



AGENDA STAYTON CITY COUNCIL MEETING

Monday, October 15, 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

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. October 1, 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

Ordinance No. 949, Comprehensive Plan Update

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing

UNFINISHED BUSINESS – None

NEW BUSINESS

Ordinance No. 949 Comprehensive Plan Update

Action

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

STAFF/COMMISSION REPORTS

Finance Director’s Report – Christine Shaffer

Informational

- a. September 2012 Monthly Finance Department Report
- b. Refinancing Update

Police Chief’s Report – Rich Sebens

Informational

- a. September 2012 Statistical Report

Public Works Director’s Report – Dave Kinney

Informational

- a. September 2012 Operating Report

Pool Manager’s Report – Rebekah Meeks

Informational

- a. September 2012 Monthly Operating Report

Library Director’s Report – Louise Meyers

Informational

- a. September 2012 Activities/Statistics

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. Refinancing of the 1997 USDA and 2007 DEQ Sewer Bonds
- b. Solicitor Licenses

ADJOURN

CALENDAR OF EVENTS

OCTOBER 2012

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)
Tuesday	November 27	Police Advisory Committee	6:00 p.m.	City Hall Conference Room

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		

JANUARY 2013

Tuesday	January 1	CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY		
Wednesday	January 2	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	January 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	January 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 21	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING DAY		
Tuesday	January 22	City Council	7:00 p.m.	Community Center (north end)
Monday	January 28	Planning Commission	7:00 p.m.	Community Center (north end)

Consent Agenda

**STAYTON CITY COUNCIL
MEETING MINUTES
October 1, 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
Louise Meyers, Library Director, excused
David Kinney, Public Works Director
David A. Rhoten, City Attorney, excused
Alissa Angelo, Deputy City Recorder

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None.

ANNOUNCEMENTS

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

CONSENT AGENDA

- a. **September 17, 2012 City Council Meeting Minutes**

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

PUBLIC HEARING – None.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Community Grant Applications

- a. **Staff Report:** Ms. Shaffer reviewed her staff report and the community grant applications received from the Santiam Senior Center and Stayton Storm Basketball team. Ms. Shaffer stated the community grant fund has \$300 remaining for this fiscal year.
- b. **Council Deliberation:** Councilor Loftus asked if the funds need to be distributed or if they can be carried over into the next fiscal year. Ms. Shaffer stated the funds can be carried over and there is no need to award them unless the Council wishes.

Councilor Porter asked how citizens know there are funds still available. Ms. Shaffer stated staff has kept the grant applications posted on the City's website.

Mayor Vigil shared that while he is in favor of the drug dog, he doesn't feel in this situation it is appropriate to award the money and then have it given back to the City. He favors using the community grant funds toward activities for kids.

Councilor Loftus would rather see the \$300 used as seed funding for a skate park.

Councilor Niegel felt choosing to support one local athletic team, it may open the door to all other teams in the area. This may lead to future difficult to decisions of which teams to support.

Councilor Porter asked if the Storm Basketball team consisted of disadvantaged kids; Councilor Niegel didn't believe so. They are a tournament team that travels throughout the state playing in different tournaments.

Councilor Gooch didn't feel the funding needed to be distributed this evening.

Councilor Loftus made a motion to deny both applications. Motion died due to lack of a second.

c. **Council Decision:**

MOTION: From Councilor Loftus, seconded by Councilor Niegel, to table the applications submitted indefinitely. **Motion passed 4:1 (Porter).**

Sidewalk Maintenance

a. **Staff Report:** Mr. Kinney reviewed his staff report included in the Council packet and gave a PowerPoint presentation. He provided background on why the sidewalk maintenance program is being brought before the Council and what the current Stayton Municipal Code requires of property owners. Also provided to Council was a map dividing Stayton into 11 areas that will be focused on individually each year. Mr. Kinney explained while the goal is to cover the whole City in 11 years, it likely will take longer.

b. **Council Deliberation:** Councilor Loftus asked if staff looked at the sidewalk at Fifth Avenue and Washington Street. Mr. Kinney stated the sidewalk at this location was not included in area number 1, which only extends east to Fourth Avenue.

Mr. Kinney explained the process staff will take to contact property owners about required sidewalk repairs. They will be given options of how the work can be completed which includes performing the work themselves, hiring a contractor, or requesting the City have the work scheduled and completed by a contractor. If they choose to have the City hire a contractor, the property owner will be billed for the cost of repairs. If the property owner is unable to pay the bill upon receipt, a process which is yet to be determined, will be set-up through the Finance Department to determine an appropriate payment plan.

