



AGENDA STAYTON CITY COUNCIL MEETING

Monday, October 1, 2012

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room.

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

CONSENT AGENDA

- a. September 17, 2012 City Council Meeting Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.

PUBLIC HEARING – None

UNFINISHED BUSINESS – None

NEW BUSINESS

Community Grant Applications

Action

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

Sidewalk Maintenance

Action

- a. Staff Report – David Kinney
- b. Council Deliberation
- c. Council Decision

Comprehensive Plan Update

Action

- a. Staff Report – Dan Fleishman
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS – None

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Solicitor Licenses
- b. Comprehensive Plan Update Public Hearing

ADJOURN

CALENDAR OF EVENTS

OCTOBER 2012

Monday	October 1	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 2	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	October 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	October 12	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	October 15	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 29	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2012

Monday	November 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 6	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	November 9	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	November 12	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Tuesday	November 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	November 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING		
Friday	22—23			
Monday	November 26	Planning Commission	7:00 p.m.	Community Center (north end)

DECEMBER 2012

Monday	December 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 4	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	December 14	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	December 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS		
Monday	December 31	Planning Commission	7:00 p.m.	Community Center (north end)

Consent Agenda

**STAYTON CITY COUNCIL
MEETING MINUTES
September 17, 2012**

CALL TO ORDER

7:00 p.m.

Mayor Vigil

FLAG SALUTE

ROLL CALL

Mayor Scott Vigil
Councilor Henry Porter
Councilor Brian Quigley

Councilor Jennifer Niegel
Councilor James Loftus
Councilor Emily Gooch

STAFF

Don Eubank, City Administrator
Christine Shaffer, Finance Director
Rich Sebens, Police Chief
Dan Fleishman, Director of Planning and Development, excused
Louise Meyers, Library Director
David Kinney, Public Works Director
David A. Rhoten, City Attorney, excused
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Donation to Park Fund from Car Show Committee by Ron Sowerby:** Mr. Sowerby presented the City with a check for the Parks Fund from the SummerFest Car Show Committee. Councilor Loftus asked how many cars were at this years show, Mr. Sowerby stated 258 cars.

- b. **Parks and Recreation Board Spotlight Presentation by Griffin Green:** Mr. Green reviewed recent projects overseen by the Parks and Recreation Board. In recent months, the Board has coordinated with the local iServe group. This group worked on projects at the Museum, Jordan Bridge, City welcome signs, as well as many others throughout the community. Also, the Eagle Scout troop led by Scott West has been completing projects which include log benches at Riverfront Park and a low bridge in the trail area.

Other items presented included use of community service workers in the parks, the no smoking ban in City parks, and street tree planting which is funded through donations from Gerry and DeeAnne Aboud.

Mr. Green discussed the master planning the Board is doing for improvements at Pioneer Park. The Board has been actively gathering public comment during recent community events. He reviewed the top five items the community has indicated they would like to see happen or changed at Pioneer Park. City staff is actively seeking grant funding and will be applying for an Oregon Parks and Recreation Department (OPRD) Local Government Grant in 2013.

Councilor Loftus asked what site the Board had chosen for a skate park. Mr. Green stated the Council had chosen the area in front of the Water Treatment Plant for the skate park. At this time, the Board is focusing on improvements at Pioneer Park. Staff and the Board have reviewed recent awards by OPRD, which have primarily gone to rehabilitation projects rather than funding for skate park type projects. Once the Pioneer Park project is completed, the Board plans to focus on a skate park and potential funding opportunities.

- c. **Jim Nokes, 656 W. Maple Street:** Mr. Nokes stated he would like to speak about potential savings for sidewalk repairs by turning out street lights. However, he will need more than the three minutes he is allowed to speak. He plans to return at the next Council meeting. Councilor Loftus encouraged Mr. Nokes to provide members of the Council with written information on what he would like to speak about prior to the meeting.
- d. **Steve Frank, 1515 E. Jefferson Street:** Mr. Frank stated following his departure from City Council over a year ago, he believed the Council would be moving forward with a skate park at the Water Treatment Plant location. He wondered why the project had not yet moved forward.

Councilor Loftus stated this was his understanding as well. He feels not moving forward with the skate park and the plan to remove the basketball courts from Pioneer Park are further eliminating activities for kids in Stayton. Placing these activities at the Water Treatment Plant appears to be what the Parks and Recreation Board has decided.

Mayor Vigil explained why the Board has placed their focus on Pioneer Park improvements. A large reason why the skate park project had been put on hold was due to the lack of funding opportunities with OPRD. The construction of a skate park is something Mayor Vigil would like to see move forward but without project funding, it won't be possible.

Mr. Frank stated he remembers this being a high priority for Mayor Vigil during the time he served on City Council with him. He feels disappointed the plan for a skate park hasn't moved forward.

Councilor Loftus stated while Stayton's two most recent Mayors have been talking about a skate park, the City of Silverton has built a skate park.

Mayor Vigil stated the location is still a field and while there is a sign up for the project, no construction has started. He feels the Parks and Recreation Board has had great focus, as well as doing a great job obtaining funding for past projects like Santiam Park.

ANNOUNCEMENTS

- a. **Additions to the Agenda:** None.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

CONSENT AGENDA

a. September 4, 2012 City Council Meeting Minutes

MOTION: From Councilor Niegel, seconded by Councilor Quigley, to adopt the Consent Agenda **Motion passed 5:0.**

PUBLIC HEARING – None.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Refinancing of the 1997 USDA and 2007 DEQ Sewer Bonds

- a. **Staff Report:** Ms. Shaffer reviewed the staff report included in the Council packet. She spoke about the savings this will bring to the City and how it will further benefit the City in the long-term.
- b. **Council Deliberation:** Councilor Loftus inquired about the fees listed in the last paragraph of the D.A. Davidson & Co. letter. Ms. Shaffer stated the fees of \$85,000 are embedded into the cost of the bond issuance.
- c. **Council Decision:**

MOTION: From Councilor Loftus, seconded by Councilor Niegel, to have staff return with a Resolution to issue Bonds on October 15, 2012. **Motion passed 5:0.**

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

- a. **August 2012 Monthly Finance Department Report:** Ms. Shaffer briefly reviewed her monthly report.

Police Chief's Report – Rich Sebens

- a. **August 2012 Statistical Report:** Chief Sebens reviewed the August 2012 report included in the Council packet. He made a correction to volunteer hours, which was 157.5 hours.

Councilor Loftus inquired about the types of crimes most commonly referred to peer court. Chief Sebens stated the crimes are wide ranging; the only type of crime not referred are violent crimes.

- b. **Order Declaring an Emergency Speed Zone on N. Tenth Avenue:** Chief Sebens reviewed his Order for an emergency speed zone on N. Tenth Avenue.

Councilor Quigley asked how staff discovered that N. Tenth Avenue had not been previously studied by ODOT. Chief Sebens stated a traffic citation issued for speeding on N. Tenth Avenue was taken to court, and this was the argument by the individual cited. The street has been posted at 25 mph for many years.

Public Works Director's Report – David Kinney

- a. **August 2012 Monthly Operating Report:** Mr. Kinney briefly reviewed the monthly operating report.
- b. **Public Works Update:** Mr. Kinney reviewed his Public Works update report. He updated the Council that he received notification this afternoon that Marion County's contractor has delayed paving on First Avenue for two weeks.

He also briefly spoke about the report included in the Council packet for street lights at First Avenue and Washington Street. There have been complaints that the intersection is dark due to the two gas stations no longer operating. At this point, it appears staff will select option b in the report. However, the City may not do all the lights suggested in this option. Mr. Kinney plans to speak with Marion County in the coming days. Once he has met with Marion County, he plans to bring this item back to the next City Council meeting for action.

Councilor Gooch agreed with comments from prior council meetings that visibility at the E. Pine Street and N. Tenth Avenue intersection is still unsafe. Mr. Kinney noted that the visibility meets minimum AASHTO requirements, but agreed visibility is poor and stated staff is taking steps to ensure the intersection is safe.

She also inquired about staff's choice to move forward with option b. In the staff report, it mentions this not being economically feasible. Mr. Kinney agreed, stating there would need to be some modifications to the items listed in option b to reduce costs.

Councilor Quigley asked if it was fair to say the City will have to add light poles at this intersection. Mr. Kinney explained adding poles is something staff would like to avoid because of the high costs.

Pool Manager's Report – Rebekah Meeks

- a. **August 2012 Monthly Operating Report:** Ms. Meeks briefly reviewed the Pool's monthly operating report.

Library Director's Report – Louise Meyers

- a. **August 2012 Activities / Statistics:** Ms. Meyers reviewed the August Library Director's report and spoke about what activities are happening at the Library.

Councilor Quigley asked if there were stats on the number of Stayton residents were a part of the summer reading programs at the Library. Ms. Meyers explained city of residence was not something they asked when registering people for the reading programs.

