow any rapid, drastic market fluctuations.

On another note: the Portland-Salem Consumer Price Index has been discontinued by the Bureau of Labor and Statistics (BLS). We are O.K. this year with using it as it wasn't eliminated until January 2018, but we will need to discuss and agree on an alternate index. We believe the most relevant surviving index is the CPI-U West B/C, which samples smaller urban areas in the Western States.

You had mentioned the other day that a work session might prove helpful in reviewing and discussing this proposal with council. I can and will make myself available any time that works for the council. I look forward to hearing back from you very soon.

Best Regards,

Scott Gagner
Sweet Home Sanitation
Office: 541-367-2535
1325 18th Avenue
Sweet Home, OR 97386

Sweet Home Sanitation
China-Induced Market Disruption
Pro Forma Rate Adjustments Excluding Other Factors

Commingle Pricing as of

May-18

Baseline Commodity Revenue (Cost) /Ton:

\$ (26.04)

\$ (26.04)

Current Commodity Price/Ton:

\$ (118.47)

\$ (67.20) (Landfill Rate)

Per Month Rates Assuming:

	Current	Continued Recycling*			Landfill Concurrence			Continued Recycle Cost
		Residential & Commercial Rates			Residential & Commercial Rates			
		\$ Change	Jul-18	% Change	\$ Change	Jul-18	% Change	
Sweet Home								
35 Gallon Weekly	\$ 23.40	\$ 2.75	\$ 26.15	11.76%	\$ 1.22	\$ 24.62	5.23%	\$ 1.53
90 Gallon Weekly	\$ 28.85	\$ 3.39	\$ 32.24	11.76%	\$ 1.51	\$ 30.36	5.23%	\$ 1.88
1 Yard Weekly	\$ 114.95	\$ 13.51	\$ 128.46	11.76%	\$ 6.02	\$ 120.97	5.23%	\$ 7.49
2 Yard Weekly	\$ 182.30	\$ 21.43	\$ 203.73	11.76%	\$ 9.54	\$ 191.84	5.23%	\$ 11.89

* Continued recycling may involve increased residual waste or landfilling out the back side of material recovery facilities

**Catch Up Rate Adjustments are set as of the date shown. Delayed implementation will increase the rate adjustment.

Sweet Home Sanitation

City of Sweet Home - Proposed Rates

Effective July 1, 2018

With Continued Recycling

Rate adjustment %

4.20%

11.76%

	2018 Current Rates	Annual CPI	Continued Recycling	Total Adjusted With Continued Recycling
Residential Service:				
Cans and Carts				
1-20 gallon weekly	\$11.60	\$0.49	\$1.36	\$13.45
1-35 gallon weekly	\$23.40	\$0.98	\$2.75	\$27.15
1-90 gallon weekly	\$28.85	\$1.21	\$3.39	\$33.45
Other Services				
Yard Debris Only	\$5.25	\$0.22	\$0.62	\$6.10
Recycling Only	\$5.25	\$0.22	\$0.62	\$6.10
Recall Fee	\$9.35	\$0.39	\$1.10	\$10.85
Access Fee	\$6.15	\$0.26	\$0.72	\$7.15
Commercial Service:				
90 gallon cart	\$32.15	\$1.35	\$3.78	\$37.30
35 gallon cart	\$23.45	\$0.98	\$2.76	\$27.20
1 Yard Container				
Rental	\$53.05	\$2.23	\$6.24	\$61.50
Once per Month	\$71.40	\$3.00	\$8.39	\$82.80
Every Other Week	\$89.60	\$3.76	\$10.53	\$103.90
Weekly	\$114.95	\$4.83	\$13.51	\$133.30
2X per Week	\$207.05	\$8.70	\$24.34	\$240.10
Extra Dump	\$31.85	\$1.34	\$3.74	\$36.95
1.5 Yard Container				
Rental	\$53.05	\$2.23	\$6.24	\$61.50
Once per Month	\$76.50	\$3.21	\$8.99	\$88.70
Every Other Week	\$101.85	\$4.28	\$11.97	\$118.10
Weekly	\$147.90	\$6.21	\$17.39	\$171.50
2X per Week	\$254.70	\$10.70	\$29.94	\$295.35
Extra Dump	\$37.75	\$1.59	\$4.44	\$43.75
2 Yard Container				
Rental	\$53.05	\$2.23	\$6.24	\$61.50
Once per Month	\$89.60	\$3.76	\$10.53	\$103.90
Every Other Week	\$115.00	\$4.83	\$13.52	\$133.35
Weekly	\$182.30	\$7.66	\$21.43	\$211.40
2X per Week	\$328.10	\$13.78	\$38.57	\$380.45
Extra Dump	\$42.60	\$1.79	\$5.01	\$49.40
3 Yard Container				
Rental	\$53.05	\$2.23	\$6.24	\$61.50
Once per Month	\$97.85	\$4.11	\$11.50	\$113.45
Every Other Week	\$175.20	\$7.36	\$20.59	\$203.15
Weekly	\$262.70	\$11.03	\$30.88	\$304.60
2X per Week	\$471.65	\$19.81	\$55.44	\$546.90
Extra Dump	\$47.10	\$1.98	\$5.54	\$54.60

Sweet Home Sanitation

City of Sweet Home - Proposed Rates

Effective July 1, 2018

With Continued Recycling

	Rate adjustment %			
	2018 Current Rates	4.20%	11.76%	Total Adjusted With Continued Recycling
		Annual CPI	Continued Recycling	
4 Yard Container				
Rental	\$53.05	\$2.23	\$6.24	\$61.50
Once per Month	\$115.00	\$4.83	\$13.52	\$133.35
Every Other Week	\$182.30	\$7.66	\$21.43	\$211.40
Weekly	\$306.10	\$12.86	\$35.98	\$354.95
2X per Week	\$550.65	\$23.13	\$64.73	\$638.50
Extra Dump	\$76.50	\$3.21	\$8.99	\$88.70
Temporary 4 Yard Container				
3 Days	\$96.65	\$4.06	\$11.36	\$112.05
Extra Dump	\$76.50	\$3.21	\$8.99	\$88.70
Demurrage per Day After 3 Days	\$3.40	\$0.14	\$0.40	\$3.95
3 Tab Roofing (3 days)	\$143.70	\$6.04	\$16.89	\$166.65
Extra Dump	\$113.35	\$4.76	\$13.32	\$131.45
Roll-Off Services:				
20 Yard Box/per Haul	\$158.05	\$6.64	\$0.00	\$164.70
30 Yard Box/per Haul	\$180.60	\$7.59	\$0.00	\$188.20
48 Yard Box/per Haul	\$203.15	\$8.53	\$0.00	\$211.70
Tonnage	\$67.20	\$2.82	\$0.00	\$70.00
Delivery	\$11.70	\$0.49	\$0.00	\$12.20
Demurrage – after 3 days	\$11.70	\$0.49	\$0.00	\$12.20
Monthly Rental	\$116.85	\$4.91	\$0.00	\$121.75
Sweet Home Transfer Station				
Solid Waste 0-500 lbs Minimum Charge	\$20.40	\$0.86	\$0.00	\$21.25
Solid Waste 500 lbs or Greater	\$67.20/ton	\$2.82	\$0.00	\$70.00/ton
32 Gallon Can	\$5.75/can	\$0.24	\$0.00	\$6.00/can
Yard Waste Clean	\$39.45/ton	\$1.66	\$0.00	\$41.10/ton
Wood Waste Clean	\$34.00/ton	\$1.43	\$0.00	\$35.45/ton
Refrigerators	\$24.75	\$1.04	\$0.00	\$25.80
Scrap Metal Clean	No Charge	\$0.00	\$0.00	No Charge
E-Waste TV's, Computers, Monitors, Etc	No Charge (7 Item Max) \$5.20 each additional item	\$0.22 (For Additional Items)	\$0.00	No Charge (7 Item Max) \$5.40 each additional item
Recycling for the following products: Glass, Tin, Waste Paper, Cardboard, Plastic Bottles and Tubs, Automotive Batteries and Propane	No Charge	\$0.00	\$0.00	No Charge
Used Motor Oil - 5 Gallon bucket or smaller	No Charge	\$0.00	\$0.00	No Charge
Car Tires - Off Rim	\$5.75	\$0.24	\$0.00	\$6.00
Car Tires - On Rim	\$6.80	\$0.29	\$0.00	\$7.10
Commercial Equipment Tires	\$0.20/lb	\$0.01	\$0.00	\$0.20/lb
Comingle Recycle (Not to Exceed 100lbs/load)	\$0.00	\$0.00	\$5.00	\$5.00/load

Sweet Home Sanitation

City of Sweet Home - Proposed Rates

Effective July 1, 2018

With Landfill Concurrence

Rate adjustment %

4.20%

5.23%

	2018 Current Rates	Annual CPI	Landfill Concurrence	Total Adjusted With Landfill Concurrence
Residential Service:				
Cans and Carts				
1-20 gallon weekly	\$11.60	\$0.49	\$0.61	\$12.70
1-35 gallon weekly	\$23.40	\$0.98	\$1.22	\$25.60
1-90 gallon weekly	\$28.85	\$1.21	\$1.51	\$31.55
Other Services				
Yard Debris Only	\$5.25	\$0.22	\$0.27	\$5.75
Recycling Only	\$5.25	\$0.22	\$0.27	\$5.75
Recall Fee	\$9.35	\$0.39	\$0.49	\$10.25
Access Fee	\$6.15	\$0.26	\$0.32	\$6.75
Commercial Service:				
90 gallon cart	\$32.15	\$1.35	\$1.68	\$35.20
35 gallon cart	\$23.45	\$0.98	\$1.23	\$25.65
1 Yard Container				
Rental	\$53.05	\$2.23	\$2.78	\$58.05
Once per Month	\$71.40	\$3.00	\$3.74	\$78.15
Every Other Week	\$89.60	\$3.76	\$4.69	\$98.05
Weekly	\$114.95	\$4.83	\$6.02	\$125.80
2X per Week	\$207.05	\$8.70	\$10.84	\$226.60
Extra Dump	\$31.85	\$1.34	\$1.67	\$34.85
1.5 Yard Container				
Rental	\$53.05	\$2.23	\$2.78	\$58.05
Once per Month	\$76.50	\$3.21	\$4.00	\$83.70
Every Other Week	\$101.85	\$4.28	\$5.33	\$111.45
Weekly	\$147.90	\$6.21	\$7.74	\$161.85
2X per Week	\$254.70	\$10.70	\$13.33	\$278.75
Extra Dump	\$37.75	\$1.59	\$1.98	\$41.30
2 Yard Container				
Rental	\$53.05	\$2.23	\$2.78	\$58.05
Once per Month	\$89.60	\$3.76	\$4.69	\$98.05
Every Other Week	\$115.00	\$4.83	\$6.02	\$125.85
Weekly	\$182.30	\$7.66	\$9.54	\$199.50
2X per Week	\$328.10	\$13.78	\$17.17	\$359.05
Extra Dump	\$42.60	\$1.79	\$2.23	\$46.60
3 Yard Container				
Rental	\$53.05	\$2.23	\$2.78	\$58.05
Once per Month	\$97.85	\$4.11	\$5.12	\$107.10
Every Other Week	\$175.20	\$7.36	\$9.17	\$191.75
Weekly	\$262.70	\$11.03	\$13.75	\$287.50
2X per Week	\$471.65	\$19.81	\$24.69	\$516.15
Extra Dump	\$47.10	\$1.98	\$2.47	\$51.55