Councilor Niegel asked how staff determined if certain sidewalks had an issue. Streets Maintenance Worker Michael Bradley explained the process and criteria used to determine if there was an issue with a sidewalk.

Councilor Gooch asked if City staff is able to recommend a contractor to property owners. Mr. Kinney stated it is the practice of the City to not recommend a contractor. However, staff can provide the property owner with a list of local contractors if requested.

Councilor Quigley stated he has many questions about this proposed program. He is having a hard time understanding how the City can put funding toward fixing sidewalks when the streets are in such horrible condition. Mr. Kinney stated where to focus the City's money is a policy decision for the Council. Councilor Quigley then asked if homeowners insurance typically covers this type of issue. Mr. Kinney stated normally it does not. Councilor Quigley asked how much the permit fee is for the property owner. Mr. Kinney stated \$40.

Another concern of Councilor Quigley's is how property owners will be contacted about the requirement to make repairs. He has issues with the tone used in the tree trimming letters sent out and feels staff should have made personal contact with the property owners prior to sending out a letter. He asked if an Urban Renewal District would cover sidewalk issues in the downtown area. Mr. Kinney stated generally these types of Districts do cover this type of issue.

Councilor Loftus asked if the City requires curbs and sidewalks as part of the building permit process. He feels the City is shifting responsibility to the private property owner to maintain public places. Councilor Loftus gave an example of a citizen who is deployed for six months and never is aware of the sidewalk repair letter from the City, and when the City receives no response and moves forward with making the repairs, the unaware property owner will be charged. Mr. Kinney stated this would be an extreme circumstance and agrees it could happen but doesn't feel it's likely.

Councilor Loftus felt the program could potentially cause a business to shut down due to not being aware sidewalk repairs would be required prior to opening. Mr. Kinney explained the permit process for new construction and modification of existing homes and businesses. At the time of filing for a permit, the property owner is notified that their sidewalks need to be brought up to code. He continued that the current policy in the Stayton Municipal Code has been in effect for at least 50 years; the issue is the policy hasn't been actively enforced for quite some time. The community is now at a point where sidewalks are becoming a liability, and unfortunately it's not financially feasible for the City to pay for the repairs on its own.

Councilor Loftus asked Mr. Kinney to estimate the cost of legal fees if this issue ends up going to an attorney. Mr. Kinney feels if the City does its job effectively, attorneys would rarely be involved. Councilor Loftus stated he is concerned about the financial stress being placed on the property owners by requiring them to do the work. Mr. Kinney explained that this plan places the City as a financing mechanism to assist those who can't afford the repairs. Homeowners have a responsibility to maintain. Councilor Loftus asked how the City can validate taking property owner rights away.

Councilor Quigley asked if the program could be done for a trial period to see what the feedback is from the first area. Mr. Kinney agreed this was a great way to test out the

program in the downtown area, especially because many of the business owners in the area have already requested something be done. A trial period will occur for a year, and then a report will be brought back to Council. Mr. Kinney feels some properties will be very receptive, while others will say they don't have the money to do the work but know it needs to be completed and will ask how they can move forward. Councilor Quigley would like to have staff return to Council prior to placing any liens or charging any fees. Mr. Kinney stated the Finance Department will be working with property owners who need assistance. Ms. Shaffer added if the property owner requires more than a year to pay back the funds, she would recommend a lien be placed on the property for tracking purposes. Once the amount is paid back in full, the lien would be removed.

Mayor Vigil feels overall citizens care about their property and many will be receptive to having the City's contractor complete repairs simply due to them not having the time or knowing who to contact to have the repairs completed.

Councilor Loftus spoke about certain advances in concrete technology and asked if these would be allowed by the City for use by the property owners. Mr. Kinney stated that this newer technology is not currently in the City's Public Works Standard Specifications. However if a property owner requested to use this technology, the City Engineer would review and approve if appropriate.

Councilor Loftus asked Mr. Kinney what is considered a repair by the homeowner versus maintenance. Mr. Kinney stated he wasn't sure what the answer is.

Mr. Kinney stated at this point, the focus is on sidewalks which have hazardous conditions.

Councilor Niegel stated she felt it was important to note that this type of program is not breaking new ground; there are many other communities who have already implemented programs similar to this.

c. **Council Decision:**

MOTION: From Councilor Niegel, seconded by Councilor Porter, to direct the City Administrator and Public Works Director to initiate a sidewalk maintenance program as outlined, in compliance with SMC 12.04.

Discussion

Mr. Kinney stated staff's expectation is to return to Council with a report after focusing on the first area and prior to issuing any liens or charges.