Councilor Loftus asked about the status of the handicap accessible doors at the Community Center, which are not working correctly. Mr. Kinney explained the issue with the doors. Staff is working with the contractor who installed the handicap accessible buttons and equipment; the doors should be modified by the next City Council meeting.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

BUSINESS FROM THE CITY ADMINISTRATOR

a. **Traffic Congestion Update – Texaco Gas Station:** Mr. Eubank updated the Council on recent discussions with the owners of the Texaco gas station on First Avenue. They were difficult to reach, and after two months of no response from them he received a diagram of the property showing larger arrows still going the same direction. The owners claim changing the direction of traffic flow into the station will impact their revenue. Staff is in the process of contacting City County Insurance Services about the liability of this issue. Councilor Quigley asked if communications with the owners of the gas station had been verbal or written. Mr. Eubank stated both. Due to the owner’s lack of willingness to fix the existing issue, staff feels it’s necessary to notify them of the liability.

Councilor Loftus asked if the owners were going to add any additional signage in addition to the larger arrows. Mr. Eubank stated there was no mention of additional signage.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL – None.

FUTURE AGENDA ITEMS

- a. **Solicitor Licenses**
- b. **Sidewalk Maintenance Presentation**

ADJOURN

There being no further business, the meeting was adjourned at 7:58 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 1ST DAY OF OCTOBER 2012, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: _____ By: _____
A. Scott Vigil, Mayor

Date: _____ Attest: _____
Don Eubank, City Administrator

Date: _____ Transcribed by: _____
Alissa Angelo, Deputy City Recorder



New Business



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilors

FROM: Christine Shaffer, Finance Director

DATE: October 1, 2012

SUBJECT: Community Grant Applications

ISSUE:

Grant Applications have been received requesting Community Grant Funds to support non-profit activity in our community.

BACKGROUND INFORMATION:

The Finance Department has received Community Grant Applications from Stayton Storm Basketball and the Santiam Senior Center.

Stayton Storm basketball was awarded a Community Grant in 2010-11 in the amount of \$150.00, this year they are requesting \$250.00. The team has been awarded a grant from the City of Sublimity in the amount of \$250.00 for this season.

The Santiam Senior Center is asking for grant dollars to support the Police Department's drug dog program. Any grant dollars awarded, the Santiam Senior Center will match and a donation will be made to the Police Department drug dog program. The Senior Center was awarded a \$900.00 grant earlier this fiscal year, to support members and events at the Center.

FISCAL IMPACT:

The balance in the Community Grant fund is \$300.00.

OPTIONS:

1. Award Community Grants as directed by the City Council.
2. Do not award a Community Grant funds at this time.



City of Stayton Community Grant Application

Date of Application: 9/24/12

Application Submitted to: Christine Shaffer

ORGANIZATION INFORMATION

Name of organization: STAYTON STORM BASKETBALL

Legal name, if different: DON RICKMAN

Address: PO Box 201

City, State, Zip: Sublimity, OR 97385

Phone: _____ Fax: _____ Website: _____

Contact person regarding this application: DON RICKMAN

Title: COACH / Phone: 503 769 9999 E-mail: DONR@CBSoregon.com
503 845 4444

Is your organization an IRS 501(c)(3) not for profit? _____ Yes No

PROPOSAL INFORMATION

Please type a 1 page summary of request and attach it to this application, along with program or agency annual budget.

Population Served: 10,000 ±

If your Agency has previously received grant funds from the City of Stayton, please list the year and amount of grant funds received.

YES, NOT READILY AVAILABLE. I think 2008, 2009, 2010

Funds are being requested for (check one)

General operating support

Start-up costs

Capital

Project/program support

Technical assistance

Other (please specify) TOURNAMENT FEES

Project dates (if applicable): 11/1/12 - 3/15/13

Fiscal year end: NA

BUDGET

Dollar amount requested: \$ 250⁰⁰ - anything greatly appreciated

Total annual organization budget: \$ 5000 -

Total project budget: \$ NA

Operating: _____

AUTHORIZATION

Name and title of top paid staff or board chair: NOBODY GETS PAID, ALL volunteer

DON RICKMAN Name

COACH/FUNDRAISER Position

Signature: Don Rickman

Date: 9/24/12

For office use only:	
Date Received:	Completed:
Proposal:	Approved: _____ Yes _____ No

City of Stayton Signature: _____

City Administrator (staff report to be forwarded to City Council for approval)



SEP 19 2012

City of Stayton Community Grant Application

Date of Application: 9-19-12
Application Submitted to: _____

ORGANIZATION INFORMATION

Name of organization: SANTIAM SENIOR CENTER
Legal name, if different: _____
Address: P.O. Box 107, Stayton, OR 97142
City, State, Zip: Stayton, OR 97142
Phone: 503-762-2609 Fax: _____ Website: SSCENTER.CWVU.COM
Contact person regarding this application: JUDY KOTULA
Title: PRESIDENT Phone: 503-762-2603 E-mail: JKOTULA@CWVU.COM

Is your organization an IRS 501(c)(3) not for profit? Yes No

PROPOSAL INFORMATION

Please type a 1 page summary of request and attach it to this application, along with program or agency annual budget.

Population Served: _____

If your Agency has previously received grant funds from the City of Stayton, please list the year and amount of grant funds received.

2 in 2010 \$500 EACH, 2011 FOR HD, 2012 \$900

Funds are being requested for (check one)

- General operating support
- Start-up costs
- Capital
- Project/program support
- Technical assistance
- Other (please specify) STAYTON DRUG DETECTION PROGRAM

Project dates (if applicable): NA
Fiscal year end: AD12

BUDGET

Dollar amount requested: \$ UP TO \$ 300.00
Total annual organization budget: \$ NA
Total project budget: \$ NA
Operating: _____

AUTHORIZATION

Name and title of top paid staff or board chair:

Judith A Kotula Name
President Position

Signature: JUDITH A KOTULA Date: 9-19-12

For office use only:	
Date Received:	Completed:
Proposal:	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No

City of Stayton Signature: _____

City Administrator (staff report to be forwarded to City Council for approval)

Santiam Senior Center, Inc.

“A Club for Kids Over 50”

Established 2006

Mailing: P.O. Box 107, Sublimity, Oregon 97385

41818 Kingston-Jordan Road Stayton, Oregon 97383

Phone: (503) 767-2009 Fax: (503) 769-1550

Email: sscenter@wvi.com Web Site: www.santiamseniorcenter.com

September 19, 2012

2012 Board

Judy Kotula
President

Dick Scott
Vice President

Fran Parker
Secretary

Jean Counes
Treasurer

Greg McWayne
Community Relations

Jean Holder
Activities Director

Robert Parker
At Large

Mayor, City Administrator, Finance Director, and City Council
City of Stayton
362 N 3rd Ave
Stayton, OR 97383

Dear Mayor, City Administrator, Finance Director, and City Council:

The Santiam Senior Center, “A Club for Kids Over 50”, is applying for the \$300 balance in the City of Stayton’s Community Grant Program. We are grateful for the grants we have received in the past, and we thank you.

The funds we are requesting this time will be used in a different scenario. We are asking for the grant to be given to us and we will match the funds and present a \$600 check to the Stayton Drug Detection Canine Program.

Thank you very much for your consideration of our grant request.

Sincerely,

501(c)(3)
Non-profit
Organization

Tax ID #
41-2203849

Judy Kotula, President

“The Santiam Senior Center exists to provide educational, recreational, and social services that support and enhance the needs and interests of the senior citizens of our community and surrounding areas”



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and Stayton City Councilors
THRU: Don Eubank, City Administrator
FROM: David W. Kinney, Public Works Director
DATE: October 1, 2012
SUBJECT: Sidewalk Maintenance Program

ISSUE

Shall the City initiate a sidewalk maintenance program?

ENCLOSURES:

1. Excerpts from SMC 12.04 re: sidewalk maintenance
2. Sidewalk Maintenance information sheet
3. PowerPoint Handout

CODE REQUIREMENTS:

A. SMC 12.04.260: Sidewalk Maintenance

Stayton Municipal Code Chapter 12 requires property owners to maintain and repair damaged curbs, sidewalks and landscape areas adjacent to owner's property. The code includes the basic requirements needed to set up an annual sidewalk inspection and maintenance program.

Historically, the City has not had an organized inspection and maintenance program for sidewalk repairs. The Public Works Department responds to citizen complaints and then works with property owners to have them repair damaged sidewalks.

Problems with the existing sidewalk maintenance activities:

- Sidewalks in many areas are hazardous.
- Sidewalks continue to deteriorate.
- Failure to maintain sidewalks/curbs creates a liability exposure to both property owners and the City of Stayton.
- Neighborhoods & property values decline.

B. Proposed Sidewalk Maintenance Program:

The Public Works staff recommends the City initiate an annual sidewalk inspection and maintenance program. We have looked at programs in several other cities and find some common themes:

Framework for a Successful Sidewalk Maintenance Program:

- Require a partnership between the City of Stayton and property owners.
- Joint acknowledgement of problem & acceptance of responsibility.
- Involve both education and enforcement.
- Annual financial commitment for 10+ years.

The City has included \$38,000 in the Street Fund to begin addressing sidewalk repair issues. This money can be used as “seed money” to do work each year.

Program Objectives

- Identify, repair or replace hazardous sidewalks.
- Repair/replace sidewalks next to City-owned properties & alley approaches.
- Install ADA ramps on corners.
- Work with property owners to ensure work meets City’s Public Works Construction Specifications.

Program Elements:

- Public Works staff inventory sidewalks and identify/mark problems.
- Notify property owners of the problems found and identify recommended repairs.
- Provide Options to Property owners:
 - Hire a contractor and remove & replace damaged sidewalk / curb.
 - Property owner makes repairs.
 - City performs work if the property owner signs an authorization
- If the City performs work, then the City will bundle all repairs and have a contractor do all repairs at once.