Sweet Home Sanitation

City of Sweet Home - Proposed Rates

Effective July 1, 2018

With Landfill Concurrence

	Rate adjustment %			
	2018 Current Rates	4.20% Annual CPI	5.23% Landfill Concurrence	Total Adjusted With Landfill Concurrence
4 Yard Container				
Rental	\$53.05	\$2.23	\$2.78	\$58.05
Once per Month	\$115.00	\$4.83	\$6.02	\$125.85
Every Other Week	\$182.30	\$7.66	\$9.54	\$199.50
Weekly	\$306.10	\$12.86	\$16.02	\$335.00
2X per Week	\$550.65	\$23.13	\$28.82	\$602.60
Extra Dump	\$76.50	\$3.21	\$4.00	\$83.70
Temporary 4 Yard Container				
3 Days	\$96.65	\$4.06	\$5.06	\$105.75
Extra Dump	\$76.50	\$3.21	\$4.00	\$83.70
Demurrage per Day After 3 Days	\$3.40	\$0.14	\$0.18	\$3.70
3 Tab Roofing (3 days)	\$143.70	\$6.04	\$7.52	\$157.25
Extra Dump	\$113.35	\$4.76	\$5.93	\$124.05
Roll-Off Services:				
20 Yard Box/per Haul	\$158.05	\$6.64	\$0.00	\$164.70
30 Yard Box/per Haul	\$180.60	\$7.59	\$0.00	\$188.20
48 Yard Box/per Haul	\$203.15	\$8.53	\$0.00	\$211.70
Tonnage	\$67.20	\$2.82	\$0.00	\$70.00
Delivery	\$11.70	\$0.49	\$0.00	\$12.20
Demurrage – after 3 days	\$11.70	\$0.49	\$0.00	\$12.20
Monthly Rental	\$116.85	\$4.91	\$0.00	\$121.75
Sweet Home Transfer Station				
Solid Waste 0-500 lbs Minimum Charge	\$20.40	\$0.86	\$0.00	\$21.25
Solid Waste 500 lbs or Greater	\$67.20/ton	\$2.82	\$0.00	\$70.00/ton
32 Gallon Can	\$5.75/can	\$0.24	\$0.00	\$6.00/can
Yard Waste Clean	\$39.45/ton	\$1.66	\$0.00	\$41.10/ton
Wood Waste Clean	\$34.00/ton	\$1.43	\$0.00	\$35.45/ton
Refrigerators	\$24.75	\$1.04	\$0.00	\$25.80
Scrap Metal Clean	No Charge	\$0.00	\$0.00	No Charge
E-Waste TV's, Computers, Monitors, Etc	No Charge (7 Item Max) \$5.20 each additional item	\$0.22 (For Additional Items)	\$0.00	No Charge (7 Item Max) \$5.40 each additional item
Recycling for the following products: Glass, Tin, Waste Paper, Cardboard, Plastic Bottles and Tubs, Automotive Batteries and Propane	No Charge	\$0.00	\$0.00	No Charge
Used Motor Oil - 5 Gallon bucket or smaller	No Charge	\$0.00	\$0.00	No Charge
Car Tires - Off Rim	\$5.75	\$0.24	\$0.00	\$6.00
Car Tires - On Rim	\$6.80	\$0.29	\$0.00	\$7.10
Commercial Equipment Tires	\$0.20/lb	\$0.01	\$0.00	\$0.20/lb
Commingle Recycle (Not to Exceed 100lbs/load)	\$0.00	\$0.00	\$5.00	\$5.00/load

Commodity Surcharge Worksheet (Solid Waste)

INPUTS	a) Company Name	ALL AREAS	
	b) Proposed Effective Date	July 1, 2018	July 1, 2018
	c) Last Completed Rate Filing with the City or County	\$2,188,418	
OUTPUTS	1) Allowable Commodity Surcharge	11.76%	

Line No.		Continued Recycling	Landfill Concurrence
1	1. Base period information from last General Rate Review.		
2	Base Revenue	\$ 2,188,418	\$ 2,188,418
3	Base Commodity Revenue (Expense)	\$ (72,478)	\$ (72,478)
4	Base Year	December 31, 2017	December 31, 2017
6	2. Calculate the Percentage of total net revenue made up by commodity values (The Base Commodity Ratio)		
7	Base Commodity Revenue (Expense)	\$ (72,478)	\$ (72,478)
8	Divided by Base Revenue	÷ \$ 2,188,418	\$ 2,188,418
9	Equals Base Commodity Ratio	= -3.31%	-3.31%
11	3. Calculate the Percentage Change in the Base Commodity Ratio		
12	Current Weighted Average Commodity Price	\$ (118.47)	\$ (67.20)
13	Minus Base Period Average Commodity Price	- \$ (26.04)	\$ (26.04)
14	Equals Difference in Commodity Price	= \$ (92.43)	\$ (41.16)
15	Percentage Increase (Decrease) in the Commodity Ratio	= 354.94%	158.05%
17	4. Calculate percentage revenue increase needed to return to base profitability (recycling commodity value effect only).		
18	Base Commodity Revenue (Expense) as % of Base Revenue (Line 9)	-3.31%	-3.31%
19	Multiplied By the Percentage Increase (Decrease) in the Commodity Ratio (Line 15)	x -354.94%	-158.05%
20	Equals Percentage Change in Revenue Required to Return to Base Conditions	= 11.76%	5.23%
21	Minus Activation Threshold (minimum change required to trigger a rate adjustment)	- 0.00%	0.00%
22	Equals Allowable Commodity Increase as a % of Base Revenue	= 11.76%	5.23%
24	5. Calculate Gross Dollar Change in Revenue Required to return to base profitability (recycling commodity value effect only) ...		
25	Allowable Commodity Increase as a % of Base Revenue (Line 22)	11.76%	5.23%
26	Multiplied by Base Revenue (Line 2)	x \$ 2,188,418	\$ 2,188,418
27	Equals Allowable Commodity Increase (Decrease) to Restore Base Net Revenue Conditions	= \$ 257,251	\$ 114,550
28	6. Commodity Surcharge Revenue Test. Verify that the commodity change in revenue is replaced by a combination of changed collection rates and revenues reserved by the activation threshold.		
29	Annual Tons from Base Year:	\$ 2,783	\$ 2,783
30	Average Price from Base Year (Line 13)	x \$ (26.04)	\$ (26.04)
31	Base Year Material Sales Revenue (Expense) (Calculated, and Line 3)	= \$ (72,478)	\$ (72,478)
32	Current materials price (Line 12)	\$ (118.47)	\$ (67.20)
33	Current Year Materials Sales Revenue (Expense) (Line 29 x Line 32)	\$ (329,728)	\$ (187,028)
34			
35	Change in Material Sales Revenue (Line 33-Line 31)	\$ (257,251)	\$ (114,550)
36	Less Change in Material Sales if less than Threshold Percentage of Revenue (Negative Line 35 if Line 22 is 0)	\$ -	\$ -
37	Plus Allowable Commodity Increase (Decrease) in Collection Revenues (Line 27)	+ \$ 257,251	\$ 114,550
38	Plus Activation Threshold (minimum to trigger a rate adjustment) (Negative Line 21 x Line 2)	+ \$ -	\$ -
39	Sum Should Equal Zero	\$ (0)	\$ (0)

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Commodity Surcharge Worksheet

Reduction In Revenue	\$ (257,251)	\$ (114,550)
Check	\$ 257,251	\$ 114,550
	\$ -	\$ -
Monthly Revenue Loss	\$ 21,437.55	\$ 9,545.84
Catch Up Months:	0	0
Revenue subject to Recapture:	\$ -	\$ -
% Increase to Recapture Revenue:	0.00%	0.00%
Combined Go Forward and Recapture Rate Adjustment:	11.76%	5.23%



Accepted Commingled Recycling

Paper/ Cardboard

- Newspaper including adds and inserts
- Corrugated Cardboard Boxes
- Direct Mail
- Cereal, Cracker & Shoe Boxes (Chipboard)
- Office paper- copier and printer paper, file folders, note paper, computer paper, brochures, magazines & catalogs



Metal

- Steel (Tin) Cans
- Aluminum Cans



Plastic Bottles

- Plastic Bottles- #1 PET & #2 HDPE
- Soda bottles, water bottles, milk jugs,
- Orange Juice bottles & jugs, detergent
- Cleaning solution bottles



DO NOT RECYCLE

Plastic Bags & Plastic Film of all kinds

Paper Milk & Paper Juice Cartons

Trash

Diapers

Wire, Rope, Chain,

Christmas Lights

No #3-#7 Plastic Items

Flower pots

Shredded Paper








Medical Waste of any Type

Fabric (Textiles) of any type

Garden Hoses

Wood

Guide to Plastic Recycling Codes

Symbol	Acronym	Full name and uses
	PET	Polyethylene terephthalate - Fizzy drink bottles and frozen ready meal packages.
	HDPE	High-density polyethylene - Milk and washing-up liquid bottles
	PVC	Polyvinyl chloride - Food trays, cling film, bottles for squash, mineral water and shampoo.
	LDPE	Low density polyethylene - Carrier bags and bin liners.
	PP	Polypropylene - Margarine tubs, microwaveable meal trays.
	PS	Polystyrene - Yoghurt pots, foam meat or fish trays, hamburger boxes and egg cartons, vending cups, plastic cutlery, protective packaging for electronic goods and toys.
	Other	Any other plastics that do not fall into any of the above categories. For example melamine, often used in plastic plates and cups.



What's Happening With Recycling?

After your recycling is collected at the curb it is disposed of for a fee at large processing facilities throughout the region. These processors sort and separate the recycling then sell the materials at market. China, as the largest manufacturer in the world, has historically also been the largest market for American recyclables (to use as raw material for manufacturing.) Unfortunately American recycling also contained on average 5-10% non-recyclable contamination (or garbage.) Due to health and environmental concerns China announced it would no longer be accepting recyclable loads from processors that contain more than 0.5% contamination. This announcement caused major disruption in the worldwide recycling industry as processors had to increase sorting labor, operational hours, and find other markets to sell their materials. All of this had the effect of limiting the types of materials that had viable markets, and dramatically increased costs for haulers to deliver recycling. The end result for residents at the curb is there are less items that can go into the cart and the cost to have the remaining items processed has risen.

What are the changes to what I can put in the cart?

The main adjustment has been with regard to plastic items. Previously the plastics accepted were jugs, tubs, and bottles. Moving forward the acceptable plastics will be jugs and bottles only, no tubs (processors have stated these yogurt and dairy tubs, which are typically #5 plastics no longer have viable recycling markets). Other changes include no aseptic containers (these are commonly in the form of soy milk or juice boxes), no drink cartons (such as milk or juice cartons), and no shredded paper (shredded paper falls through the sorting machinery and contaminates other recycling).

Will the market recover? What can I do to help?

We are hopeful foreign and domestic markets and innovations will rise to meet the challenge. Sanipac is in regular communication with the DEQ and other stakeholders throughout the region to learn of any new opportunities. In the mean time please continue to recycle whenever possible and:

- Recycle it right – please only include the acceptable items free of food contamination.
- Prevent waste from the start – Reducing waste starts at the point of generation. Please consider recycling opportunities when making purchasing decisions.



What's the Future of Recycling?

The Pacific Northwest gets a "PRF."

While obviously no one knows the future there are some hopeful signs when it comes to recycling in our region. The most substantial opportunity will hopefully come in the form of a Plastics Recovery Facility or "PRF." A "PRF" could accept a wide variety of plastics and process them into forms that could be resold to American manufacturers. There is currently no such facility in the Pacific Northwest, but possible development of one has recently been announced by Denton Plastics in Portland <http://www.dentonplastics.com/>. Several Chinese inventors have also shown interest in creating a PRF in the Seattle area. Additionally, an existing facility in British Columbia, Merlin Plastics, recently announced plans to dramatically increase purchase of Oregon and Washington mixed plastics.

Exciting other developments:

In the wake of the recycling crisis many businesses are looking to fill the void through innovation. Here are a few examples:

- ReWall <http://www.rewallsolutions.com/> is a company manufacturing building insulation products made from recycled milk cartons.
- Agilyx Corp. is opening a new plant in Tigard that can process 10 tons a day of Styrofoam. St. Vincent De Paul currently accepts Styrofoam locally <https://www.svdp.us/what-we-do/recycling-and-manufacturing/styrofoam-recycling/>
- Trex Co. <https://www.trex.com/> takes plastic bags returned to local grocery stores and converts the material into plastic decking materials.