Councilor Quigley added he felt it was important to create awareness in community about the program and ensure citizens understand the program.

Motion passed 4:1 (Loftus)

Comprehensive Plan Update

- a. **Staff Report:** Mr. Fleishman reviewed the staff report included in the Council packet. A public hearing has been advertised for the October 15, 2012 City Council meeting. He

reviewed the documents included in the Council packet. He informed Council to be sure to they bring these materials with them to the public hearing as duplicate copies will not be included in that meeting packet.

He indicated at a previous Council meeting there was discussion of holding an additional work session for the Council to review the final draft of the Comprehensive Plan. He asked the Council if they would like to schedule one prior to the public hearing.

- b. **Council Deliberation:** The Council scheduled a work session to review the Comprehensive Plan for October 8, 2012 at 6:30 p.m. The location will be determined by staff, and Council and the public will be notified.

STAFF/COMMISSION REPORTS – None.

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **Jim Nokes, 656 W. Maple Street:** Mr. Nokes stated he has a way for the Council and City to save \$102,000. He referenced a document provided to Council which spoke about the correlation between lighting and crime. Mr. Nokes shared a brief PowerPoint presentation about light pollution. He believes light and electricity is being wasted, and the City Council should consider shutting off the street lights. He pointed out lighting on the Pool building that is on 24 hours a day.

He also mentioned a line item on page 3 of the City's budget which lists grant funding from Pacific Power. This is not something he wants to see disturbed, which may be a possibility if the City chose to shut off street lights.

Councilor Loftus mentioned a photo in Mr. Nokes presentation of a lunar eclipse. He stated Stayton will be directly in the path of a solar eclipse on August 14, 2017.

Councilor Gooch likes the theory behind Mr. Nokes idea but she prefers the lights being on, and as a woman feels safer when the streets are lit.

Councilor Loftus asked Mr. Nokes if he had found any other lights that don't put are more conducive. Mr. Nokes spoke about shorter style lights that are powered by LED or natural gas. They are a shorter style, and he feels they would look good in the downtown corridor.

BUSINESS FROM THE CITY ADMINISTRATOR

- a. Mr. Eubank stated the Marion County Commissioners will be holding their October 27 meeting in the Santiam Hospital's new wing. The meeting is set to begin at 9:00 a.m.

BUSINESS FROM THE MAYOR – None.

BUSINESS FROM THE COUNCIL

- a. Councilor Quigley shared that he plans on attending the upcoming Marion County Economic Summit in Keizer on October 17 at 5:30 p.m. He encouraged anyone interested to attend.

FUTURE AGENDA ITEMS

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

ADJOURN

There being no further business, the meeting was adjourned at 8:20 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 15TH DAY OF OCTOBER 2012,
BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