If the City of Stayton hires a contractor to make repairs, then the City will bill the costs back to the property owners. Public Works staff will allocate costs for each property based on the sidewalk and curb repair work completed for each property owner.

The Finance Department will bill the property owners. If payment is not made in full within 30 days, then the property owner and City can agree on a payment plan or the City will impose a lien on the property and add an administrative cost for the lien per SMC 12.04.

REQUESTED COUNCIL ACTION AND PARTICIPATION

The Public Works staff requests the Council endorse and support the sidewalk maintenance program. We are looking for:

1. Discussion of the proposed program.
2. Provide direction to staff to proceed with sidewalk maintenance program.
3. Answer citizen questions and explain policy basis for the program.
4. Emphasize sidewalk maintenance is an obligation of property ownership.

RECOMMENDATIONS:

1. Authorize staff to proceed with initiating a Sidewalk Maintenance Program.

OPTIONS

1. Concur with staff recommendations.
2. Discuss alternatives and modify the proposed program.
3. Do Nothing (No motion needed).

MOTIONS:

Approval: Direct the City Administrator and Public Works Director to initiate a sidewalk maintenance program as outlined in compliance with SMC Chapter 12.04.

CITY OF STAYTON, OREGON

GUIDELINES FOR PUBLIC SIDEWALK AND DRIVEWAY REPAIRS

These guidelines are used to determine when and to what extent public sidewalk driveway approach and alley approach repairs shall be required. Removal and replacement or repairs are required when a public sidewalk or driveway approach is in a hazardous or unsafe condition. A hazardous or unsafe condition is determined based on standards in Stayton Municipal Code Section 12.04.260 in conjunction with the judgment of the City Public Works Director or designated representative.

DEFINITIONS

- Panel:** A panel is any section of a sidewalk or driveway approach defined by joints, or score marks or an approximate square when joints do not exist.
- Driveway Approach:** A driveway approach is that portion of the driveway between the curb and the property line.
- Alley Approach:** An alley approach is that portion of an alley between the curb and property line side of the sidewalk or right-of-way.
- Public:** Any facility within the public right-of-way between the property line and street curb or surfacing.

CONDITIONS REQUIRING REPAIR OR CONSTRUCTION

The following is a list of criteria used to determine if a sidewalk is hazardous or unsafe. Removal, replacement or repair of all or a portion of a sidewalk may be required if the City finds any one of the items individually or a combination of the items. These criteria should be used as guidelines with judgment and discretion used by the City's public works department in their identification of safety hazards.

Removal and Replacement

Removal and replacement of complete panels is required when any of the following conditions exist:

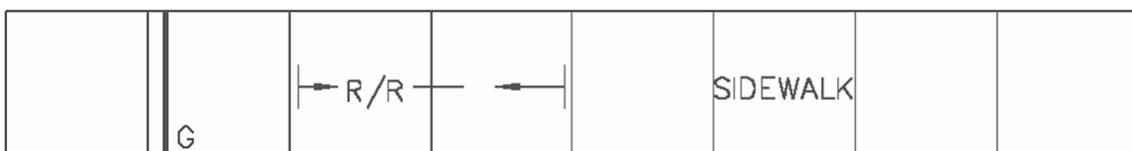
- A vertical separation of more than 1-inch at either a joint or crack.
- A horizontal separation of 1 inch or more at either a joint or crack.
- The cross slope of sidewalks is greater than 3/4" per foot (1:16).
- Water ponds due to insufficient cross slope or misalignment. Removal and replacement shall not be required if the problem is corrected by modifications to adjacent landscaping or obstructions.
- Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.
- Severe cracking resulting in multiple loose or unstable individual pieces within a panel.

Grinding

Grinding is required when any of the following conditions exist:

- A vertical separation between 1/2-inch and 1-inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces 4 inches or more in width shall be roughened.

Sidewalk Marking Codes



= Grind panel edge

= Repair and Replace

OTHER CONDITIONS

Tree Roots

The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult a licensed arborist regarding these options.

- The sidewalk may be rerouted around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.
- The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed 1 inch per foot (1:12).
- The sidewalk may be removed and replaced after the tree roots have been pruned by a licensed arborist.
- Remove tree and replace sidewalk. This option should be considered only if other remedies are impractical.

General

- Gravel or asphaltic concrete (AC) driveway and alley approaches shall be replaced with Portland Cement Concrete (PCC) where street curb and sidewalk exist.
- Abandoned or vacated driveway and alley approaches shall be removed and curb and sidewalk constructed across the abandoned section.
- Ambulatory ramps (ADA ramps) will be installed at intersections in conjunction with the Safety Sidewalk Program annual repair districts as City funds allow.

Right-of-Way Permits and Standard Construction Specifications

Any person doing work in a public right-of-way must obtain a permit from the Public Works Department before beginning any work. This includes any construction or repair of a sidewalk, street tree, street, public utility (water, sewer or storm sewer) or the planting/removing a street tree in the planting strip between the curb and property line.

All public sidewalk, driveway approach, alley approach, and ambulatory ramps shall be constructed in accordance with the City of Stayton Standard Construction Specifications, latest edition.

The City of Stayton Public Works Standard Construction Specifications and design drawings may be viewed on the City of Stayton website under Document Center:

Website Address: <http://staytonor.govoffice2.com/>

Hyperlink to Standards: [Public Works Standard Construction Specifications - City of Stayton, Oregon](#)

For More Information

City of Stayton Public Works
311 N. Third Avenue
Stayton, OR 97383
Office: (503) 769-2919

Excerpts from Stayton Municipal Code

Chapter 12.04 - Sidewalk Maintenance

12.04.260 MAINTENANCE OF CURBS, SIDEWALKS, STREET TREES AND LANDSCAPE STRIP BY PROPERTY OWNER

1. Each property owner is responsible for maintenance of the curb, sidewalk and landscape strip, including street trees, abutting the owner's property. The curb, sidewalk and landscape strip shall be kept clean and in good repair.
2. If any curb, sidewalk, street tree or landscape strip between the curb and the property line becomes unsafe, out of repair, and/or poses an unreasonable risk of danger to person or property, the Public Works Director will notify the affected property owner to repair, maintain or clean the curb, sidewalk, street tree or landscape strip as conditions may require.
3. A sidewalk and/or curb shall be deemed to present an unreasonable risk of danger to person or property if:
 - a. Panels or pieces are gap-separated more than one-half inch from adjacent panels or pieces; or,
 - b. Panels or pieces are vertically displaced from each other more than one-quarter inch; or,
 - c. Entire pieces or panels are absent; or,
 - d. Panels or pieces are broken into parts smaller than one square foot; or,
 - e. The grade from one piece or panel to the adjacent piece changes by more than one-half inch per foot in any direction; or,
 - f. Handicap access ramps or driveways deviate from the slopes and dimensions included in the City's Standard Specifications; or,
 - g. Curb pieces exist less than two feet in length; or,
 - h. Monolithic curb and gutter sections are cracked or broken longitudinally, or displaced one-half inch or more from the adjacent paving; or,
 - i. The surface irregularities are generally more than one-half inch from the original surface; or,
 - j. Trip hazards, obstructions or other conditions exist which prevent safe use of the sidewalk, handicap access ramp or curb; or,
 - k. Any other damage deemed to present an unreasonable risk of danger to person or property as determined at the sole discretion of the Public Works Director.

4. The existence of sidewalks and/or curbs in such condition as to present an unreasonable risk of danger to persons or property hereby is declared to be a public nuisance and may be abated by the City as set forth in Section 12.04.270 of this Chapter.
5. Each property owner shall be liable for the full cost of the repair, maintenance or cleaning of any curb, sidewalk, street tree or landscape strip adjacent to or abutting the property.
6. When damage to a curb or sidewalk is attributed to a heritage tree as designated by the City according to SMC 17.20.970 Section 3, the repair to the curb and/or sidewalk shall be done in such a way as to not inflict damage to the tree. The property owner may approach the City for financial and/or design assistance when repair to curbs and sidewalks is necessary around heritage trees. (Ord. 798, May 1999) (Ord. 940, January 2012: prior code section 4.170)

12.04.270 MAINTENANCE OF CURBS AND SIDEWALKS: ABATEMENT PROCEDURES, NOTICES AND APPEALS

1. Notice to Property Owner. Whenever, in the judgment of the Public Works Director or designee, it is necessary that an existing sidewalk, curb, landscape strip, and trees be reconstructed or repaired, written notice will be mailed to the property owner. The notice shall include:
 - a. A description of the problem or violation and the reconstruction or repairs that are required; and,
 - b. A description of any interim safety measures, warning devices and/or barricades that are needed to protect the public until such time as the curb or sidewalk is reconstructed or repaired or the hazardous condition is removed; and,
 - c. A description of the location where the problem exists in sufficient detail to easily identify the location of the reconstruction or repair. The notice shall be sufficient if it specifies at least the street and address of the property; and,
 - d. A date when the reconstruction or repair must be completed, but not less than 30 days from the date of the written notice; and,
 - e. A statement that the property owner must obtain a right-of-way permit from the City prior to undertaking the reconstruction or repair; and,
 - f. A statement that the property owner may file a written appeal to the City Administrator within 14 days of the date of the notice; and
 - g. A statement that if the property owner fails to make such reconstruction or repair within the time limits in the notice, then the City may reconstruct or repair such curb, sidewalk, landscape strip and trees the City will bill the property owner for the actual costs for the reconstruction or repair, including inspection services, plus 10 percent to cover overhead and that if the bill is not paid, a lien may be placed on the property; and,