Increased regulation on manufacturers:

The recycling crisis affects us locally but truly is a national and global issue. As such our local, state, and federal agencies are engaged in researching potential guidelines for the manufacturing sector. Potential items of discussion include materials used in the manufacturing process and long term product stewardship responsibilities. For more information please visit the Oregon DEQ website: 2050 Vision for Materials Management:

<http://www.oregon.gov/deq/mm/Pages/2050-Vision-Workgroup.aspx>



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: June 26, 2018	TITLE: Public Hearing on Text Amendments to Implement SB 1051 (2017); Planning File LA 18-01	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Jerry Sorte, CED Director	ATTACHMENTS: Staff Report; including the proposed text amendments and SB 1051 (2017)	
REVIEWED BY: R. Towry, City Manager		

PURPOSE OF THIS RCA:

The purpose of this RCA is to provide background information for the City Council; so that the Council can make an informed decision on proposed text amendments to Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance.

BACKGROUND/CONTEXT:

This legislative amendment consists of text amendments to Title 17 of the SHMC; Zoning Ordinance. The text amendments implement the changes to the Oregon Revised Statutes (ORS) resulting from the passage of SB 1051 (2017). SB 1051 (2017) will take effect on July 1, 2018. The proposed changes to the SHMC include new standards for accessory dwellings (ADUs) in zones that permit single family dwellings, as well as changes to the time requirement to process certain affordable housing applications. The text amendments include updated definitions of the uses that may be permitted as a part of church use.

This proposal includes amendments to the following chapters of the SHMC: 17.04; Title, Purpose and Definitions; 17.12 Administration and Enforcement; 17.08; General Provisions; 17.24; R-1, Residential Low-Density Zone, 17.28, R-2 Residential High-Density Zone; 17.30 R-3 Medium Density Residential Zone; 17.31 R-4 Residential Mixed Use Zone; 17.60 RC Recreation Commercial Zone; 17.68 R/M(T) Residential Industrial Transitional Zone; C-1 Commercial Central Zone; C-2 Commercial Highway Zone; C-3 Commercial Neighborhood Zone.

The Planning Commission held a public hearing on this legislative amendment on June 4, 2018. The Planning Commission provided an opportunity for the public to submit testimony, deliberated on this matter, and voted 5-0, 1 absent, to recommend that the City Council adopt the proposed amendments.

The Staff Report for this project is included as Exhibit 1 to this RCA, and contains additional background information and a review of the proposal under the criteria for a text amendment. The proposed text amendments, a copy of Senate Bill 1051 (2017), and the Oregon Department of Land Conservation and Development's (DLCD) guidance on implementation of the ADU standards are included as attachments to the Staff Report.

THE CHALLENGE/PROBLEM:

The question before the City Council is whether the proposed text amendments to the SHMC adequately implement Senate Bill 1051(2017).

STAKEHOLDERS:

- City of Sweet Home Residents – The proposed text amendments would impact the City's residential zones by permitting one ADU for each single family dwelling.
- Developers and Property Owners – Owners of residential properties may benefit from these text amendments. They may choose to construct an ADU on their property. Those seeking to establish a church through a conditional use permit process may also be able to establish an expanded list of associated uses.

ISSUES & FINANCIAL IMPACTS:

1. Issues: If the City takes no action, SB 1051 will still take effect on July 1, 2018. The City would need to apply the new provisions of statute directly. This would likely lead to placing a 864 square foot building size limitation on the ADU, consistent with the City's standards for accessory structures, and requiring one or two off-street parking spaces per ADU based on the zone. The proposed text amendments would clarify the standards for ADUs for both developers and staff. The proposed text amendments would also incorporate the other changes resulting from passage of SB 1051 with respect to the list of uses that can be included as church use and the permit processing time requirement for certain affordable housing applications.

If the City Council approves the proposed amendments, either as written or with modifications, those changes to the SHMC would need to be adopted by ordinance. The ordinance would not take effect until July 24, 2018 at the earliest. The City would need to apply SB 1051 directly during the period between July 1, 2018, when SB 1051 takes effect, and the effective date of the amendments to the SHMC.

2. Financial Impacts: If approved, the text amendments may result in the placement of ADUs in residential zones. This may increase the assessed property values of residential properties and add utility customers. Additional residents would also increase the demand for City services; including police, library, street, water, and wastewater services.

ELEMENTS OF A STABLE SOLUTION:

Public hearing and adoption of language that updates the Sweet Home Development Code, SHMC Title 17, to be congruent with the recommendation of the Planning Commission and intent of SB 1051.

OPTIONS:

1. Move to approve the text amendments to Title 17 of the SHMC included as Attachment A to the Staff Report.
2. Move to approve the text amendments to Title 17 of the SHMC included as Attachment A with changes (specify);
3. Move to continue the public hearing in order to consider the information in the record or to gather additional information (specify date, time, and location);
4. Take no action; in which case staff would apply Senate Bill 1051 (2017) directly; or
5. Other

If these text amendments are approved, staff would prepare an ordinance for consideration by the City Council at a future City Council meeting.

RECOMMENDATION:

Staff recommends that the City Council hold a public hearing on these applications. Following the public hearing and based on the information submitted in the record to date, staff recommends that City Council then follow Option 1 and move to approve the text amendments to Title 17 of the SHMC included as Attachment A to the Staff Report.

EXHIBITS:

- Exhibit 1 - Staff report dated June 19, 2018; which includes the following attachments:
- A. Proposed Text Amendments
 - B. SB 1051 (2017) Enrolled; Effective July 1, 2018
 - C. DLCDC Press Release March 8, 2018. Guidance on ADUs
 - D. DLCDC Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement Under Oregon Senate Bill 1051.



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.ci.sweet-home.or.us

Exhibit 1
Staff Report Presented to the City Council

This legislative amendment consists of text amendments to Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance. The text amendments implement the changes to the Oregon Revised Statutes (ORS) resulting from the passage of SB 1051 (2017). The proposed changes to the SHMC include new standards for accessory dwellings in zones that permit single family dwellings, as well as changes to the time requirement to process certain affordable housing applications. The text amendments include updated definitions of the uses that are included as a part of church.

This proposal includes amendments to following chapters of the SHMC: 17.04; Title, Purpose and Definitions; 17.12 Administration and Enforcement; 17.08; General Provisions; 17.24; R-1, Residential Low-Density Zone, 17.28, R-2 Residential High-Density Zone; 17.30 R-3 Medium Density Residential Zone; 17.31 R-4 Residential Mixed Use Zone; 17.60 RC Recreation Commercial Zone; 17.68 R/M(T) Residential Industrial Transitional Zone; C-1 Commercial Central Zone; C-2 Commercial Highway Zone; C-3 Commercial Neighborhood Zone.

The Planning Commission held a public hearing on this legislative amendment on June 4, 2018. The Planning Commission received testimony and unanimously voted to recommend that the City Council adopt the proposed amendments.

FILE NUMBER: LA 18-01

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s): 17.12.010; 17.12.020; SB 1051 (2017); Sweet Home Comprehensive Plan

CITY COUNCIL HEARING DATE & TIME: June 26, 2018 at 6:30 PM

LOCATION OF HEARING: City Hall Annex, Council Chambers behind City Hall at 1140 12th Avenue, Sweet Home, Oregon 97386

STAFF CONTACT: Jerry Sorte, CED Director.
Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

WEBSITE PROJECT PAGE: <https://www.sweet-home.or.us/ced/page/current-projects>

REPORT DATE: June 19, 2018

I. PROJECT DESCRIPTION AND BACKGROUND

During the 2017 legislative session, the Oregon Legislature passed Senate Bill (SB) 1051. See Attachment B. SB 1051 takes effect on July 1, 2018. In summary, SB 1051 includes the following changes to the Oregon Revised Statutes (ORS):

1. Applications for certain affordable housing projects must be completed within 100 days after the application is deemed complete;

2. "Need housing," which must be subject to "clear and objective" standards now includes all housing; including Accessory Dwelling Units (ADUs).
3. The city shall provide "one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design."
4. As defined in SB 1051: "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling
5. Specific accessory uses shall be authorized in conjunction with a church.

If the City takes no action, we would need to apply the statute directly. Under our current rules the 864 square foot building size limitation would apply to a detached ADU (SHMC 17.08.030(D)). One to two off-street parking spaces would be required depending on the zone, and an owner occupancy requirement would not apply. "Accessory dwellings" are currently allowed as conditional uses in the R-1, R-2, and R-3 zones.

The Planning Commission held work sessions on February 5, 2018 and April 2, 2018 to discuss the implications of SB 1051, and to discuss the changes that should be made to reflect those amendments. The Planning Commission considered the guidance that was provided by the Oregon Department of Land Conservation and Development; included as Attachments C and D. Staff prepared text amendments to the SHMC that were intended to apply SB 1051 (2017) according to the instructions provided by the Planning Commission. The proposed amendments are provided as Attachment A.

The Planning Commission held a public hearing on this legislative amendment on June 4, 2018. The Planning Commission received testimony and unanimously voted to recommend that the City Council adopt the proposed amendments included as Attachment A. The City Council will hold a public hearing on this matter on June 26, 2018.

The SHMC does not provide a public notification process for text amendments to the text of the SHMC. Staff provided notice to the Department of Land Conservation and Development on the proposed amendments (Form 1 notice) on April 16, 2018. Notice was posted to the Sweet Home website and emailed to interested parties that have requested email notifications of public meetings on May 11, 2018. Notification was emailed to service organizations and the Planning Commission on May 15, 2018. Notification of this public hearing was published in the New Era Newspaper on May 16, 2018, and is also scheduled to be printed in the June 20, 2018 newspaper.

II. COMMENTS

Staff has not received comments on this application as of the writing of this staff report.

III. REVIEW AND DECISION CRITERIA

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

- A. An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the City Manager, the City Planning Commission, the City Council or a property owner. A quasijudicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the City Manager, the Planning Commission or the City Council. A request for a quasijudicial zone map amendment by a property owner shall be accomplished by filing an application with the City Planner at least 45 days prior to the Planning Commission meeting and using forms prescribed pursuant to § 17.12.100.. [SHMC 17.12.010]**

Staff Findings: These amendments to the text of the SHMC were initiated by the Planning Commission in order to address the new state rules that will take effect on July 1, 2018 as a result of passage of SB 1051 (2017).

- B. The Planning Commission may elect to conduct a public hearing on a proposed amendment.** [SHMC 17.12.020(A)]
- C. The Planning Commission shall recommend to the City Council approval, disapproval or modification of the proposed amendment.** [SHMC 17.12.020(B)]
- D. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.** [SHMC 17.12.020(C)]
- E. All public hearing procedures shall be in accordance with §§ 17.12.120 and 17.12.130.** [SHMC 17.12.020(D)]
- F. Within five days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council. required public facilities have adequate capacity, as determined by the city, to serve the proposed use.** [SHMC 17.12.020(E)]

Staff Findings: As described above, the Planning Commission will hold a public hearing on these text amendments and make a recommendation to the City Council.

- G. SB 1051 (2017). The following are applicable sections of SB 1051 (2017). The full text is included as Attachment B.**
 - a. A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.** [SB 1051 (2017), Section 6, (5)(a)]
 - b. As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.** [SB 1051 (2017), Section 6, (5)(b)]
 - c. A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.** [SB 1051 (2017), Section 3, (4)(b)(A)]

Staff Findings: The amendments included as Attachment A; include amendments to all of the City's residential zones that permit detached single-family dwellings. These zones are: R1, R2, R3, R4 R/M(T), and RC zones. The definitions chapter of the SHMC was updated to include the "accessory dwelling unit" (ADU) definition listed in SB 1051. The ADU standards would also include the following clear an objective standards; as permitted under SB 1051:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
- f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district

These clear and objective standards have been added to each residential zone. They are the product of the Planning Commission work sessions. These are clear and objective, because they do not require the exercise of discretion or legal judgement to determine if a proposal complies with the standards.

- g. **If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including [worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]:**
 - i. **Worship services.**
 - ii. **Religion classes.**
 - iii. **Weddings.**
 - iv. **Funerals.**
 - v. **Meal programs.**
 - vi. **Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**
 - vii. **Providing housing or space for housing in a building that is detached from the place of worship, provided:**
 - a. **At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**
 - b. **The real property is in an area zoned for residential use that is located within the urban growth boundary; and**
 - c. **The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone. [SB 1051 (2017), Section 7]**

Staff Findings: These standards were added to the following zones: R1, R2, R3, R4, C1, C2, and C3; where churches are permitted through a conditional use permit process. These changes directly implement SB 1051.