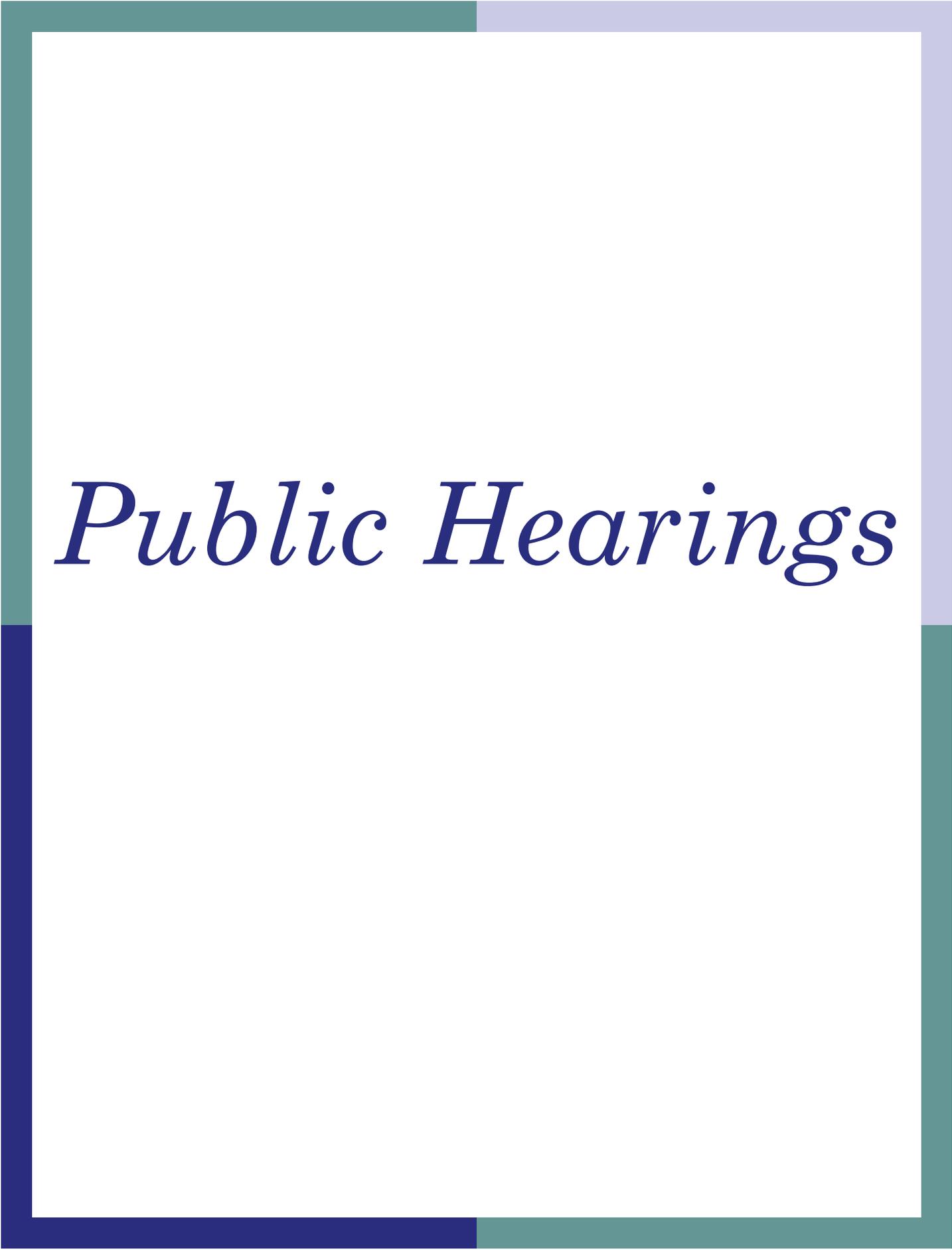
Don Eubank, City Administrator

Date: _____

Transcribed by: _____

Alissa Angelo, Deputy City Recorder

DRAFT



Public Hearings



City of Stayton

Planning and Development Department

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Office location: 311 N. Third Avenue

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

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MEMORANDUM

TO: Mayor Scott Vigil and City Council Members

FROM: Dan Fleishman, Planning and Development Director

DATE: October 15, 2012

SUBJECT: Comprehensive Plan Update

120 DAYS ENDS: not applicable

ISSUE

The issue before the City Council is a public hearing on the draft 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. Following the public hearing the City Council may make changes to the draft Update, Map, or Code amendments in its deliberations on Ordinance 949.

BACKGROUND

Oregon law requires that every municipality have a comprehensive planning program and that its land use regulations be adopted pursuant to and consistent with the Comprehensive Plan. Stayton's Comprehensive Plan was first written and adopted in the late 1970s. While there have been periodic reviews of the plan and various amendments over the past decades, portions of the Comprehensive Plan have not been updated since it was originally adopted. This version of the Comprehensive Plan adds two new chapters: housing, which was only briefly discussed in the land use chapter, and one on the fiscal capacity of the City.

Among the most significant changes proposed by the draft plan is the conversion from a "single map" system of a combined Comprehensive Plan map and Zoning Map to a "two map system" of a separate Comprehensive Plan Map that shows only general categories of land use (e.g. commercial, residential, and industrial) and an Official Zoning Map that shows the individual zones. This change is accompanied by a number of zoning map amendments and changes in comprehensive plan map designation for several properties outside of the City Limits, as described below.

Another significant change in the Plan is the organization of the City's goals and policies and the inclusion of at least one policy statement for each goal and at least one implementation measure for each policy. The current plan is not consistent from chapter to chapter in the treatment of goals and policies, and contains very few implementation measures.

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, with several amendments by the Planning Commission, as explained below.

ANALYSIS

Stayton's Comprehensive Plan must comply with 19 Statewide Planning Goals adopted by the Land Development and Conservation Commission and with the Administrative Rules adopted pursuant to these goals for the preparation of various aspects of the Plan. Several of the Statewide Planning Goals are not applicable to Stayton:

- Goal 3 requires Counties to identify agricultural lands and preserve and maintain them through appropriate zoning.
- Goal 4 requires Counties to identify forest lands and conserve them.
- Goal 15 concerns the greenway along the Willamette River.
- Goals 16-19 are all concerned with coastal resource management.