- iv. That an extension of the compliance period was unreasonably denied;
 - v. That safety measures specified in the notice are unreasonable; or
 - vi. That the person to whom notice has been given is not the owner of the property adjacent to the curb or sidewalk.
- b. City Administrator’s Decision on the Appeal. The City Administrator shall consider the appeal within 15 days from the date of the City’s receipt of the appeal. The City Administrator may, at the City Administrator’s sole discretion, (1) remand the issue back to the Public Works Director for reconsideration, (2) grant the request on appeal, with or without conditions or (3) deny the request on appeal. The City Administrator’s decision may be appealed, in writing, to the City Council.
- c. Appeal to City Council. The City Administrator’s decision to approve or deny an appeal regarding the reconstruction or repair of a sidewalk or curb under Section 12.04.270 may be appealed by the Property Owner to the City Council within fourteen (14) days of the mailing of the Notice of Decision. The appeal shall be in writing and shall clearly state the issue being appealed and the grounds for the appeal. The City Council shall consider the appeal at a regularly scheduled meeting, no later than 45 days from the date of the City’s receipt of the appeal. The Mayor may invite testimony, at the Mayor’s discretion. The City Council may, at its discretion, (1) remand the issue back to the City Administrator for reconsideration, (2) grant the request on appeal, with or without conditions or (3) deny the request on appeal based on the record. The City Council’s decision is final. (Ord. 646, section 1 (part), 1988; prior code section 4.363) (Ord. 940, January 2012: prior code section 4.180)

12.04.280 MAINTENANCE BY CITY AND BILLING TO PROPERTY OWNER

1. If a property owner signs a written authorization granting the City permission to make required curb and sidewalk repairs and then bill the property owner and the City elects to make the repairs, the City will estimate the costs of the reconstruction or repair, notify the property owner of the estimated costs and obtain authorization to proceed.
2. Upon the refusal or neglect of any property owner to undertake necessary cleaning, reconstruction or repair after notice to do so by the City, the City may pursue appropriate legal remedies or the City may, if budgeted funds are available, proceed to clean, reconstruct or repair a curb, sidewalk, street tree and/or landscape strip.
3. Any expenses incurred for reconstruction or repair by the City in accordance with Subsections 1 or 2 of this Section shall be billed to the affected property owner. The billed expense may include the actual costs for the reconstruction or repair, including inspection services, plus 10 percent to cover overhead
4. If the billed expense is not paid in full within thirty (30) days of the mailing date, the City may make monthly, quarterly or other payment arrangements with the property owner.

5. In addition to Section 4 above, if the billed expense is not paid within thirty (30) days after notice thereof is provided by mail to the affected property owner, the City may proceed to enter an assessment lien against the property, in the amount of the billed expense, plus any legal, bonding, interest and administrative costs, to be collected and enforced as other City liens. (Ord. 646, section 1 (part), 1988; prior code section 4.363) (Ord. 940, January 2012: prior code section 4.180)

12.04.290 LIABILITY OF PROPERTY OWNERS

1. The owners of property adjacent to or abutting any curb, sidewalk and/or landscape strip shall be liable for all personal or property damages which result from their fault or negligence in failing to keep any such curb, sidewalk, street tree and/or landscape strip in clean and in good repair.
2. The property owner shall be responsible to repair and correct defects in the curb, sidewalks, and/or landscape strip and shall be liable for any injuries/damages incurred by third parties as a result thereof, regardless of whether or not City has provided notice to property owner. (Ord. 646, section 1 (part), 1988; prior code section 4.365) (Ord. 940, January 2012: prior code section 4.190)

Sidewalk Maintenance Program

October 1, 2012

City Council Presentation

Current Policies Sidewalk Maintenance

- Annual tree trimming program.
- Complaint driven response to hazards.
- No city sidewalk inspection or maintenance program.

Problems with the current approach

- Inconsistent.
- One property owner makes a repair, but neighbor does not.
- Property owners do not understand their maintenance responsibilities

Problems with current approach

- Sidewalks in many areas are hazardous.
- Sidewalks continue to deteriorate.
- Failure to maintain sidewalks creates a liability exposure to both property owners and City.
- Neighborhoods & property values decline.

Effective Sidewalk Maintenance Program

- Requires a partnership between the City of Stayton and property owners.
- Education & Enforcement
- Joint Acknowledgement of Problem & Acceptance of Responsibility
- Annual financial commitment for 10+ years

City of Stayton Responsibility

- The City has a responsibility to all citizens of the community to ensure that sidewalks are maintained for use by the community as a whole.
- The City has a responsibility for inspection, notification, correction to city standards and program coordination.

Property Owner Responsibilities

- Property Owners are responsible for on-going maintenance and repair of curbs, sidewalks, landscape strip and street trees next to their home or business. (SMC 12.04.260 and SMC 8.04.060)
- Keep sidewalks safe, clear and accessible to the public at all times.
- Eliminate debris, trees, shrubs, etc. that block safe passage.

SMC 12.04.290 Liability of Property Owner

1. The owners of property adjacent to or abutting any curb, sidewalk and/or landscape strip shall be liable for all personal or property damages which result from their fault or negligence in failing to keep any such curb, sidewalk, street tree and/or landscape strip in clean and in good repair.
2. The property owner shall be responsible to repair and correct defects in the curb, sidewalks, and/or landscape strip and shall be liable for any injuries/damages incurred by third parties as a result thereof, regardless of whether or not City has provided notice to property owner.

Sidewalk Maintenance Policy Emphasis

- Create and maintain safe pedestrian corridors to schools, businesses and neighborhoods
- Improve Accessibility
- Upgrade Community Appearance
- Maintain Property Values

Priorities

- Commercial Corridors
 - Downtown (1st to 4th, Washington-Water)
- Pedestrian Corridors to Schools
- Collectors & Arterials
- Neighborhood Areas
- Citizen Complaints

Map of City (11 Areas)

Sidewalk Maintenance Program Objectives

- Identify, repair or replace hazardous sidewalks.
- Repair/replace sidewalks next to city-owned properties & alley approaches
- Install ADA ramps on corners.

Inventory

- Inventory sidewalks based on repair criteria:
 - Broken curbs and sidewalk panels
 - Trip hazards – grade separation
- Identify grind, remove and replace.

Grind		R/R		SIDEWALK	
G		Remove and	Replace		

Downtown Area Inventory

- Map – Downtown Area

Budget

- \$38,000 in FY 2012-13 Budget
 - Annual maintenance program
 - Enforcement repairs
- City Funds provide "seed money" to get work done.

Cost Examples

- Curb repair =
- Sidewalk replace =
- Grinding =
- Other examples???

Who Pays? - City of Stayton

- City: City properties – fixed in 2011.
- City: Alley approaches
- City: Handicapped Ramps on corners

Who Pays? - Property Owner

- Sidewalk & Curb Repairs
- Street Tree Maintenance within ROW
- Routine Landscaping Maintenance within ROW

Notification

- Notify property owner of damaged sidewalk
- Grant **30 days** to complete or make arrangements for repairs.
- Outline Options to Property Owner.
- If repairs not made, then City will make the repairs and bill costs, plus administrative charges to the property owner.

Options to Prop owners

- Options:
 - Property owner can do work themselves.
 - Hire a contractor.
 - Authorize Stayton Public Works to make repairs and bill cost to property owner.

If Stayton PW makes repairs

- City will bundle work together and hire a contractor to complete repairs.
- City will estimate costs and notify property owner:
 - Prop Owner may authorize City to proceed or
 - Revert and do work themselves or hire a contractor.

If Stayton PW makes repairs

- Billing to Property Owner:
 - PW will allocate costs based on work completed.
 - Finance will bill property owner.
 - If payment not made in full, then Property owner and City agree on payment plan
- Place Lien on Property
 - If payment or agreement not made in 30 days, City will impose lien on property and add an administrative cost for the lien.

Next Steps

- Council support sidewalk program.
 - Affirmative direction to staff to proceed with sidewalk maintenance program
 - Respond to public comments & questions.
 - Explain policy basis.
 - Emphasize property owner participation is obligation of property ownership.
- Finance Dept. set up admin procedures for billing and setting up liens

Next Steps

- Develop information sheet on Sidewalk Maintenance Program.
- Article in Stayton Mail & in Front Porch newsletter.
- Chamber of Commerce notify members of City program and their support.
- Mailer to property owners in Downtown Area where inventory will be completed w/ info sheet about SW repair program.



City of Stayton

Planning and Development Department

Mailing address: 362 N. Third Avenue · Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members

FROM: Dan Fleishman, Planning and Development Director

DATE: October 1, 2012

SUBJECT: Comprehensive Plan Update

ISSUE

The issue before the City Council is whether to hold a second work session on the proposed 2012 Update of the Stayton Comprehensive Plan, adoption of a new Official Zoning Map, and a number of legislative text amendments to the Land Use and Development Code. The public hearing has been advertised for the October 15, 2012 meeting of the City Council.