The proposed text amendments directly apply the standards of SB 1051. Staff works from the position that state statute is compliant with the Oregon Statewide Planning Goals. Consequently, the proposed text amendments would comply with the Oregon Statewide Planning Goals.

- H. **Process Requirement for Affordable Housing. (2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying**

under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.

- I. **(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:**
 - i. **(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;**
 - ii. **(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;**
(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and
 - iii. **(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.**
- J. **(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181. [SB 1051 (2017), Section 1, (2) through (4)]**

Staff Findings: Staff has prepared text amendments to SHMC 17.12.140 that would add the 100 day processing deadline introduced by SB 1051. The proposed text amendments comply with these requirements.

- K. **Sweet Home Comprehensive Plan (SHCP).**
 - a. **SHCP Chapter 4: Residential Lands and Housing**
 - i. **Policy 10: The maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for unit type.**
 - ii. **Policy 11: In medium-density residential areas, single-family dwellings and two family dwellings on corner lots would be consistent with the prevailing character of developed areas and compatible with adjoining land use in undeveloped areas. In these areas, the maximum net density shall not exceed 9 dwelling units per acre.**
 - iii. **Policy 12: The maximum net density (not including streets) in low density residential areas shall not exceed 5.4 dwelling units per acre for single family dwellings.**

Staff Findings: The proposed amendments for accessory dwelling units (ADUs) would increase the number of dwelling units that could be established in all residential zones that permit detached single family dwellings. It is the opinion of staff that this could result in situations where the residential density of dwelling units could exceed those that are specified in the comprehensive plan. SB 1051 (2017) will become state law on July 1, 2018 and will supersede Sweet Home's local requirements. The impact of ADUs will to some degree be mitigated by the clear and objective standards for building size and parking requirements. Staff believes that in order to comply with SB 1051, the city may apply the existing density requirements for single family dwellings; however, state law will require that the City permit at least one ADU per single family dwelling.

IV. CONCLUSION

Based on the findings presented above and the Planning Commission's recommendation of approval, staff finds that the proposed text amendments comply with the applicable review and decision criteria. Staff recommends that the City Council hold a public hearing, consider testimony, and make a decision on this matter. If the City Council moves to approve these amendments, staff will prepare an ordinance that will formally adopt the changes. That ordinance will be presented at a future meeting.

Motion:

After opening the public hearing and receiving testimony, the City Council's options include the following:

1. Move to approve the text amendments included as Attachment A;
2. Move to approve the text amendments included as Attachment A with changes (specify);
3. Move to continue the public hearing to a date and time certain (specify);
4. Take no action; or
5. Other.

VI. ATTACHMENTS

- A - Proposed Text Amendments
- B - SB 1051 (2017) Enrolled; Effective July 1, 2018.
- C - DLCD Press Release March 8, 2018. Guidance on ADUs
- D - DLCD Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement Under Oregon Senate Bill 1051.

Proposed Sweet Home Municipal Code; Zoning Ordinance Updates

Intended to Implement SB 1051 (2017)

File: LA 18-01; April 16, 2018

The following are draft amendments to the Sweet Home Municipal Code; Title 17, Zoning Ordinance. These amendments are intended to implement SB 1051 (2017). These amendments may change as the project works its way through the public review and adoption process. For more information, interested parties are encouraged to contact Jerry Sorte, Community and Economic Development Director at the Sweet Home Community and Economic Development Department, 1140 12th Ave, Sweet Home, Oregon 97386; (541) 367-8113; jsorte@ci.sweet-home.or.us.

Proposed insertions are double underlined. Proposed deletions are listed in ~~striketrough~~. The full text of the affected chapters of the SHMC, as currently written, may be reviewed online at: <https://www.sweet-home.or.us/ced/page/zoning-ordinance>.

I. **Standards for Accessory Dwellings**

17.04.030 DEFINITIONS.

ACCESSORY DWELLING. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. ~~A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single family dwelling.~~

§ 17.08.090 OFF-STREET PARKING REQUIREMENTS.

- H. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building used for off-street parking or loading.

<i>Use</i>	<i>Space Requirement</i>
1. Single-, two- and multi-family dwelling (<u>excluding Accessory Dwellings</u>)	Two spaces per dwelling unit
2. <u>Accessory Dwelling</u>	<u>One space per Accessory Dwelling unit</u>

CHAPTER 17.24: R-1 RESIDENTIAL LOW-DENSITY ZONE

§ 17.24.020 USES PERMITTED OUTRIGHT.

In an R-1 zone, the following primary residential uses and their accessory uses are permitted outright:

D. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.

- f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 17.24.030 CONDITIONAL USES PERMITTED.

In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

~~K. Accessory dwelling;~~

§ 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.

(Ord. 1235, § 1(part), 2013; Ord. 1121, (part), 1998; Ord. 1101, 1997; Ord. 644, § 10(part), 1974)

§ 17.24.070 BUILDING HEIGHT.

Except as provided in § 17.08.070, in a R-1 zone building heights shall be as follows.

- A. The height of a building for a dwelling, excluding detached Accessory Dwellings, shall not exceed a height of 30 feet.
- B. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof. (Ord. 1121, (part), 1998: Ord. 644, § 10(part), 1974)

§ 17.24.080 MINIMUM BUILDING SIZE.

Dwellings, excluding Accessory Dwellings, in the R-1 zone shall be a minimum size of 1,000 square feet.

(Ord. 1121, (part), 1998: Ord. 1069, 1994: Ord. 838, 1981; Ord. 644, § 10(part), 1974)

§ 17.24.090 HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 24-inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 28 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width. (Ord. 1235, § 1(part), 2013; Ord. 1121, (part), 1998: Ord. 1069, 1994)

§ 17.24.100 GARAGE AND OFF-STREET PARKING REQUIREMENTS.

All dwellings, excluding Accessory Dwellings, in the R-1 zone will have- at minimum the following:

- A. A garage or carport; and

- B. Two hard surfaced off-street parking spaces shall be provided. (Ord 1121, (part), 1998)

CHAPTER 17.28: R-2 RESIDENTIAL HIGH-DENSITY ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Sections 17.24.020 and 17.24.030 would also change the uses permitted in the R-2 zone. As proposed, Accessory Dwellings would be permitted outright, rather than as a conditional use, in the R-2 zone by reference to the R-1 zone.

17.28.020 USES PERMITTED OUTRIGHT.

In a R-2 zone, the following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;

17.28.030 CONDITIONAL USES PERMITTED.

In a R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

§ 17.28.070 BUILDING HEIGHT.

Except as provided in Sweet Home Municipal Code § 17.08.060, in a R-2 zone building heights shall be as follows:

- A. Single-family dwellings shall not exceed a height of 30 feet;
- B. Two-family, single-family attached dwellings and multi-family dwellings shall not exceed a height of 40 feet; and
- C. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof.

§ 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.

(Ord. 1182, § 1, 2006)

§ 17.28.090 HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 32 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 32 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 32 inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 24 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

§ 17.28.100 GARAGE AND OFF STREET PARKING REQUIREMENTS.

- A. All single-family, two-family and single-family attached dwellings, excluding Accessory Dwellings, will have, at minimum, the following:
 - 1. A garage or carport; and
 - 2. Two hard surfaced off-street parking spaces shall be provided.
- B. Multi-family dwellings will have a minimum of two parking spaces per unit.

CHAPTER 17.30: R-3 MEDIUM DENSITY RESIDENTIAL ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Sections 17.24.020 and 17.24.030 would also change the uses permitted in the R-3 zone. As proposed, Accessory Dwellings would be permitted outright, rather than as a conditional use, in the R-3 zone by reference to the R-1 zone.

§ 17.30.020 USES PERMITTED OUTRIGHT.

The following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;

§ 17.30.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

§ 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.

- B. Single-family attached dwellings:

1. Front shall be a minimum of 20 feet;
2. The sides between units shall be zero feet;
3. The sides on exterior boundaries shall be five feet;
4. Street side shall be a minimum of 15 feet; and
5. Rear shall be a minimum of ten feet.

§ 17.30.060 LOT COVERAGE.

Building coverage shall meet the following standards.

- A. A single-family dwelling, not including an associated detached Accessory Dwelling, shall not exceed 35% of the land area.
- B. Two-family dwellings shall not exceed 50% of the land area.
- C. Single-family attached dwellings shall not exceed 60% of the land area.

§ 17.30.070 BUILDING HEIGHT.

Building heights shall be as follows.

- A. Single-family dwellings shall not exceed a height of 30 feet.
- B. Two-family and single-family attached dwellings shall not exceed a height of 40 feet.
- C. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof.

§ 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.

§ 17.30.090 STANDARDS FOR HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 32 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 32 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 32-inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 24 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

§ 17.30.100 GARAGE AND OFF STREET PARKING REQUIREMENTS.

All dwellings, excluding Accessory Dwellings, will have at minimum the following:

- A. A garage or carport; and
- B. One hard surfaced off-street parking spaces shall be provided.

CHAPTER 17.31: R-4 RESIDENTIAL MIXED USE ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.020 would also change the uses permitted in the R-4 zone. As proposed, Accessory Dwellings would be permitted outright in the R-4 zone by reference to the R-1 zone.

§ 17.31.020 USES PERMITTED OUTRIGHT.

The following uses and their accessory uses shall be permitted outright: residential uses: a use permitted outright in any residential zone.

§ 17.31.040 DEVELOPMENT STANDARDS.

A. The following special standards shall apply.

1. Residential uses not including Accessory Dwellings, shall be subject to a maximum density of 35 dwelling units per acre.

2. Residential uses including Accessory Dwellings, shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.

CHAPTER 17.60: RC RECREATION COMMERCIAL ZONE

17.60.020 USES PERMITTED OUTRIGHT.

In an RC zone, the following uses and their accessory uses are permitted outright:

O. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
- a.f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 17.60.040 SPECIAL STANDARDS.

In an RC zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings and accessory uses, including Accessory Dwellings, shall meet the following minimum standards.
 - 1. Minimum lot size shall be 8,000 square feet.
 - 2. Minimum lot width shall be 80 feet.
 - 3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum five feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 15 feet.
 - 4. Detached Accessory Dwellings shall not exceed 20 feet in height at the apex of the roof. All other buildings shall not exceed 30 feet in height. Building height shall not exceed 30 feet
 - 5. Building coverage shall not exceed 35% of the land area.
 - 6. A carport or garage is required for each single-family dwelling; not including Accessory Dwellings.
 - 7. Off-street parking will be based on the city parking standards.

CHAPTER 17.68: R/M(T) RESIDENTIAL INDUSTRIAL TRANSITIONAL

§ 17.68.030 USES PERMITTED.

In an R/M(T) zone, the following uses and their accessory uses are permitted outright:

- D. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:
- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
 - c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
 - d. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
 - e. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 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.

II. Standards Amending the Definition of Church Use

CHAPTER 17.24: R-1 RESIDENTIAL LOW-DENSITY ZONE

§ 17.24.030 **CONDITIONAL USES PERMITTED.**

- C. Church, religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
- (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing

that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.28: R-2 RESIDENTIAL HIGH-DENSITY ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.030(C) would also change the definition of the church as a conditionally permitted use in the R-2 zone.

§ 17.28.030 CONDITIONAL USES PERMITTED.

In a R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;
-

CHAPTER 17.30: R-3 MEDIUM DENSITY RESIDENTIAL ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.030(C) would also change the definition of the church as a conditionally permitted use in the R-3 zone.

§ 17.30.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;
-

CHAPTER 17.31: R-4 RESIDENTIAL MIXED USE ZONE

§ 17.31.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80.

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.32: C-1 COMMERCIAL CENTRAL ZONE

§ 17.32.030 CONDITIONAL USES PERMITTED.

In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Church, nonprofit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median

family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.36: C-2 COMMERCIAL HIGHWAY ZONE

§ 17.36.030 CONDITIONAL USES PERMITTED.