Staff and the Update Committee believe that the draft Plan addresses the remaining 12 Statewide Planning Goals. No exceptions to the Goals are proposed in the Plan. The draft Plan has been reviewed by the Oregon Department of Land Conservation and Development. With the changes that have been incorporated into the Plan by the Planning Commission, the DLCDC is in agreement that the Plan adequately addresses the relevant Statewide Planning Goals.

The Plan is organized into a number of chapters. Each chapter presents information and analysis about a topic and at the end of the chapter contains a recitation of the Statewide Planning Goal(s) relevant to that chapter and a statement of local goals to conform to the Statewide Planning Goal. Each Statewide Planning Goal is briefly described below.

Goal 1 – Citizen Involvement: Citizen involvement in Stayton's planning process is described in Chapter 1 of the Plan.

Goal 2 – Land Use Planning: Goal 2 is addressed throughout much of the Plan and is specifically addressed in Chapter 8 of the Plan.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: Chapter 3 of the Plan addresses these resources.

Goal 6 – Air, Water and Land Resources Quality: Goal 6 is also addressed in Chapter 3 of the Plan.

Goal 7 – Areas Subject to Natural Hazards: Natural hazards in Stayton, flooding and steep slopes, are addressed in Chapter 3 of the Plan.

Goal 8 – Recreational Needs: Recreational needs are addressed both in Chapter 5 on Public Facilities and Chapter 8 on Land Use.

Goal 9 – Economic Development: Goal 9 is addressed in Chapter 7 of the Plan.

Goal 10 – Housing: Goal 10 is addressed in Chapter 6 of the Plan.

Goal 11 – Public Facilities and Services: Goal 11 is addressed in Chapter 5 of the Plan.

Goal 12 – Transportation: Goal 12 is addressed in Chapter 4 of the Plan.

Goal 13 – Energy Conservation: Goal 13 is addressed in Chapter 9 of the Plan.

Goal 14 – Urbanization: is addressed in both in Chapter 6 on Housing and Chapter 8 on Land Use.

As mentioned in the Background section above, the draft recommends a fundamental shift in the Comprehensive Plan map, recommends Zoning Map amendments, and recommends some changes in the plan designation of some property outside of the City limits. Currently the City has a “single map system,” in which the Comprehensive Plan Map and the Zoning Map are identical except that the Zoning Map shows only land in the City and the Comprehensive Plan Map includes the entire Urban Growth Boundary. The draft plan switches to a “two map system.” The Comprehensive Plan Map continues to include the entire UGB but changes from showing individual zoning boundaries to classifying land into one of five categories: Residential, Commercial, Industrial, Downtown, and Public (see Map 15 on page 100). Currently, when land is annexed into the City, Title 17 requires that it be zoned according to its Comprehensive Plan Map designation unless there is a concurrent Comprehensive Plan Map amendment. In the future, when land is annexed into the City, the City and the land owner or applicant will need to determine, which zone it will be placed in within the designation of the Comprehensive Plan Map.

The Comprehensive Plan Update Committee reviewed the current Zoning Map and has made a recommendation for about 30 changes to the map that affect about 60 tax parcels. The owners of these parcels have been notified of the pending changes. Attached to this staff report is a list of the changes and the reason for the change. Virtually of all of the changes recommended by the Update Committee were selected because they address either an issue of an existing nonconforming use or of a parcel split by a zoning boundary. The one exception to this is the land at the northwest corner of Wilco Road and W Washington St. At the request of the property owner, the Committee has recommended that this vacant land be changed from Industrial Commercial to Commercial General.

Staff has reviewed all of the proposed changes and calculated the impact of these changes on the supply of land in each of the comprehensive plan designations. These changes are summarized in the table below. There is a net decrease of 16.4 acres of land from the residential zones. Almost half of that is two parcels owned by Norpac Foods, currently in agricultural use, and proposed to be placed in

From	To Residential	Commercial	Industrial	Public	Total
Residential		0.58	7.07	9.34	16.99
Commercial	0.59		0.35	1.70	2.64
Industrial		2.08			2.08
Public		0.05			0.05
Total	0.59	2.71	7.42	11.04	21.76

the Agriculture Industrial zone. Norpac Foods has been consulted on this change and expressed their consent.

There is essentially no change in the amount of commercially zoned land. There is a net gain of 5.3 acres of industrially zoned land, explained by the rezoning of Norpac's crop land. There is a net gain of 11 acres of public land as land currently owned by the City, Fire District, School District, and several churches is placed in the Public/Semi-Public zone.