BACKGROUND

On September 24, the Planning Commission completed its public hearing on the Draft Comprehensive Plan Update and forwarded the Plan to the City Council with a recommendation for adoption with a number of amendments. Those amendments have been incorporated into the draft Plan. A copy of the revised draft is attached. Also attached is the Planning Commission's Order forwarding the document to the City Council, specifying all of the changes the Planning Commission has made to the draft Plan.

On July 23 the City Council held a work session on the draft plan. Councilor Loftus, in a September 6 email asked if the City Council was going to hold a work session.

The draft plan is the result of approximately two years of hard work by the Comprehensive Plan Update Committee. The Committee was appointed in the spring of 2010, originally as a 13-member group. A number of the original members could not attend meetings on the night the group chose to meet, some moved out of town and others dropped by the wayside. The final group that completed the effort was reduced to six members. City Staff greatly appreciates the work this group put into this effort and the document before the City Council represents the policies they have recommended and the amendments made by the Planning Commission as the result of review comments from the Oregon Department of Land Conservation and Development and at the Planning Commission's public hearing.

Attached to this staff report are the following documents. Please review them as you can and bring them to the October 15 meeting. ***The packet for the public hearing will not include duplicates.***

- Draft 2012 Comprehensive Plan for October 15 hearing
- Planning Commission's Order of Approval
- October 1, 2012 Official Zoning Map
- Proposed Code Amendments
- July 13 letter from DLCD

The City Council will receive a more detailed staff report on the Comprehensive Plan in the packet for the October 15 public hearing.

RECOMMENDATION

Staff makes no recommendation regarding holding a work session before the public hearing. The Council would not be able to make any changes to the document before the public hearing. Following the public hearing, the City Council will have as much opportunity as it chooses to provide itself for deliberation and discussion of possible changes.

Staff is available to meet with any City Councilor who may have questions or need additional information, particularly Councilor Gooch, who was not seated at the time of the Council's July work session.

OPTIONS AND MOTIONS

The City Council has the following options from which to choose.

1. Schedule a work session before the October 15 public hearing.

I move that the City Council hold a work session on the draft comprehensive plan, official zoning map, and code amendments on October ____ (date) at _____ (time).

2. Hold the hearing without a work session.

No motion is necessary.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

)
) 2012 Stayton Comprehensive Plan Update
) File #6-06/12
)

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for an update of the Stayton Comprehensive Plan, adoption of a new Official Zoning Map, and various legislative amendments to Stayton Municipal Code (SMC) Title 17, Land Use and Development.

II. PUBLIC HEARING

A public hearing was held on the proposals before the Stayton Planning Commission on August 27, 2012. At that hearing the Planning Commission reviewed Land Use File #6-06/12 and made it part of the record. At the August 27 hearing testimony was provided by Art Christiansen, Randy Cranston, Ed Dunham, and Brent Stevenson (representing the Santiam Water Control District. The hearing was continued until September 24.

III. FINDINGS OF FACT

1. Oregon statutes and administrative rules require every municipality to enact a Comprehensive Plan and land use regulations in conformance with statewide planning goals and guidelines, and coordinated with other affected units of government.
2. The Stayton Comprehensive Plan was adopted in 1979, and has undergone periodic review and amendment, but not been thoroughly updated since adoption.
3. In April 2010, the Stayton City Council appointed a 13-member committee to review and update the Comprehensive Plan. That committee met on a monthly basis. Upon completing a draft of an updated Comprehensive Plan, the Committee held a public informational session.
4. The proposed comprehensive plan contains chapters on demographics, economics, transportation, public facilities and services, housing, land use, energy, and a fiscal analysis of the city. In each chapter, other than the chapter on demographics, there is an updated inventory and analysis, the relative statewide planning goals, and one or more local goals. For each local goal there are one or more policies for achieving the local goal. For each policy there is one or more action steps to be taken to implement the policy.
5. Stayton’s population has grown from 5,011 in 1990 to 7,644 in 2010. After decades of growth of more than 30%, Stayton’s population grew only 12% between 2000 and 2010, the slowest since 1910-1920.
6. In 2010 Marion County adopted “coordinated population projections” for the County and each of the cities within the County. The Marion County projections included a low growth, medium growth and high growth projection for each jurisdiction. The medium growth projected 2030 population for Stayton is 11,359.

7. The number of occupied housing units in the City has grown from 1,862 in 1990 to 2,882 in 2010. 42% of the occupied housing units are renter-occupied. 381 housing units were added between 2000 and 2010, 95% of which were single family detached units. In order to accommodate the projected 2030 population, an additional 1,281 housing units will be needed.
8. Elevations within the urban growth area range from a low of 400 to a high of 665 feet. There are small areas on the east side of the City and urban growth area with slopes steeper than 20%.
9. The Plan identifies 13 buildings and sites as historic resources.
10. There is no land in Stayton identified as terrestrial wildlife habitat. The North Santiam River, Mill Creek and Salem Ditch have been identified as fisheries habitat, including habitat for endangered species. Water quality in North Santiam River is excellent but is impaired by high temperatures during the summer.
11. Within the UGB there are 358 acres of open space land, including city parks, school property and the golf course.
12. Stayton has historically had a resident unemployment rate that is 50% higher than neighboring cities, Marion County or the State.
13. There are 138 acres of buildable land zoned residential within the City limits. There are 21 acres of buildable land zoned commercial or downtown mixed use within the City limits. There are 142 acres of buildable land zoned industrial in the City limits.
14. Marion County establishes a target for residential density of between 5 and 6 units per gross acre of land zoned residential for cities of Stayton's size. Looking at land within the City limits zoned residential, the City currently has a residential density of 3.1 units per acre.
15. In subdivisions recorded since 2000, the residential density has been 2.8 units per acre. If residential development continues at this density, the City will need to annex 320 acres of land during the next 20 years. Increasing the density of new residential development to the target of 5 units per acre would reduce the amount of land that needs to be annexed to 110 acres.
16. The City of Stayton currently has a "one map" system in which the Comprehensive Plan Map and Official Zoning Map show identical detail. The 2012 Comprehensive Plan proposes establishing a "two map" system in which the Comprehensive Plan Map shows broad categories of land use: residential, commercial, industrial, downtown, and public, and the Official Zoning Map shows the specific zones and the location of each zoning district.
17. A new Official Zoning Map is proposed to be adopted. The new map makes approximately 30 zoning changes, mostly to address either existing non-conforming uses or parcels split by a zoning boundary. The Zone Map amendments result in a net loss of 16.4 acres of land zoned residential, no change in the land zoned commercially, a net gain of 7.3 acres of land zoned industrially, and a net gain of 11 acres of land zoned public.

PUBLIC COMMENTS

The Planning Department received written comments from the Oregon Department of Land Conservation and Development prior to the public hearing. The DLCD raised the following issues

- The plan includes a number of population projections for 2030 but does not specify which one is used for planning purposes.
- The City has an excess of land in the UGB and the DLCD is concerned about the lack of goals or policies addressing increased efficiency (high density) with the UGB.
- The plan lacks a general policy based on Statewide Planning Goal 10.
- The exclusion of vacant lots smaller than 5,000 square feet in area from the Buildable Lands analysis in Chapter 8 may not meet the requirements of the Administrative Rule.
- The average residential density of 3.8 units per gross acre is lower than the 6 units per acre allowed in the Land Use Code.
- Whether “the historical housing mix of 80% single family detached and 20% single-family attached and multifamily” is the most appropriate ratio to address the City’s needs and whether allowing lots under 5,000 square feet may also be appropriate.
- The Plan lacks policies and actions steps under the second Natural Resource Goal relative to water quality
- The third Natural Resource Goal could be improved by distinguishing between developed open space and natural open space, with a policy regarding each and suggested that the word “attempt” be deleted from the last action in NR-3.
- Policies NR-5 and NR-6 could be strengthened and suggested a policy such as “It is the policy of the city to preserve riparian areas along the North Santiam River and Mill Creek and the functions these areas provide to support endangered fish species.”
- The City has not adopted code compliant with OAR 660, division 23.
- The draft plan may not comply with Statewide Goal 5 but needs additional time to propose revisions.
- With adoption of the Local Wetland Inventory in 1999, that Policy NR-9 is obsolete.

The staff report for the August public hearing responded to each of the above comments.

At the August public hearing Brent Stevenson provided oral and written testimony with a number of concerns regarding coordination of the Comprehensive Plan with the policies of the Santiam Water control District, the Natural Resource Overlay District, the acknowledgement of the impact of the City’s storm water on the District’s facilities. The staff report for the September continuance of the public hearing responded to the written testimony submitted by the SWCD.

At the August public hearing Art Christiansen and Randy Cranston both expressed opposition to the changes to the draft plan proposed by staff to implement a minimum residential density development standard.

IV. CONCLUSIONS

Based on the findings of fact, the Planning Commission concludes the 2012 Draft Comprehensive Plan is compliant with the applicable Statewide Planning Goals and Administrative Rules provided the following changes are made:

1. The following paragraph be added at the end of Chapter 2, on page 12:

Though the City recognizes that it may be high, the medium growth scenario projection from Marion County is used as the population projection for this Plan, and should be used by City for other planning purposes, such as updates of all master plans.