In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.36:

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.40: C-3 COMMERCIAL NEIGHBORHOOD ZONE

17.40.030 CONDITIONAL USES PERMITTED.

In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80:

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone

(h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

III. Process Requirements for Certain Affordable Housing Applications

17.12.140 GENERAL ADMINISTRATIVE PROVISIONS.

B. The city shall take final action on all land use actions, limited land use actions or zone change applications including all appeals, within 100 days of completion of the application for all applications listed under SB 1051 Section 1(3) or within 120 days of completion of the application for all other land use actions, limited land use actions or zone change applications that do not also require a comprehensive plan amendment. Applications or appeals which require consideration by agencies or entities outside the city jurisdiction are excepted from this deadline. The 120-day deadline may be extended for a reasonable amount of time at the request of the applicant.

E. If an application is not acted upon within ~~120 days after completion~~ the time period specified in subsection B of this section:

1. The city shall refund to the applicant either the unexpended portion of any application fees previously paid or 50% of the total amount of the fees, whichever is greater.
2. The applicant may apply in the Circuit Court of Linn County for a writ of mandamus to compel the city to issue the approval.

Enrolled
Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.

(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:

(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.

SECTION 2. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A county may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A county may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway “approach surface” as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county’s land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer’s decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 3. ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A city may not approve an application** unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 4. ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, “needed housing” means **all housing [types] on land zoned for residential use or mixed residential and commercial use that is** determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels[, including] **that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes [at least]** the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] **does** not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 5. ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **hous-**

ing, including needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

SECTION 6. ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

SECTION 7. ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 8. ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including [*worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.*]:

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 9. ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) The **total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

[(b) The number of applications approved, including the approved net density; and]

[(c) The date each application was received and the date it was approved or denied.]

(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and

(c) For each complete application received:

(A) The date the application was received;

(B) The date the application was approved or denied;

(C) The net residential density proposed in the application;

(D) The maximum allowed net residential density for the subject zone; and

(E) If approved, the approved net residential density.

(2) The report required by this section may be submitted electronically.

SECTION 10. ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 11. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee;
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The *[period]* **periods** set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.

SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.

(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.

(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.

SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 19, 2017

Repassed by Senate July 7, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House July 6, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....
Dennis Richardson, Secretary of State

NEWS RELEASE

FOR IMMEDIATE RELEASE: March 8, 2018

CONTACT: Sadie Carney (503) 934-0036, Sadie.Carney@state.or.us

DLCD Guidance on ADUs

SALEM –While Oregon’s population continues to expand, the supply of housing, already impacted by a lack of building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced legislation to remove barriers to development. Among the provisions that passed into law is the requirement that cities and counties over a certain population allow accessory dwelling units (ADUs) in areas zoned for single-family dwellings.

This new requirement becomes effective on July 1, 2018. To assist local governments, the Oregon Department of Land Conservation and Development (DLCD) has published “Guidance on Implementing the Accessory Dwelling Units Requirement.” In a few pages, the document highlights a variety of guidance by topic – from ADU design standards to occupancy requirements. The final page includes model code language for accessory dwellings that is ready to be tailored to fit the needs of communities. Step-by-step instructions have been shared with planning departments and cities around the state to further assist them in implementing the new standard.

“As we all work to address the housing crisis in our state, and help give more Oregonians shelter and a home, our agency is proud to offer this assistance to cities and counties,” said Director Jim Rue. “DLCD also has regional planners in offices around the state who can work directly with local governments to help tailor the model code to meet the needs of individual communities.”

“Guidance on Implementing the Accessory Dwelling Unit Requirements” can be viewed on the DLCD website at http://www.oregon.gov/LCD/docs/ADU_Guidance_DLCD_Final.pdf

For additional information related to DLCD Guidance on ADUs, contact Gordon Howard, Community Services Division Manager at gordon.howard@state.or.us or (503) 934-0034.

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Oregon’s statewide land use planning program — originated in 1973 under Senate Bill 100 — protects farm and forest lands, conserves natural resources, promotes livable communities, facilitates orderly and efficient development, helps coordination among local governments, and enables citizen involvement.

The program affords all Oregonians predictability and sustainability to the development process by

allocating land for industrial, commercial and housing development, as well as transportation and agriculture.

The Department of Land Conservation and Development (DLCD) administers the program. A seven-member volunteer citizen board known as the [Land Conservation and Development Commission \(LCDC\)](#) guides DLCD.

Under the program, all cities and counties have adopted comprehensive plans that meet mandatory state standards. The standards are 19 Statewide Planning Goals that deal with land use, development, housing, transportation, and conservation of natural resources. Periodic review of plans and technical assistance in the form of grants to local jurisdictions are key elements of the program.

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Klepinger’s backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error¹ was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ *The scrivener's error in SB 1051 was removing the words "within the urban growth boundary." HB 4031 added the words into statute, thus limited the siting of ADUs within UGBs.*

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCDC encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCDC recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCDC does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____.] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: July 26, 2018	TITLE: Eliminating fines on children’s and teen’s materials and eliminating out-of-city fee for library cards for Summer	TYPE OF ACTION: — RESOLUTION <u>X</u> MOTION — OTHER
SUBMITTED BY: Rose Peda, Library Services Director	REVIEWED By: Ray Towry, City Manager	ATTACHMENTS:

PURPOSE OF THIS RCA:

To encourage children and teens to read, and eliminate barriers of access to books, we are asking the City Council to eliminate fines on children’s and teen’s materials and the fee for out-of-city library card for the summer.

BACKGROUND/CONTEXT:

Summer is an important time for children to keep reading and improve their language skills. If a child hasn’t been reading regularly during the summer, they may be in danger of the “summer slide” which is a marked decline in their reading ability.

Numerous studies indicate that children who don’t read or read infrequently during their summer vacation see their reading abilities stagnate or decline. This effect becomes more pronounced as students get older and advance through the school system. The situation for economically disadvantaged children is especially grim. If students from low-income families don’t read over the summer, they are much more likely to fall behind their more privileged peers, widening the “achievement gap.”

While Library staff encourages families to avail themselves of the books at the public library, fines and out-of-city card fees are doing just the opposite. The threat of accumulating fines for overdue materials and fees associated with getting a library card are keeping low-income families away from the library, or from checking items out to take home. Whether the intended function of library fines are to encourage the prompt return of materials, to supplement the library budget, or to teach patrons responsibility, overdue fines on children’s materials can negatively affect the borrowing habits of members of our community who need the library the most.

How do we get books into the hands of children during the summer?

Barrier #1

The Sweet Home School District encompasses a broader area and a section of the community not in the City’s taxing district for the Library’s levy. The families outside of the taxing district pay an out-of-city fee for the household to get a library card. During the school year these families have access to the books through the school libraries. During the summer, access to books comes from the public library. The Library Advisory Board recommends eliminating the fee for out-of-city cards for children during the summer to eliminate barriers of access to books.

Barrier #2

There are fines on materials that are checked out by children and teens. The Library Advisory Board recommends eliminating the fines on these materials for the summer.

THE CHALLENGE/PROBLEM:

How do we keep children reading during the summer while eliminating barriers to access of books?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are the funding source, we work with the money they invest to operate the public library at a level of service they determine.
- Sweet Home City Council Members. Council members are the voice of the citizens we serve. Each member of this group is interested in providing the best service possible. They must balance leadership with representation. They tend to be fiscally very conservative.
- The Library Advisory Board. Appointed members of the community whose role is to make recommendations to the City Council about rules and policies for the efficient and effective operation of the library, its services and programs.
- Nonresident Families. While this group is not represented by City Council members, decisions made on this issue will impact them and their children.

ISSUES & FINANCIAL IMPACTS:

The Library believes the financial impact on the library's budget will be small but the impact on the community and the children will be immeasurable.

ELEMENTS OF A STABLE SOLUTION: *(what's the end game?)*

An ideal outcome would be the elimination of barriers to children reading throughout the summer.

OPTIONS:

1. Do Nothing. Leave the fines on all materials in place and charge the out-of-city for nonresidents for library cards during the summer.
2. Eliminate the fines on children's and teen's materials and the out-of-city fee for nonresident library cards for the 2018 summer.
3. Eliminate the fines on children's and teen's materials only for the summer.
4. Eliminate the out-of-city fee for library cards for nonresidents for the summer.

RECOMMENDATION:

The Library Advisory Board and staff recommend Council adopt option #2 and motion to eliminate the fines on children's and teen's materials and the out-of-city fee for nonresident library cards for the 2018 summer.

If you have any questions, please feel free to contact me.



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: June 26, 2018	TITLE: Adoption of 2018-2019 Operating Budget	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Brandon Neish, Finance Director	ATTACHMENTS: Resolution No. 8 for 2018	
REVIEWED BY: Ray Towry, City Manager		

PURPOSE OF THIS RCA:

To review and adopt the 2018-2019 Budget for the City of Sweet Home.

BACKGROUND/CONTEXT:

The City of Sweet Home Budget Committee met on May 1, 2018 to receive the Budget Message from the City Budget Officer and begin deliberations on the 2018-2019 Proposed Budget. The committee met two additional times on May 17th and May 30th to discuss appropriations and state shared revenues for the upcoming fiscal year. The committee approved an amended budget and approved the property tax rates for 2018-2019 at their May 30th meeting. The LB-1 form has been published in the New Era on June 13th with a public hearing scheduled for the June 26, 2018 City Council meeting. With the completion of the Public Hearing, all steps for the adoption of the 2018-2019 budget have been completed per Oregon Local Budget Law (ORS Chapter 294).

THE CHALLENGE/PROBLEM:

Will the City Council adopt the 2018-2019 Budget in the amount of \$17,878,561 with transfers and contingencies, make appropriations and levy taxes in order for the city to continue operating after June 30, 2018?

STAKEHOLDERS:

- State of Oregon – State law requires most local government entities to adopt a budget prior to the start of each fiscal year. Additional resolutions are also necessary to receive State Revenue Sharing funds each fiscal year.
- City of Sweet Home residents – Citizens are provided essential services as a result of the adopted budget and expect those services will continue annually.
- City of Sweet Home City Council – Adopting the budget is required annually per ORS Chapter 294 which necessitates the approval of spending and priorities contained therein by Council members.
- City of Sweet Home City Staff – Staff is responsible for compiling the budget annually based on the goals established by the City Council and priorities for citizens. An adopted budget allows staff to continue operations in their departments each year after June 30.

ISSUES & FINANCIAL IMPACTS:

Without a budget for the new fiscal year in place, the city’s authority to spend money or incur obligations expires on June 30, 2018. The city’s ability to impose a property tax is also contingent on following the budgeting process outlined in ORS. Compliance with Oregon Local Budget Law is critical for local governments.

ELEMENTS OF A STABLE SOLUTION:

ORS Chapter 294 outlines the processes local governments must follow in Oregon to prepare and adopt a budget. The supplied Resolution complies with Oregon Local Budget Law and needs to be adopted by the City Council to ensure continued operations for the 2018-2019 fiscal year beginning July 1, 2018.

OPTIONS:

1. Do Nothing. Council could choose to move forward without adopting a budget for the coming fiscal year.
2. Amend the 2018-2019 Approved Budget. The document presented to the Council was approved by the Budget Committee during their May 30th meeting. The Council could choose to revise the approved budget by increasing any expenditure, transfer out or contingency \$5,000 or 10% (whichever is greater) in any fund. Increases in fund expenditures, transfers out or contingency by more than the aforementioned increase would require republishing the budget and holding a second public hearing before July 1. Council can reduce the approved budget with no such limitations.
3. Adopt the budget as approved. Council could choose to move to adopt Resolution No. 8 for 2018, Adopting a Budget for 2018-2019, Making Appropriations and Levying Taxes.

RECOMMENDATION:

Staff recommends option 3, Adopt the budget as approved. The Budget Committee reviewed the budget and heard from the public regarding the proposed budget and chose to move the document forward to the City Council for adoption. The Approved Budget provided meets various Council goals and includes staff best efforts to provide “real numbers” and demonstrate, through allocation, its plans and priorities for the coming fiscal year.