Outside of the city limits there are five parcels of land that the Update Committee has recommended to be changed from one Comprehensive Plan designation to another. The Oregon Department of Transportation owns three parcels that are currently designated residential (LD) and one designated commercial (ID). These are all held for highway, storm water management, or wetlands mitigation purposes and will not be available for development. The Committee recommends they be placed in the Public designation. The parcel at the northwest corner of Golf Club Road and Shaff Road is currently split between a commercial designation (CG) and residential designation (LD). The Committee has recommended that the entire parcel be designated Commercial. This represents a loss of 25.5 acres of land from residential designation, but a loss of only 5.5 acres of land with realistic development potential.

Another significant change recommended by the Update Committee is to the Natural Resource Overlay District. Currently the NROD is described as being within 100 feet of the North Santiam River, Mill Creek, Lucas Ditch, and that portion of Salem Ditch that is north of Shaff Road, and 50 feet of the Stayton Ditch and that portion of Salem Ditch south of Shaff Road. The Committee is recommending that the width of the NROD be reduced to 25 feet along the entire length of the Salem Ditch and Stayton Ditch. This was an issue that was reviewed by the Planning Commission in 2010. The Planning Commission had recommended to the City Council that the portions of the NROD along Salem Ditch south of Shaff Road and along the Stayton Ditch be reduced to 15 feet. The City Council chose to make no change at that time and leave them at 50 feet in width.

As mentioned above, the Draft Plan was sent to the Oregon Department of Land Conservation and Development for review. City Council members received in their October 1 packet a copy of the letter from the DLCD with recommendations and suggestions for some changes to the Plan. For each of the comments from the DLCD, listed below, I have also provided the City's response.

- **Population Projections** *DLCD comments* that the plan includes a number of population projections for 2030 but does not specify which one is used for planning purposes.

City Response: Staff recommended and the Planning Commission agreed that the following paragraph be added at the end of Chapter 3, 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 all other planning purposes, such as updates of all master plans.](#)

- **Residential Land Use** *DLCD comments* that the City has an excess of land in the UGB and the Department is concerned about the lack of goals or policies addressing increased efficiency (high density) with the UGB. The letter recommends adoption of goals, policies, and actions promoting more efficient development.

City Response: If the City Council reviews the data presented in Tables 8-6 and 8-7, the root of the DLCD’s concern should become obvious. The goal that Marion County has established and the City has established is for residential development to take place at a density of between 5 and 6 housing units per gross acre of residentially zoned land. From Table 8-6 one can see that overall throughout the City it appears we may be close to meeting that goal. However, a look at the development patterns in the past ten years, from Table 8-7, it is apparent that the newer development has been taking place at a density of about half of the target density. Although the LD zone has a minimum lot area of 8,000 sq ft (which is 4 units per gross acre), the 6 subdivisions in the LD zone platted since 2000 have ranged from 1.4 to 3.8 units per gross acre, with a total average of 2.3 units per gross acre. The five subdivisions in the MD zone (7,000 sq ft minimum lot size or 5 units per gross acre) have ranged from 3.8 to 5.0 units per gross acre with a total of 4.0 units per gross acre. Combined, all 11 subdivisions have had a total of 2.8 units per gross acre, compared to our target of 5 to 6 units per gross acre.

The administrative rule for implementing Goal 14 provides for a “safe harbor” that avoids substantial analysis and justification for a city’s plan policies and land use regulations. The safe harbor for cities of Stayton’s size calls for minimum overall density of 5 units per net buildable acre (note that this is different than the Marion County goal of 5-6 units per gross acre zoned residential). Table 8-6 shows that Stayton currently fails to meet that requirement, with 3.8 units per net acre. The safe harbor rule also calls for a minimum of 20% of the residential land to be zoned high density. Table 8-6 indicates that only about 5% of the residentially zoned land is in HD.

Based on comments previously received from Marion County, Staff had suggested to the Update Committee inclusion of policies that would establish minimum density standards or maximum lot sizes. However, the Update Committee chose to not include such policies. In light of the concerns raised by DLCD, the Planning Commission included a new local goal in 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.](#)

The Planning Commission wrestled with this issue prior to their decision to include the above in the plan. In addition to concern expressed by the Planning Commission over this policy change, at the first night of their public hearing there were concerns expressed from the public. Some of the public comments pointed out that the recent large lot residential development were the location of the higher value properties in the City and that the City shouldn't preclude that type of development. The implication was that the with higher value homes, there would be more tax revenue for the City.

Using data from the Marion County Assessors office, staff has analyzed the comparative value of several different residential neighborhoods in the City. I selected a number of lots in each neighborhood that totaled approximately 3 acres in area. This ranged from 6 lots in the Mountain Estates subdivision to 18 Lots in the Village Creek subdivision. The table below shows the number of lots, the total land area in the lots, the average lot size, the total assessed value, the average assessed value per lot and the average assessed value per square foot of land.