2. In Chapter 3, the third paragraph on page 15 be amended to read as follows:

Additionally, the Salem Ditch and Stayton Power Canal (West Stayton irrigation ditch) divert water from the North Santiam River and pass through the southern part of Stayton. Salem Ditch forms part of the western edge of the UGB just before its confluence with Mill Creek. The Salem Ditch and the Santiam Power Canal were originally constructed for water power but are now owned and operated by the Santiam Water Control District as conveyances of irrigation water. The two canals also receive the majority of the City's storm water.

3. In Chapter 3, the last paragraph on page 35 be amended to read as follows:

The North Santiam River, Mill Creek, and Salem Ditch and the Stayton Power Canal are two streams within the Stayton UGB that were have been inventoried as significant to fish by ODFW and Marion County. The North Santiam River is also significant fish habitat that flows just south of the UGB has been identified as spawning habitat for Summer Steelhead, Spring Chinook and Fall Chinook and migration habitat for Coho Salmon. Salem Ditch is has been identified as a sensitive area for anadromous fish and trout migration habitat for Summer Steelhead, rearing habitat for Spring Chinook and spawning habitat for Fall Chinook. Stayton Power Canal has been identified as migration habitat for Summer Steelhead and Coho Salmon and as spawning habitat for Fall Chinook and Spring Chinook. Mill Creek is identified as "headwaters" above its confluence with Salem Ditch. Headwaters are those areas that fish may not inhabit but were activities in the stream may affect water quality and fish production downstream.

4. In Chapter 5, the description of the City's Storm Water System on page 51 be amended as follows:

Storm Water System

The City's storm water system consists of approximately 15 miles of pipe, 8 miles of open channels, 650 catch basins, 20 detention facilities, and 38 major outfalls all within six major drainage basins. The majority of the City's outfalls are along the Salem Ditch, which ultimately carries flow to Mill Creek.

The major trunk line through the City runs north on 1st Avenue from Hollister, and West on Shaff Road with 48" outfall to an open channel draining to Salem Ditch.

The Salem Ditch and the Stayton Power Canal, which also receives discharges from the City's storm water system are owned and managed by the Santiam Water Control District. The canals are primarily used for the transmission of irrigation water to agricultural areas to the east of Stayton.

Runoff from the City is treated through biofiltration swales, catch basins, and detention facilities and is considered to be generally of good quality. Storm water within the city is primarily managed through the BMPs identified in the City's TMDL Implementation Plan and Storm Water Master Plan.

The Storm Water Master Plan identifies specific improvements for the storm water system along with costs and concepts to accommodate and reduce runoff from future development. The Master Plan also recognizes the need to better coordinate with the Santiam Water Control District to minimize the impacts of the City's storm water on the District's facilities and operations.

5. A new local goal is added to Chapter 8 regarding the efficiency of development with an associated policy and actions as follows:

GOAL DEVELOPMENT ACTIVITY WILL BE DESIGNED TO MAXIMIZE THE EFFICIENCY OF LAND CONSUMPTION AND MINIMIZE THE NEED FOR FUTURE EXPANSIONS OF THE URBAN GROWTH BOUNDARY

Policy LU-8 It is the Policy of the City that residential development will average 5 to 6 units per gross acre.

ACTION The City shall amend the Land Use and Development Code to provide for a minimum lot size throughout the Low Density Residential zone of 8,000 square feet, with a requirement for a minimum density of 3 units per gross acre in any partitioning or subdivision.

ACTION The City shall maintain the minimum lot size in the Medium Density Residential zone at 7,000 square feet, and shall amend the Land Use and Development Code to require a minimum density of 4.5 units per gross acre.

ACTION The City shall maintain the minimum density requirement in the High Density Residential zone of 13 units per acre.

6. A new policy with associated actions is added to the second Natural Resources goal as follows:

Policy NR-3 It is the Policy of the City to maintain vegetation along streams and rivers in a natural state to promote water quality by trapping sediment and nutrients and providing shade, in compliance with the Total Maximum Daily Load targets for the Willamette basin. A strip of riparian vegetation should be retained along the North Santiam River and Mill Creek and other bodies of water within the City.

ACTION The City will continue to apply standards for maintenance of vegetation and limiting uses within 100 feet of the North Santiam River and Mill Creek.

ACTION The City will apply standards for maintenance of vegetation and limiting uses within 25 feet of the Salem Ditch and the Stayton Ditch.

7. The words “attempt to” are deleted from the third action under Policy NR-3 (to become NR-4 with the addition of the above new policy).
8. Policy NR-5 (to become NR-6 with the addition of the above new policy) is amended as follows:

Policy NR-5 It is the Policy of the City to preserve riparian areas~~to maintain vegetation~~ along streams and rivers in a natural state and the functions these areas provide as a buffer between urban development and fish habitat~~-. To support endangered fish species~~ a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek and other bodies of water.

9. Policy NR-9 (to become NR-10 with the addition of the above new policy) and its action, is amended as follows:

Policy NR-9 It is the Policy of the City to ~~coordinate-notify~~ development/permit reviews with the Department of State Lands ~~and the U.S. Army Corps of Engineers to evaluate the significance of each site and of~~ any wetland development permit reviews~~fill and removal permit requirements~~.

ACTION The City will continue the requirements of the Land Use and Development Code that the wetland development review process include ~~interested state and federal agencies, including notice to~~ the Department of State Lands ~~and US Army Corps of Engineers~~.

V. ORDER

Based on the findings of fact and conclusions, the Planning Commission voted to recommend to the City Council adoption of the 2012 Stayton Comprehensive Plan with the inclusion of the above amendments, adoption of the October 1, 2012 Stayton Official Zoning Map, and enactment of the proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, “Proposed Amendments to Stayton Municipal Code Title 17, Land Use and Development to Accompany Adoption of the 2012 Stayton Comprehensive Plan.”

Ellen Nunez, Chairperson

Date

Dan Fleishman,
Director of Planning and Development

Date

Proposed Amendments to Stayton Municipal Code Title 17, Land Use and Development to Accompany Adoption of the 2012 Stayton Comprehensive Plan

Additions are underlined, Deletions are ~~crossed-out~~

Part 1. Amend **Section 17.12.210.5** to indicate that the zoning district shall be assigned when territory is annexed into the City in accordance with the comprehensive plan designation and the proposed use of the territory being annexed.

5. ZONING OF ANNEXED TERRITORY. All lands that are annexed to the City shall be zoned in ~~conformance~~accordance with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan. This requirement does not prohibit an application to amend the Comprehensive Plan ~~and Zoning Maps~~Map concurrent with the application for annexation.

NOTE: The current Comprehensive Plan Map indicates the specific zoning of land within the Urban Growth Boundary. The proposed Comprehensive Plan Map shows only broad categories of land use such as residential, commercial, industrial and downtown. Therefore the Code needs to be amended to indicate that the zoning needs to be assigned when land is annexed into the City.

Part 2. Add **Section 17.12.220.4.b.20)** to add a submission requirement for a geotechnical study when development activity is proposed on sites with slopes of 20% or steeper.

20) When any development activity is proposed on a location a slope of 20% or steeper, a geotechnical study, prepared by a licensed geologist or registered engineer with experience in geotechnics, determining the suitability of the site for construction considering the possibility of increased erosion potential, slope stability, slippage and other concerns.

NOTE: Under Policy NR-10 the Comprehensive Plan calls for requiring a geotechnical study to determine the suitability of construction on steep slopes.

Part 3. Add **Section 17.12.220.5.n** to add an approval criterion for Site Plan Review applications regarding impacts on fish habitats.

n. When any portion of an application is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.

NOTE: Under Policy NR-6 the Comprehensive Plan calls for the establishment of a criterion of approval on discretionary land use actions regarding impacts on fish habitat.

Part 4. Amend **Section 17.16.020.3** to refer to an updated Official Zoning Map.

3. OFFICIAL ZONING MAP

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of ~~January 1989~~October 1, 2012 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

NOTE: A new Official Zoning Map will be adopted with the Comprehensive Plan.

Proposed Amendments to Stayton Municipal Code Title 17, Land Use and Development to Accompany Adoption of the 2012 Stayton Comprehensive Plan

Part 5. Amend **Section 17.16.060.1** to require a minimum density of 3 units per acre in the Low Density Residential Zone.

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density of development shall not be less than 3 dwelling units per acre and shall not exceed 6 units per acre.

NOTE: Under Policy LU-8 the Comprehensive Plan calls for the establishment of a minimum density requirement of 3 dwelling units per gross acre in the LD Zone.

Part 6. Amend **Section 17.16.060.2** to require a minimum density of 3 units per acre in the Medium Density Residential Zone.

2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not be less than 4.5 dwelling units per acre and shall not exceed 12 dwelling units per acre.

NOTE: Under Policy LU-8 the Comprehensive Plan calls for the establishment of a minimum density requirement of 4.5 dwelling units per gross acre in the MD Zone.

Part 7. Amend **Table 17.16.070.2** to remove footnote 2, thereby establishing a minimum lot size of 8,000 square feet throughout the Low Density Residential Zone.