Resolution No. 8 for 2018

A RESOLUTION ADOPTING A BUDGET FOR 2018-2019, MAKING APPROPRIATIONS AND LEVYING TAXES.

WHEREAS, the Budget Committee of the City of Sweet Home reviewed and recommended for adoption the budget estimates and appropriations for the City of Sweet Home for the fiscal year beginning July 1, 2018 and ending June 30, 2019;

NOW, THEREFORE, THE CITY OF SWEET HOME RESOLVES

That the City Council of the City of Sweet Home hereby imposes the taxes provided for in the adopted budget at the rate of \$1.4157 per \$1,000 of assessed value for General Fund operations, the rate of \$7.85 per \$1,000 of assessed value for the Police Local Option Levy, the rate of \$1.17 per \$1,000 of assessed value for the Library Services Local Option Levy and non-advalorem – customer sewer usage charges not to exceed \$38,486.58 and that these taxes are hereby imposed and categorized for tax year 2018-2019 upon the assessed value of all taxable property within the district.

	General Government	Excluded from Limitation
Permanent Tax Rate	\$1.4157 per \$1,000	
Local Option Levies	\$9.0200 per \$1,000	
Customer Sewer Usage Charges		\$38,486.58

Be it further resolved that the City Council adopts the 2018-2019 expense budget approved by the Budget Committee in the total sum of \$14,384,812 now on file at City Hall and hereby provides that appropriations are made for the fiscal year beginning July 1, 2018 as follows:

<u>General Fund</u>		
Executive & Legislative	322,297	
Finance	447,829	
Municipal Court	263,433	
Community & Economic Development	621,574	
Parks & Facilities	402,761	
Personnel Services	140,903	
Materials & Services	629,127	
Operating Contingency	126,677	
Transfers to Other Funds	80,000	\$ 3,034,601.00
<u>Special Revenue Funds</u>		
Public Safety:		
Police Department	2,649,962	
Operating Contingency	123,897	
Transfers to Other Funds	10,000	\$ 2,783,859.00
Library Services:		
Library	498,275	
Operating Contingency	19,120	
Transfers to Other Funds	13,000	\$ 530,395.00

State Gas Tax:		
Streets	652,295	
Operating Contingency	25,157	
Transfers to Other Funds	102,177	\$ 779,629.00
Street Maintenance & Improvements:		
Streets	479,000	
Transfers to Other Funds	80,000	\$ 559,000.00
Path Program:		
Streets		\$ 80,000.00
Public Transit Grant:		
Materials & Services		\$ 88,958.00
Special Events:		
Materials & Services		\$ 5,800.00
Economic & Community Development:		
Economic Development		\$ 475,852.00
Community Center Operations:		
Materials & Services		\$ 46,029.00
Parks & Recreation:		
Parks & Facilities		\$ 63,652.00
<u>Reserve Funds</u>		
Narcotic Enforcement Reserve:		
Police Department		\$ 3,500.00
Building Fund:		
Executive		\$ 1,194,290.00
Water SDC Fund:		
Water Operations		\$ 385,000.00
Wastewater SDC Fund:		
Wastewater Operations		\$ 109,085.00
Storm Water SDC Fund:		
Storm Water		\$ 8,580.00
<u>Capital Project Funds</u>		
Water Capital:		
Water Operations		\$ 89,000.00
Water Depreciation Reserve:		
Water Operations	240,000	
Transfer to Other Funds	750,000	\$ 990,000.00
Wastewater Capital:		
Wastewater Operations		\$ 39,000.00

Wastewater Depreciation Reserve:

Wastewater Operations \$ 787,760.00

Storm Water Capital:

Storm Water \$ 50,000.00

Enterprise Funds

Water Fund:

Water Treatment	596,305	
Water Operations	615,366	
Debt Service	501,216	
Operating Contingency	56,309	
Transfers to Other Funds	513,929	\$ 2,283,125.00

Wastewater Fund:

Wastewater Treatment	615,419	
Wastewater Operations	334,035	
Debt Service	877,769	
Operating Contingency	30,461	
Transfers to Other Funds	1,566,521	\$ 3,424,205.00

Storm Water Fund:

Storm Water \$ 67,241.00

Total Appropriations \$ 17,878,561.00

PASSED by the Council and approved by the Mayor this 26th day of June, 2018.

Mayor

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: June 26, 2018	TITLE: Declaring election to receive State Revenue Sharing funds	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Brandon Neish, Finance Director	ATTACHMENTS: Resolution No. 9 for 2018	
REVIEWED BY: Ray Towry, City Manager		

PURPOSE OF THIS RCA:

To declare the city’s election to receive state revenues as required by ORS 221.770.

BACKGROUND/CONTEXT:

In order to receive state revenue sharing funds in 2018-2019, Sweet Home must have levied property taxes in the preceding year and pass an ordinance or adopt a resolution approving participation in the program by July 1. Public hearings must be held with the budget committee to discuss possible uses of the funds and before City Council on the proposed uses of the funds in relation to the entire budget.

Copies of the provided resolution must be filed with the Department of Administrative Services (DAS) Operations Division by July 31.

THE CHALLENGE/PROBLEM:

Will the City Council adopt Resolution No. 9 for 2018 declaring the city’s election to receive state revenues as required by ORS 221.770?

STAKEHOLDERS:

- State of Oregon – State law requires cities who wish to receive State Revenue Sharing funds must submit a resolution authorizing such receipt to DAS by July 31.
- City of Sweet Home residents – Adopting this resolution ensures residents receive the taxes they pay when purchasing liquor, cigarettes, gasoline and marijuana back as revenue for Sweet Home services.
- City of Sweet Home City Council – Adopting this resolution allows for diversification of revenue for the city and ensures state support for the City of Sweet Home.
- City of Sweet Home City Staff – Adoption of this resolution allows staff to continue operations in their departments.

ISSUES & FINANCIAL IMPACTS:

If Resolution No. 9 for 2018 is not heard by the public in the form of a Public Hearing nor is adopted, the city will lose \$967,505 in resources resulting in budgetary reductions likely impacting service offerings.

ELEMENTS OF A STABLE SOLUTION:

ORS 221.770 establishes processes for cities to request state revenue sharing funds. Adoption of the included resolution complies with Oregon Law and needs to be adopted by the City Council to ensure funding for the 2018-2019 fiscal year.

OPTIONS:

1. Do Nothing. Council could choose to move forward without adopting this resolution and forgoing State Revenue Sharing funds.
2. Adopt Resolution No. 9 for 2018, declaring election to receive state revenue sharing funds.

RECOMMENDATION:

Staff recommends option 2, Adopt Resolution No. 9 for 2018. Inaction on this resolution results in the loss of nearly \$1.0 million in budgeted resources which would require matching reductions in expenses, transfers and/or contingencies. This puts the city at an increased financial risk (reducing contingencies) should unanticipated expenditures arise during the year or requires tough choices to be made in regards to which programs will see cuts to their budgets.

Resolution No. 9 for 2018

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

NOW, THEREFORE, THE CITY OF SWEET HOME RESOLVES,

Section 1. Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2018-2019.

Section 2. This resolution shall be effective July 1, 2018.

PASSED by the Council and approved by the Mayor this 26th day of June, 2018.

Mayor

City Manager – Ex Officio City Recorder

* I certify that a public hearing before the Budget Committee was held on May 17th, 2018 and May 30th, 2018 and a public hearing before the City Council was held on June 26th, 2018, giving citizens an opportunity to comment on use of State Revenue Sharing.

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: June 26, 2018	TITLE: Certification of Eligibility to receive State Revenue Sharing funds	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Brandon Neish, Finance Director	ATTACHMENTS: Resolution No. 10 for 2018	
REVIEWED BY: Ray Towry, City Manager		

PURPOSE OF THIS RCA:

To certify the city's election to receive state revenues and demonstrate that the city provides four or more services as required by ORS 221.760.

BACKGROUND/CONTEXT:

In order to receive state revenue sharing funds in 2018-2019, Sweet Home must have levied property taxes in the preceding year and pass an ordinance or adopt a resolution certifying that it provides four or more services outlined in Resolution No. 10 for 2018. Public hearings must be held with the budget committee to discuss possible uses of the funds and before City Council on the proposed uses of the funds in relation to the entire budget.

Copies of the provided resolution must be filed with the Department of Administrative Services (DAS) Operations Division by July 31.

THE CHALLENGE/PROBLEM:

Will the City Council adopt Resolution No. 10 for 2018 certifying the city's election to receive state revenues and demonstrate that the city provides four or more services as required by ORS 221.760?

STAKEHOLDERS:

- State of Oregon – State law requires cities who wish to receive State Revenue Sharing funds must submit resolutions authorizing such receipt to DAS by July 31.
- City of Sweet Home residents – Adopting this resolution ensures residents receive the taxes they pay when purchasing liquor, cigarettes, gasoline and marijuana back as revenue for Sweet Home services.
- City of Sweet Home City Council – Adopting this resolution allows for diversification of revenue for the city and ensures state support for the City of Sweet Home.
- City of Sweet Home City Staff – Adoption of this resolution allows staff to continue operations in their departments.

ISSUES & FINANCIAL IMPACTS:

If Resolution No. 10 for 2018 is not heard by the public in the form of a Public Hearing nor is adopted, the city will lose \$967,505 in resources resulting in budgetary reductions likely impacting service offerings.

ELEMENTS OF A STABLE SOLUTION:

ORS 221.770 establishes processes for cities to request state revenue sharing funds. Adoption of the included resolution complies with Oregon Law and needs to be adopted by the City Council to ensure funding for the 2018-2019 fiscal year.

OPTIONS:

1. Do Nothing. Council could choose to move forward without adopting this resolution and forgoing State Revenue Sharing funds.
2. Adopt Resolution No. 10 for 2018, certifying that the city provides four or more services listed under ORS 227.760.

RECOMMENDATION:

Staff recommends option 2, Adopt Resolution No. 10 for 2018. Inaction on this resolution results in the loss of nearly \$1.0 million in budgeted resources which would require matching reductions in expenses, transfers and/or contingencies. This puts the city at an increased financial risk (reducing contingencies) should unanticipated expenditures arise during the year or requires tough choices to be made in regards to which programs will see cuts to their budgets.

Resolution No. 10 for 2018

A RESOLUTION CERTIFYING THE CITY PROVIDES FOUR OR MORE SERVICES IN ORDER TO RECEIVE STATE REVENUES.

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police Protection
- (2) Fire Protection
- (3) Street Construction, Maintenance and Lighting
- (4) Sanitary Sewer
- (5) Storm Sewers
- (6) Planning, Zoning and Subdivision Control
- (7) One or more Utility Services

and;

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760;

NOW, THEREFORE, BE IT RESOLVED, that the City of Sweet Home hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

Police Protection
Street Construction, Maintenance and Lighting
Sanitary Sewer
Storm Sewers
Planning, Zoning and Subdivision Control
One or more Utility Services

This resolution shall be effective July 1, 2018.

PASSED by the Council and approved by the Mayor this 26th day of June, 2018.

Mayor

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: June 26, 2018	TITLE: Sweet Home Enterprise Zone Re-Designation	TYPE OF ACTION: <u> X </u> RESOLUTION <u> </u> MOTION <u> </u> OTHER
SUBMITTED BY: Jerry Sorte, CED Director	ATTACHMENTS: Resolution No. 11 for 2018	
REVIEWED BY: R. Towry, City Manager		

PURPOSE OF THIS RCA:

The purpose of this RCA is to present a resolution to the City Council that will re-designate the Sweet Home Enterprise Zone.

BACKGROUND/CONTEXT:

The City of Sweet Home Enterprise Zone expires June 30, 2018. Under the direction provided by the City Council at the April 24, 2018 meeting, staff has moved the process forward to re-designate the Sweet Home Enterprise Zone. The proposed boundaries of the re-designated Enterprise Zone would include all properties in the Sweet Home City Limits as well as the properties located in unincorporated Linn County that are currently within the Enterprise Zone. See Exhibit A to the attached resolution.