Neighborhood	No of Lots	Total Land Area	Avg Lot Size	Total Assessed Value	Avg AV per lot	Avg AV per sq ft
Mountain Estates	6	121,957	20,326	2,135,070	355,845	17.51
E Kathy St	10	118,334	11,833	1,881,030	188,103	15.90
Northslope	15	125,386	8,359	2,173,100	144,873	17.33
Sylvan Springs	18	124,169	6,898	3,019,610	167,756	24.32
Quail Run	15	122,374	8,158	2,495,540	166,369	20.39
Heritage Oaks	14	118,558	8,468	2,406,910	171,922	20.30
Pioneer Meadows	9	126,698	14,078	2,103,300	233,700	16.60

The table shows that the higher assessed values per square foot of land area are in the subdivisions with higher densities. While the large lot subdivisions have high values per lot, they have fewer lots per acre.

The Code already requires a minimum of 10 units per acre in the DMD zone, 12 units per acre in the DCMU and DRMU zones and 13 units per acre in the HD zone. The City Council should note that Code currently establishes a minimum lot size of 10,000 square feet in the LD zone east of 10th Avenue. The proposed Code amendment would eliminate that.

DLCD has recommended that the plan included a general policy based on Statewide Planning Goal 10.

City Response: The draft Plan contains a local goal that “existing and future residents will be provided a choice of housing types in safe and healthful housing,” with policies HO-1 through HO-4 that address safety, affordability, design, and efficiency. Unless the DLCD has further specific concerns or suggestions for the policies or actions they would like to see that are not already included in the plan, Staff believes the Plan adequately addresses the concern raised.

DLCD has indicated that the exclusion of vacant lots smaller than 5,000 square feet in area from the Buildable Lands Inventory (the analysis in Chapter 8) may not meet the requirements

of the Administrative Rule. The DLCD comment also erroneously states that the lots smaller than 5,000 square feet were excluded because that is the current minimum lot size.

City Response: OAR 660-008-00005(2) defines “buildable land” as that residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

The minimum lot size requirement in the LD zone is 8,000 square feet and the minimum lot size in the MD zone is 7,000 sq ft. As is explained on page 91 of the draft Plan a vacant parcel was considered buildable if it was larger than 5,000 square feet and had frontage on a street. Many of the vacant tax parcels smaller than 5,000 square feet are in common ownership with an adjacent developed parcel and the review of aerial photography shows they are used as if the two parcels are considered one.

Section 17.16.050.5.a.2) of the Land Use and Development Code indicates that if two or more contiguous lots are in common ownership and one or more of the lots do not meet the minimum lot size requirements, then the lots shall be combined to the extent necessary to meet the lot size requirements. Staff has taken another look at the tax parcels that are within the City, zoned residential, vacant, not owned by a public entity, not owned by a homeowners association or otherwise indicated as open space on a plat, and less than 5,000 square feet. There are a total of 34 such tax parcels. Of these, 32 are contiguous to a tax parcel in the same ownership. Under the terms of Land Use Code, these lots must be combined with the other lot and may not be built on separately. The two remaining tax parcels that are not in common ownership with a contiguous parcel do not have frontage on a street and are too small to be built on without variances to the setback requirements of the code. The combined area of the two parcels is less than 0.1 acre and if included in the inventory would not make any difference in the figures in Table 8-3.

DLCD has commented that 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.

City Response: Staff is unclear as to the source of the 3.8 units per gross acre contained in DLCD’s letter. Table 8-6 in the Plan indicates that within the three residential zones, there is an average of 3.8 units per acre within tax parcels. Overall, the average density per gross acre in the residential zones is only 3.1 units per acres. Although Section 17.16.060.1 of the Land Use Code indicates that the density in the Low Density Residential zone shall not exceed 6 units per acre, Section 17.16.070.2 requires that a new lot in the LD zone have a minimum lot

area of 8,000 square feet and a minimum lot width of 80 feet. The City's public works standards require a local street to have a 60-foot right of way. If you assume lots are laid out at the minimum of 80 by 100 with a 60-foot street width, an acre of land can accommodate only 4.2 lots.

DLCD further suggests the City consider 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.