Table 17.16.070.2 Minimum Dimensional Requirements for Lots

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Lot Area (square feet) ¹	8,000 ²	7,000 ³	6,000	7,000	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 ⁴	70 ⁴	60 ⁴	40	0	0	0	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	0	0	0	0	0	0	0

Notes to Table 17.16.070.2

¹ The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

- a. Protect natural drainage ways.
- b. Provide drainage or utility easement.
- c. Protect future right-of-way.
- d. Protect unbuildable steep slope areas above 15 percent slope.
- e. Protect flood plain hazard or wetland areas.

~~² 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue~~

³ A tri-plex requires a minimum lot area of 10,500 square feet

⁴ 40 feet for lots with frontage on a cul-de-sac

NOTE: Under Policy LU-8 the Comprehensive Plan calls for an 8,000 sq. ft. minimum lot size throughout the LD Zone.

Part 8. Amend **Section 17.16.090.1** to revise the boundaries of the Natural Resources Overlay District.

1. **BOUNDARIES OF THE NR DISTRICT.** The NR Overlay district shall include lands that are:
 - a. 100 feet from the normal high water line of the North Santiam River, Mill Creek, Lucas Ditch, ~~Salem Ditch north of Shaff Road~~, except for areas within the HD, CR, CG, CCMU, DRMU, and ID zones.

Proposed Amendments to Stayton Municipal Code Title 17, Land Use and Development to Accompany Adoption of the 2012 Stayton Comprehensive Plan

- b. ~~50-25~~ feet from the normal high water line of the Salem Ditch and the Stayton Ditch, except for areas within the CR, CG, CCMU, DCMU, and DRMU zones.

The provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the NR Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.

NOTE: Under Policy NR-5 the Comprehensive Plan makes reference to a 25-foot wide protection area along the Salem Ditch and Stayton Ditch

- Part 9.** Add **Section 17.24.040.6.k** to an approval criterion for subdivisions and partitions regarding impacts on fish habitat.

k. When any portion of subdivision or partition is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.

NOTE: Policy NR-6 calls for the establishment of a criterion of approval on discretionary land use actions regarding impacts on fish habitat.

- Part 10.** Amend **Section 17.24.090.2** to require parcels of land containing significant wetlands to be developed as master planned developments.

2. APPLICABILITY. The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. ~~However~~ ~~In addition~~, the City ~~may~~ shall require that the following types of development be processed using the provisions of this Section:

- a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as ~~being a significant wetland~~ ~~site(s) requiring protection~~.
- b. Where the land division is to occur on slopes of 15% slope or greater.
- c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development.

NOTE: Under Policies NR-8 and NR-10 reference is made to requiring use of the master planned development standards when parcels include wetlands or steep slopes.

- Part 11.** Amend **Section 17.24.100.2.g.2)** regarding density bonuses in master planned developments.

- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 50% increase in density.
 - a) Where the percentage of open space increases. The bonus shall permit a 5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.d.
 - b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, such as locating garages behind the primary building line of the house, side loaded garages, or alley-access garages, a density bonus of up to ~~45~~20% may be granted.

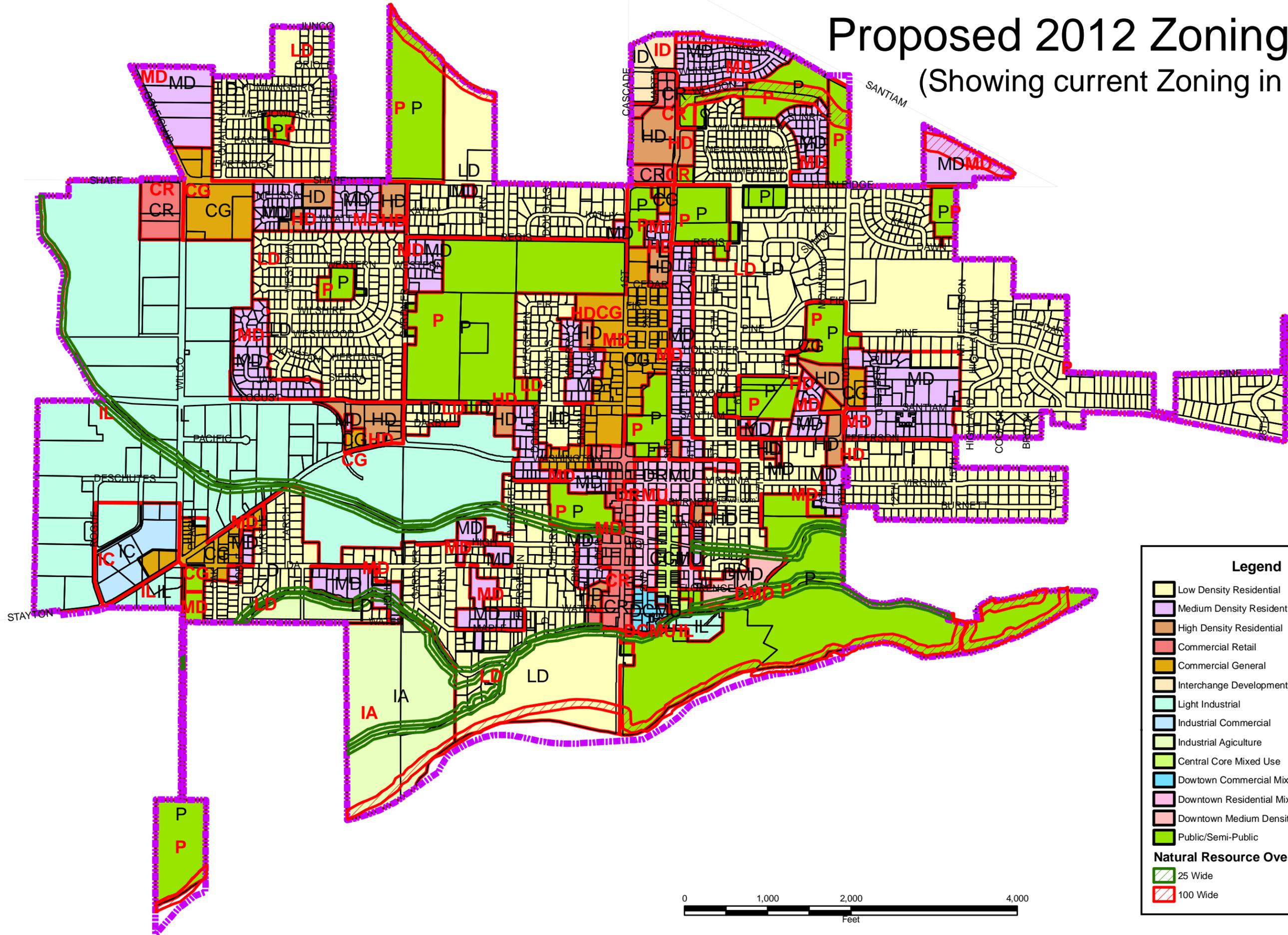
Proposed Amendments to Stayton Municipal Code Title 17, Land Use and Development to Accompany Adoption of the 2012 Stayton Comprehensive Plan

- c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8.
- d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.
- e) A 10% density increase for each 10% of the dwelling units in the development that are reserved as affordable housing for households with a household income of 80% of the Marion County median household income or less.

NOTE: Under HO-1, reference is made to incentives for providing affordable housing. Under Policy HO-5 reference is made to incentive for design elements.

Proposed 2012 Zoning Map

(Showing current Zoning in Red)

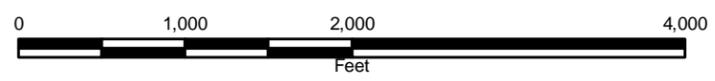


Legend

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial Retail
- Commercial General
- Interchange Development
- Light Industrial
- Industrial Commercial
- Industrial Agriculture
- Central Core Mixed Use
- Downtown Commercial Mixed Use
- Downtown Residential Mixed Use
- Downtown Medium Density Residential
- Public/Semi-Public

Natural Resource Overlay District

- 25 Wide
- 100 Wide





Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development
Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



July 13, 2012

Dan Fleishman
Director of Planning and Development
362 N Third Avenue
Stayton, OR 97383

Sent Via Email

Re: Stayton Comprehensive Plan Update (Stayton Local File No. 5-06/12; DLCDC PAPA File No. 003-12)

Dear Dan,

Thank you for the opportunity to provide comments on Stayton's update to the Comprehensive Plan. Our comments/recommendations are intended to highlight areas of the plan that we believe can be improved in order to better plan for the future needs of the city and to ensure compliance with the relevant goals, statutes, and administrative rules.

Population Projections

The plan identifies the county projections in a range, but does not state which projection that the city will use to guide its 20 year plan. The last paragraph on page 12 states that the projected population is reduced to 10,737 for the year 2030, but it's not clear what forecast is being reduced. The city must use the county coordinated projection to update its comprehensive plan. The department recommends that the comprehensive plan clearly identify the projection that will be used to guide planning for Stayton in the next 20 years.

Residential Land Use

The Plan identifies that Stayton has an urban growth boundary with land far in excess of its 20-year needs – 920 acres of residential land, which is twice the amount projected to be needed. Goal 14 states that comprehensive plans and implementing measures for development of land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities. The city has not identified any goals or policies in the proposed plan that call for increased efficiency within the current UGB. The update states that if new residential developments are planned at the same densities that were developed in the past decade, there will be approximately 460 acres of land needed during the next 20 years for urban development.

The department recommends that the plan include a general policy based upon Statewide Planning Goal 10: "The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density." The city should adopt goals, policies, and actions promoting efficient residential and non-residential development to guide its growth and development of the Stayton community.