The benefit of an Enterprise Zone is that it can incentivize some capital development. Business Oregon describes the standard enterprise zone exemption as follows:

Hundreds of diverse companies throughout the state have enjoyed this program's immediate cash savings on new investments in an enterprise zone:

- Manufacturing, processing, storage, distribution, service centers, and corporate headquarters are all eligible, pursuant to a local authorization application before hiring or any construction or installation begins.
- New buildings, additions, and equipment installed on site receive 100% property tax abatement if zone employment rises by the greater of one job or 10%.
- Exemption is for a minimum of three years after the year in which the qualified property is placed in service.
- The local zone sponsor may extend the period of tax abatement up to five consecutive years, in total, by entering into an agreement which may have additional conditions, and, except in Salem or Portland-area urban zones, if average wages and compensation of new employees meet certain criteria relative to county average wages.

Additional information about Enterprise Zones can be found on the Business Oregon website at: <http://www.oregon4biz.com/Oregon-Business/Tax-Incentives/Enterprise-Zones/>

Staff held a public meeting on May 29, 2018, to which it invited all taxing districts that would be located in the Enterprise Zone. No representatives from the taxing districts attended the

meeting. Based on conversations with other Enterprise Zone managers, low attendance at these meetings is common.

As proposed in the attached resolution, the Enterprise Zone would function the same as it has in the past. The Enterprise Zone contains property in both city limits and in unincorporated Linn County. The City of Sweet Home and Linn County would both be co-sponsors. Historically, designees of both the City and Linn County (through Albany-Millersburg Economic Development Corporation) have been co-zone managers. The benefit to having co-managers is that we can both promote the Zone and move applications through the process. This increases regional economic development collaboration and promotion of the Sweet Home Enterprise Zone.

The three-year property tax exemption is relatively automatic for qualifying businesses and projects located in the Enterprise Zone. Five-year exemptions require approval by both co-sponsors. So, for a five year request, which has more stringent requirements than the three-year exemption, both the Sweet Home City Council and the Linn County Board of Commissioners and would need to approve. This would apply for five-year exemption requests within City limits; and has been the case with the Sweet Home Enterprise Zone to date. One option available to the City and County is that we could later create an Intergovernmental Agreement between the City of Sweet Home and Linn County whereby the groups would agree that the City of Sweet Home would make decisions on five-year exemption requests within City limits (and Linn Co. would agree) and Linn County would make decisions on five-year requests outside of city limits (and Sweet Home would agree).

The City has the option to either include or not include hotels, motels, or destination resorts as eligible for tax exemption under the Zone. The attached resolution would include hotels, motels, and destination resorts as eligible. In sum, the re-designation of the Sweet Home Enterprise Zone would allow the continuation of the Zone as it has currently operated.

THE CHALLENGE/PROBLEM:

The question before the City Council is whether the proposed resolution adequately implements the City Council's objectives for the Sweet Home Enterprise Zone.

STAKEHOLDERS:

- City of Sweet Home Residents. Residents may benefit from additional job opportunities that are created from development within the Enterprise Zone. Alternatively, the Enterprise Zone may provide tax abatement to projects that would have been completed without the availability of tax abatement. This may decrease tax revenues that are available for the provision of City services.
- Business Owners. Business owners with qualifying projects may benefit from the tax abatement that comes with qualifying development in an Enterprise Zone.
- Taxing Districts. Taxing districts may forgo revenue from development projects that would have been completed without the designation of the Enterprise Zone.
- Linn County. Residents and businesses in Linn County may benefit from additional investment in those properties located outside of City limits and within the Sweet Home
- Staff. Staff would have the responsibility to complete the administrative duties that are associated with managing the Enterprise Zone.

ISSUES & FINANCIAL IMPACTS:

1. Financial Impacts: An enterprise zone provides tax abatement as an incentive for certain development and job creation. It is possible that the City and other taxing districts may forgo tax revenue that would otherwise be received during the period of abatement (3-5

years). This financial impact can be difficult to gauge since a particular development may not have occurred without the benefits of the Enterprise Zone.

ELEMENTS OF A STABLE SOLUTION:

In considering this matter, the City Council should weigh the above issues and determine whether the Enterprise Zone as described in the attached resolution is a tool that should be used to incentivize development and job creation in Sweet Home.

OPTIONS:

1. Adopt the attached resolution 11 for 2018 to re-designate the Sweet Home Enterprise Zone; or
2. Adopt the attached resolution to re-designate the Sweet Home Enterprise Zone with changes (specify); or
3. Do nothing and allow the Sweet Home Enterprise Zone to expire on June 30, 2018; or
4. Other

RECOMMENDATION:

Staff recommends that the City Council pursue Option 1 and make a motion to approve resolution number 11 for 2018, a resolution re-designating the Sweet Home Enterprise Zone.

RESOLUTION NO. 11 for 2018

A RESOLUTION RE-DESIGNATING THE SWEET HOME ENTERPRISE ZONE.

WHEREAS, The City of Sweet Home is sponsoring an enterprise zone designation jointly with Linn County;

WHEREAS, The sponsoring governments have formally advised and received consultation from the Oregon Business Development Department (OBDD) according to ORS 285C.078;

WHEREAS, The municipal corporations, school districts, special service districts, that receive operating revenue through the levying of ad valorem taxes on real and personal property in any area of this enterprise zone were sent notice and invited to a public meeting on May 29, 2018 regarding its designation, in order for the sponsoring governments to effectively consult with these other local taxing districts;

WHEREAS, This enterprise zone has a total area of 7.9 square miles, it meets other statutory limitations on size and configuration, it is depicted here on a drawn-to-scale map (Exhibit A), and its GIS shape files will be provided to OBDD;

WHEREAS, The sponsors shall fulfill their duties and implement provisions jointly under ORS 285C.105 or elsewhere in ORS Chapter 285C and related parts of Oregon Law, including but not limited to appointing a local enterprise zone manager, and to preparing a map of local, publicly owned lands and buildings in this enterprise zone for purposes of ORS 285C.110;

WHEREAS, Designation of this enterprise zone does not grant or imply permission to develop land inside it without complying with jurisdictional zoning or regulatory and permitting processes and restrictions; nor does it indicate any intent to alter those processes or restrictions, except as otherwise done in accordance with Comprehensive Plans as acknowledged by the state of Oregon Land Conservation and Development Commission (LCDC);

WHEREAS, The availability of enterprise zone exemptions to businesses that operate hotels, motels or destination resorts would help diversify local economic activity and facilitate the expansion of accommodations for visitors, who in turn will spend time and money in the area for business, recreation or other purposes;

WHEREAS, The City of Sweet Home and Linn County are interested in encouraging new business investment, job creation, higher incomes for local residents, greater diversity of economic activity, and increased prosperity for all residents; and

WHEREAS, The sponsors appreciate the impacts that the designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective July 1, 2018, the following shall be in effect:

Section 1 - Under ORS 285C.065; the City of Sweet Home does hereby re-designate an Oregon enterprise zone to be named: The Sweet Home Enterprise Zone, jointly with Linn County, the boundary and area of which is described on Exhibit A.

Section 2 - The Sweet Home Community and Economic Development Director is authorized to submit documentation of this enterprise zone designation to OBDD on behalf of the zone sponsor for purposes of a positive determination in favor under ORS 285C.074. Designation of this enterprise zone takes effect on July 1, 2018 as so stipulated by OBDD in its determination pursuant to any revision and resubmission of documentation.

Section 3 - The Sweet Home Community and Economic Development Director and President of the Albany-Millersburg Economic Development Corporation are appointed as the local co-zone managers for this enterprise zone.

Section 4 - Subject to grant of approval by the director of OBDD, the sponsors would waive the distance maximum of 25 miles overall and 15 miles between separate areas within the Enterprise Zone under ORS 285C.120(2) for purposes of this designation.

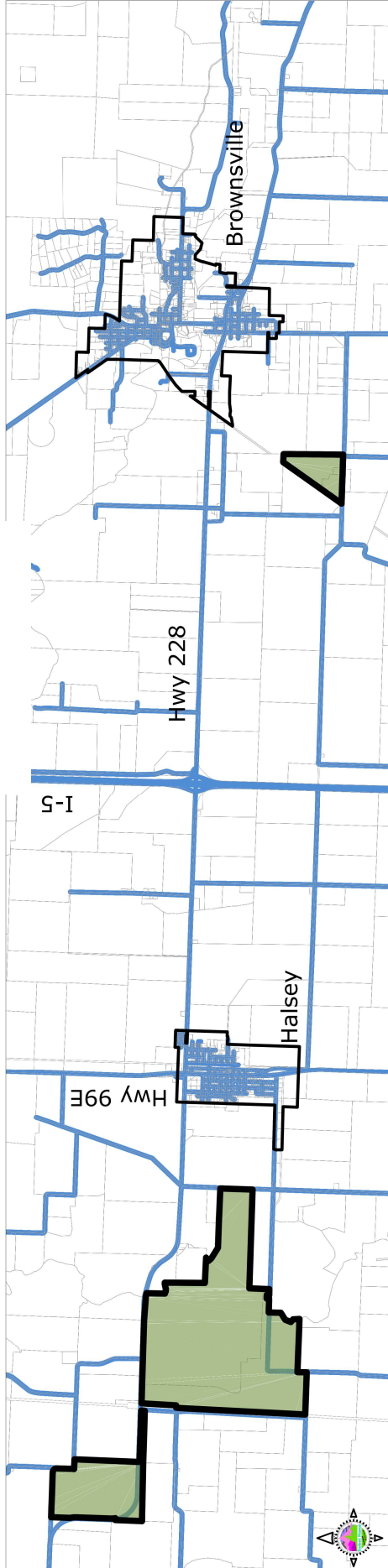
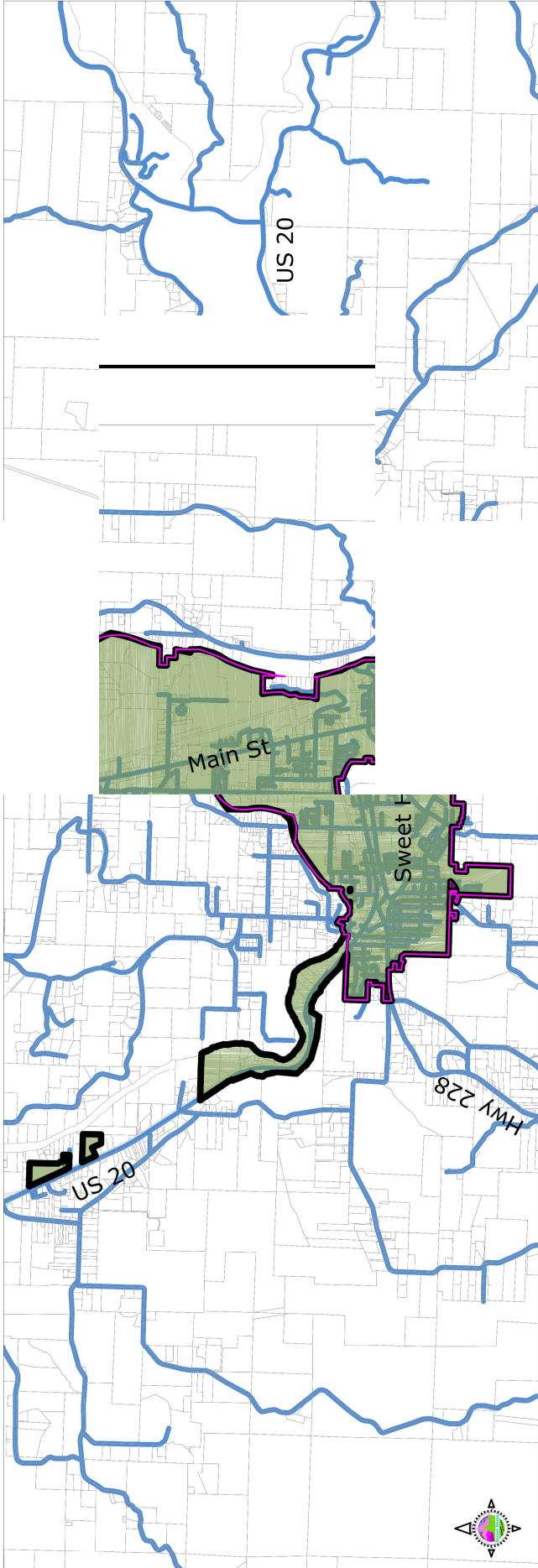
Section 5 - The City of Sweet Home as a sponsor of the Enterprise Zone exercises its option herewith under ORS 285C.070 that qualified property of and operated by a qualified business as a hotel, motel or destination resort shall receive the property tax exemption in the Zone, and that such business firms are eligible for purposes of authorization in the Zone.