Lots smaller than 5,000 square feet have been excluded from the city's buildable land inventory due to 5,000 square feet being the current minimum residential lot size. If the city permits building on legal substandard lots and there are lots that can physically be developed, the city should consider including them in the BLI (see OAR 660-008-00005(2)).

The city has seen the majority of its housing develop in single-family detached form for the past 10 years. An average residential density of 3.8 units per gross acre is lower than the Land Use Code allows at 6 units per acre in the low density zone and 12 units per acre in the medium density zone. We suggest that the city more fully consider whether: 1) the historical housing mix of 80 percent single family detached and 20 percent single-family attached (townhouse) and multifamily is the most appropriate ratio to address Stayton's evolving needs over the next 20 years; and 2) whether a pattern of allowing and encouraging smaller lot single-family residential development (under 5,000 square foot lot size) is also appropriate. Based on projected demographic trends, increased costs of living, and rising fuel prices, future housing needs are likely to be significantly different from today, and in fact such trends have already been occurring during the past decade.

To reduce the need for automobile trips and encourage alternative forms of transportation such as public transit, walking, and cycling, most cities must significantly increase the efficiency of residential land development in key locations and encourage mixed-use development wherever feasible. More efficient development is also cost effective for developers and for the city because it requires less infrastructure investment per dwelling.

Through the Transportation and Growth Management (TGM) program, the department has published several handbooks and other resources for small communities such as Stayton to respond to changing demographics and economics in positive ways. We can provide these materials to you, and stand ready to assist Stayton in planning to grow positively in the next 20 years. <http://www.oregon.gov/LCD/TGM/>.

Natural and Historic Resource Goals and Policies

The policy and actions listed under Goal 2, *The Mill Creek and North Santiam River* do not address water quality. The city could adopt a policy/action to do one or more of the following: 1) incorporate water quality measures within its Floodplain code that are above and beyond the current minimum standards for the National Flood Insurance Program; 2) recognize charges to the minimum standards that are likely to result from Federal Emergency Management Act's consultation with National Marine Fisheries Service; 3) recognize floodplain functions that serve to support the Department of Environmental Quality standards for water quality or Total Maximum Daily Load targets for the Willamette basin.

The city's Goal 3, *Adequate Open Space*, may be helpful to distinguish between open space that consists of developed parks and open space that is maintained for natural functions like stream health and wildlife habitat. We recommend the city develop at least one policy and related actions for each category of open space and be clear about the intent of preserving open space along water bodies, leaving out the word "attempt" or in some other way make the action a commitment.

Habitat for Rare and Endangered Species

To strengthen protection of fish habitat, the policies in the comprehensive plan would benefit from a stronger statement. Fish habitat extends onto the banks of streams and rivers, and floodplains are habitat during flood events. The trees that shade the water are habitat as well as the roots that stabilize the banks. We recommend a policy such as, "It is the policy of the city to preserve riparian areas along

the North Santiam and Mill Creek and the functions these areas provide to support endangered fish species." It is our understanding that the city has not adopted code compliant with OAR 660, division 23 for riparian areas or wildlife habitat. We would like to work with the city on developing a set of policies that will result in appropriate protection of the natural resources within your boundaries. We are concerned that the draft we were given for review does not comply with the requirements of Statewide Planning Goal 5, but we have not had ample opportunity to propose provisions that are consistent with the goal. We request that the city not adopt the proposed amendments until this department has had the opportunity to coordinate with city staff on appropriate policies that meet the city's needs.

Significant Wetlands

Policy Nr-9 states: "it is the Policy of the City to coordinate development/permit reviews with the Department of State Lands and the U.S. Army Corps of Engineers to evaluate the significance of each site and any fill and removal permit requirements." Determination of significance is already complete in your plan unless you choose to open up the Local Wetland Inventory or OFWAM process again. This policy can simply recognize the city's obligation under state law to notify DSL of development proposed in or near all wetlands, significant and non-significant. The department has model code language for this if the city plans to update its code as well. Finally for this policy we recommend adding an action specific to notifying DSL in compliance with ORS 227.350.

Please enter these comments into the record for this plan amendment and the proceedings of the July 30, 2012 Stayton Planning Commission hearing.

Regards,

Angela Lazarean
Willamette Valley Regional Representative

cc: Gordon Howard, Urban Planning Specialist (*email*)
Amanda Punton, Natural Resource Specialist (*email*)

*Comment Forms
and Other
Documents
Distributed at the
Council Meeting*

Date: 10-1-12

File No. _____

CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the session whenever possible, and should be submitted to the staff bench. Please wait for recognition from the Council bench before addressing the Council.

Your name (please print): Tim Nokes
Address: 656 W. Maple STAYTON OR 97383
Street City State Zip

Topic (if this is an agenda item, please list the agenda number and topic): Lights OUT

Speaking in support of ; in opposition to ; general testimony

Comments: I will speak after Dave Kinney

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning Department at 503-769-2998, or their office is located at 311 N. Third Avenue, Stayton, Oregon 97383.

ORANGE - Sidewalk Issues
YELLOW - Tree Issues
PINK - City Property w/ Issues

WASHINGTON STREET

WASHINGTON

VIRGINIA

VIRGINIA

VIRGINIA

MURKETT

MARION

FIRST AVENUE

FOURTH AVENUE

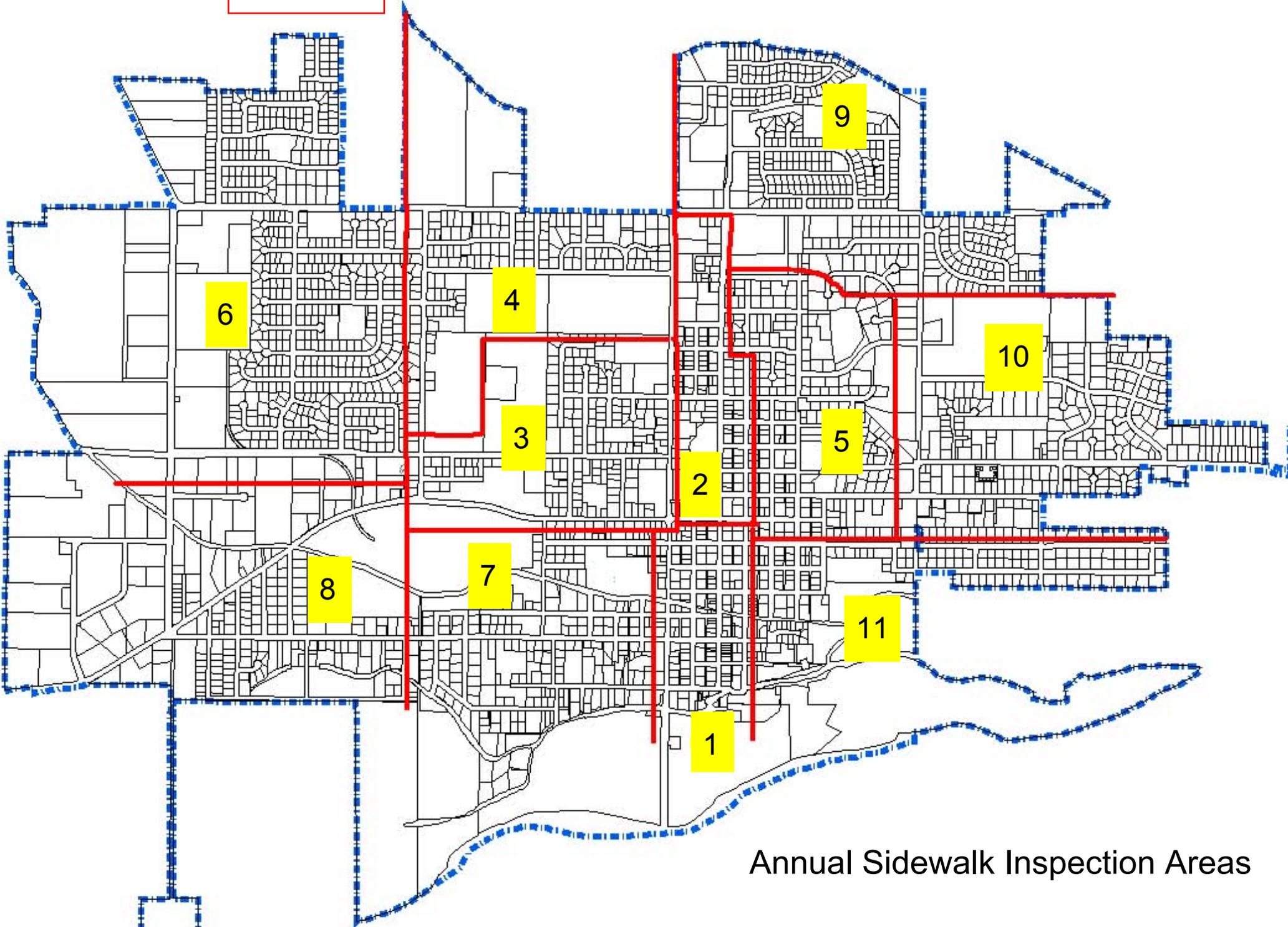
HIGH

FLORENCE

WATER

WATER STREET





Annual Sidewalk Inspection Areas