PASSED by the City Council and approved by the Mayor this 26th day of June 2018.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



LEGEND

-  City Limits
-  Property Lines
-  Roads
-  Sweet Home City Limits
-  Sweet Home Enterprise Zone

SCALE 1" = 7000'

DATE 05-17-2018

SIZE

A

City of Sweet Home
Community & Economic Development Department
1140 12th Avenue T:541-367-6977, F:541-367-6440

City of Sweet Home Enterprise Zone

Sht
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2

Members present: Susan Coleman, Stephanie Gatchell, Diane Gerson, Patty Holk, Greg Springman, Miriam Swanson, and Dominic Valloni.

Visiting persons included: Jeff Lynn (SHPD), Tamara Schiedler (volunteer), Patty Lindsey (volunteer), and Jen Sorenson (partnership coordinator)

The meeting was opened by committee chairperson Susan Coleman at 1000 hrs with a reading of the minutes from the last meeting.

Susan requested an update on committee reports. Susan reported for Jennifer Anderson, who could not make it to the meeting. She said that there was no report yet on the ornaments but the money is available for the order.

There is \$8,577. in the account to spend and 1/2 of the bill for the banner mounts has been paid.

Donation letters are available to hand out, Tamara offered to take those and hand them out.

Patty updated us regarding the cards that will be sent to government officials in Oregon for a personal invitation to the event. The card was passed around, there was unanimous agreement on the design. She has received permission to place the city seal on the card. There was a discussion about who would be the point person for the RSVP, Patty volunteered for this responsibility. We agreed that thank you cards will be sent to sponsors as well.

Greg Springman gave an update regarding Clover Park. The City stated there is not enough money in the account to take the wall out, and time was a factor as well in this decision. It was decided the wall will stay, with the idea it will be removed in the future.

Susan showed the 22 trees that will decorate Clover Park. It was noted they need to be touched up with paint, one of the volunteers present offered to do that for us. We still need volunteers for decorations and the tree lighting event.

June 14th, at 9am, there will be a meeting in regards to the Celebration Event. There is still no point person. The parade volunteer has backed out as well, and that leaves a position unfilled again.

Dominic Valloni gave a report from Public Works. In regards to the poles, some still need work for power. I will be a major thing to get power to the poles and the banners need to be lit. We discussed revisiting the idea of the solar units for these poles. Approximate cost was \$70 each. We only need 40 lighted poles, 20 for ornaments and 20 for banners. The city planners stated they will support what we are doing if possible.

Jeff Lynn gave us a suggestion for the parade route. Asked for a confirmation to coordinate with the Sweet Home Police Department. There are limits of truck and driver due to large size. The HS football field and parking lot could be for other participants in the parade, but there will be no place to get the truck from Long Street to Main Street. It was suggested that the truck stay on Main St.

The Truck driver has called and asked about parade specifics. Perhaps we can keep the tree at Murphy's? Greg Moore is the control captain. He had questions but no answers yet. Jen Sorensen will be in contact with the truck driver and get information on the truck. It is a specialty design.

Jeff talked about the length of time sitting on Main St and the hazard that presents. There will need to be Police coverage for that, so it will be a cost. It takes a lot of SHPD support for safety.

We discussed the time the parade will start. Perhaps at 6pm? How much time would be necessary before the parade for set up? Jeff Lynn said a minimum of 30 minutes. What time should be place the no parking signs on Main and Long St? Should be do it in the morning? Would the business owners be upset about the inconvenience to their customers? Would this result in a loss of business? Maybe the signs could be placed with a TIME announced of when it would be closed for parking so the citizens could prepare and be aware. Public works will assist in getting parked cars moved.

Susan will acquire bleachers for dignitaries. Music will play during the parade time. Musician is already chosen.

Regarding entry forms for participants in the parade were discussed. Susan did not like the forms that are used for the Sportsman Holidays parade. She wrote out an idea for a new form. There was concern regarding liability issues. The final form should be sent to Robert Snyder to check for good legal coverage. There will also be a big parade in Albany the following day, this might affect entries to our parade.

We need to be visiting with business owners ahead of time to promote good will and participation.

Advertising: Suggestions for the best place? For the event and participants. The New Era is a good place. Miriam suggested September for the participants, and October for the event. Everything should be turned in one month early (to time of printing) for the editor. TV stations were discussed, local, perhaps Country Store. No cost? Posting it on the Forest Service website is a good place as news has been picked up already by outside agencies.

We have a need for a new secretary to record the minutes. Cynthia Fox will no longer be available to volunteer due to previous engagements. There were no volunteers in the room.

Important business, how do we communicate to SHPD for the parade route time and event? Does the city need volunteer assistance for cones, signs, and traffic control. Volunteers could be a hindrance. Let the public know ahead of time parking restrictions and road closures. 15th through 18th Avenue will be blocked off completely for the celebration event. Can we get reader boards, rented lights, control stations and other things? The city planner will need to know ahead of time.

We need volunteers to get started on revamping the wreaths and add lights to them.

The Forest Service reported that one ornament has been found in our district (out of 50). They won tickets to the Emerald Game in Eugene. 36 have been found so far. As they are located, the Forest Service removed the trail from the list located online.

Next Meeting: June 19, 2018 at 1000 hrs

MINUTES

SH Capitol Christmas Tree Committee

June 19, 2018 / 10 am

In Attendance

Jennifer Anderson, Scott Gagner, Stephanie Gatchell, Kevin Makinson, Miriam Swanson, Dominic Valloni, Susan Coleman

Approval of Minutes

June 5th minutes were reviewed -

Committee Reports

- **Comment on Minutes**
Stephanie reported the US Forest Service decided to have the City Capitol Christmas Tree Committee send VIP invitations to dignitaries. Truck driver waiting approval.
- **Capitol Christmas Tree Coordinator**
Susan reported that the next Celebration Event meeting will be held on June 26th at 9am. Street Fair to start at noon on November 9th. Applications are being put together for vendors to participate. Music by local performers is being secured, logging exhibition is being planned. The application for the parade has been submitted to the city for approval. Flyer is being made to submit to local businesses regarding parade route, street closures.
- **Treasurer**
Susan reported that the City of Sweet Home recommended that we up the budget to \$50,000 to cover incidentals. Current budget at \$37,000
- **Community Decorations**
Jennifer reported that pole decorations have been ordered, still need to order brackets. 4 sets of 2 are needed. Awaiting to hear about light donation from Bi-Mart. PEO group & high school students were suggested as groups to put lights on previously used wreaths.
- **Marketing**
Miriam reported that Choose Outdoors has a specific marketing plan at this time, but she will work on local publicity for committee volunteers, vendors, parade applicants, when applications are finished.
- **Cloverdale Park**
Susan gave an update on decorations and suggested timing of the lighting of the park with Washington DC (3:00pm our time). Stephanie reported that Salem will do a tree lighting ceremony at 6pm and it would be nice to coordinate our lighting with the state of Oregon. A specific date/time and group should be contacted early in regards to hanging lights on the large tree in Cloverdale Park. Suggested "lights up" date: November 3-6 -- take down first week in January.

- Action Items:
 - Owners of various parking lots need to be contacted and request made to use on November 8th. Miriam volunteered.
 - 3 -4 large lights and 3 heaters need to be priced for celebration event use – Need to check electrical requirements. Scott Gagner Volunteered
 - Distribution of flyer to local businesses regarding event information. Scott, Stephanie, Jennifer and Miriam volunteered.
 - Bleachers for VIP’s – Dominic Valloni suggested bleachers from SH Rodeo grounds (not sure if they are movable) and bleachers from baseball fields behind Hawthorne. Committee agreed that the movable bleachers from baseball fields might be the best option.

- Wrap up
Parade Coordinator still needed. Anyone who would like to solicit for donors, would be appreciated. Susan can email donor letter to them.

Announcements

July 3rd meeting has been cancelled

Next Meeting

July 17th 10 am – Chamber of Commerce

Memorandum

TO: Council
FROM: Ray Towry, City Manager
DATE: June 20, 2018
SUBJECT: Requested Information



The water plant is engineered to produce up to six million gallons per day.

Sweet Home City Hall

Project Schedule 06.21.2018

	January	February	March	April	May	June	July	August	September	October	Nov.-Feb.	March 2019
CITY HALL		▲	▲	▲ ▲		▲	▲	▲				
Pre-Design												
Schematic Design												
Design Development					Extended...							
Contract Documents												
Bidding												
Construction Permit									Permitting Estimate			
Construction 6 months										Construction Estimate		

Meeting Milestones

- ▲ February 27th - Work Session Floor Plan / Concept Imagery
- ▲ March 13th - Work Session Review of Floor Plan Revisions and Concept Design / Sign-off
- ▲ April 10th - Work Session Presentation of Finishes and Design
- ▲ April 24th - Work Session Review of Finish Revisions / Sign-off
- ▲ June 12th - City Council Present. Final Plan Configuration and Finish Board
- ▲ July 12th - Work Session Contract Document Review / Sign-off
- ▲ August 12th Bid Reviews / Contractor Selection

Legend

	Schematic Design
	Design Development
	Permit Set/Construction Documents
	Bidding

**SWEET HOME MUNICIPAL COURT MONTHLY REPORT
MAY 2018**

OFFENSE CLASS	FILED	TERMINATED	TRIALS
MISDEMEANORS	<u>15</u>	<u>21</u>	<u>0</u>
VIOLATIONS	<u>48</u>	<u>23</u>	<u>0</u>
TOTALS	<u><u>63</u></u>	<u><u>44</u></u>	<u><u>0</u></u>

WARRANTS	<u>86</u>
SUSPENSIONS	<u>11</u>
SHOW CAUSE ORDERS	<u>14</u>
COURT ASSIGNED CASE	<u>116</u>

COURT REVENUE:

TOTAL DEPOSITS	+	<u>15,376.80</u>
TOTAL BAIL FORFEIT	+	<u>0.00</u>
TOTAL BAIL (CURRENT MONTH)	-	<u>0.00</u>
TOTAL REFUNDS (NON-BAIL)	-	<u>0.00</u>
TOTAL COURT REVENUE		<u><u>15,376.80</u></u>

TOTAL NON-REVENUE CREDIT ALLOWED AGAINST FINES:	<u>0.00</u>
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CASH PAYMENTS TO:

CITY	<u>11,943.12</u>
STATE	<u>2,094.00</u>
COUNTY	<u>162.00</u>
OTHER	<u>1,177.68</u>
TOTAL	<u><u>15,376.80</u></u>

COURT PAYMENTS:

CITY (FINES)	<u>2,823.44</u>
RESTITUTION & OTHER	<u>1,177.68</u>
UNITARY ASSESSMENT	<u>2,094.00</u>
COUNTY/JAIL ASSESSMENT (CA/CC)	<u>162.00</u>
LEMLA & SCFS	
DUII	
PAYMENTS TO OTHER AGENCIES	<u>0.00</u>
CITY COSTS (FEES)	<u>9,119.68</u>
TOTAL COURT PAYMENTS	<u><u>15,376.80</u></u>

RECEIVED FROM COLLECTIONS THIS MO:	<u>5,655.12</u>
RECEIVED FROM COLLECTIONS TO DATE:	<u>240,198.77</u>
TURNED TO COLLECTIONS TO DATE:	<u>0.00</u>

BALANCE FORWARD: audited	<u><u>1,540,175.38</u></u>
NEW A/R IMPOSED BY JUDGE:	<u>26,521.07</u>
MINUS:	
PAYMENTS REC'D BY COURT:	<u>(9,721.68)</u>
NON-REVENUE CREDIT:	<u>0.00</u>
SENT TO COLLECTIONS:	<u>0.00</u>
NET A/R	<u><u>1,556,974.77</u></u>