City Response: Staff is unclear as to the source of the DLCD's “historical mix” of 80% single family detached. Table 6-2 (page 70) in the Plan indicates that in 1990, 64% of the housing in the City was single family detached, that by 2000 the percentage had dropped to 58%, and by 2010 that it had increased to 63%. That same table shows that between 1990 and 2000 44% of the new dwelling units were single family detached, but that between 2000 and 2010, 95% of the new housing units were single family detached. Based on that information, on page 74 of the Plan an assumption is stated that by 2030 the percentage of single family detached homes will increase from 63% to 65%. Based on that assumption, Table 6-10 (page 75) indicates that of the additional housing units needed by 2030, 69% will be single family detached. This is a significant decrease in the percentage of new housing units built in the past dozen years.

Staff is concerned that there may be a link between the previous misconception by DLCD about the City's current land use regulations and the comment about allowing lots smaller than 5,000 square feet. Though this not articulated in the Comprehensive Plan, the City's current land use regulations allow lots smaller than normally allowed when part of a master planned development. The master planned development option has the potential for a slight increase in density because the number of lots or dwelling units permitted is based on the gross acreage of the parcel divided by the minimum lot size. In a standard development each lot must meet the minimum lot size and land is consumed by streets, resulting in fewer lots per gross acre of land in the development.

- **Natural and Historic Resource Goals and Policies** *DLCD comments* the Plan lacks policies and actions steps under the second Natural Resource Goal relative to water quality and suggests incorporating water quality measures within the floodplain management standards, recognize changes to the flood plain standards are likely in the future, or recognize floodplain functions under the City's TMDL program.

City Response: Though not included under the goal of managing the Mill Creek and North Santiam River floodplains to preserve water quality, Policy NR-5 calls for maintaining vegetation along streams and rivers. Vegetation buffers serve to trap sediment and nutrients and provide shade to keep water temperatures cool. Staff recommended and the Planning Commission agreed that NR-5 also be included under the second goal with some modifications 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.

DLCD also commented that 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.

City Response: The draft plan contains a proposed action to pursue the parks development plan in the adopted Parks and Recreation Master Plan. Though not articulated in the Comprehensive Plan, the 2004 Parks and Recreation Master Plan calls for extensive Natural Open Space Areas throughout the urban growth area, particularly along riparian areas and along State Highway 22. The Master Plan notes that the City currently has 106 acres of natural open space areas and calls for an additional 105 acres to be created. The Master Plan calls for a new Mill Creek Greenway of approximately 14 acres and a North Santiam River Greenway of 91 acres.

Staff and the Planning Commission agreed that the words “attempt to” should be deleted in the third action under Policy NR-3.

- **Habitat for Rare and Endangered Species** *DLCD comments* Policies NR-5 and NR-6 could be strengthened, suggesting 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.”

City Response: Staff doesn’t see a lot of practical difference between the above language and the language in NR-5. In the spirit of choosing battles, Staff recommended and the Planning Commission NR-5 be amended to read 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.

DLCD comments that the City has not adopted code compliant with OAR 660, division 23.

City Response: Staff believes that the Natural Resource Overlay District (Section 17.16.090) exceeds the safe harbor requirements of OAR 660-023-0090(5). The Rule requires a riparian corridor 75 feet wide from the top of bank along the North Santiam River and Mill Creek. Consistent with the Actions listed under Policy NR-5, the current code establishes a riparian corridor 100 feet from the normal high water line. Certainly along Mill Creek, and most likely along the North Santiam River, the difference between the normal high water line and the top of bank is less than 25 feet horizontal.

DLCD comments that they are concerned that the draft plan may not comply with Statewide Goal 5 but need additional time to propose revisions. DLCD requested the City not adopt the propose plan until there is opportunity to coordinate with Staff.

City Response: As Staff and DLCD discussed the DLCD memo, it was revealed that the concern behind the above statement is the proposed reduction in width of the Natural Resource Overlay District along the Stayton Ditch and Salem Ditch. DLCD requested that the plan have more documentation relative to that change. In response, Staff recommended and the Planning Commission agreed that the following paragraph be inserted at the bottom of page 20, at the end of the discussion on surface water quality protection.

In 2007, Stayton instituted a Natural Resources Overlay District (NROD) along its natural and man-made water bodies, in order to protect water quality. The NROD establishes a requirement for the maintenance of a vegetated buffer along the water body. This buffer serves to maintain shade to control water temperatures and to capture nutrients and sediment that impact water quality. The NROD extends 100 feet from the high water mark of the North Santiam River, Mill Creek and Lucas Ditch, except in areas designated for commercial or high density residential development, 100 feet from the portion of Salem Ditch north of Shaff Road and 50 feet from the portion of Salem Ditch south of Shaff Road and the Stayton Ditch. A 2010 analysis shows that 40% of the lineal frontage between 25 feet and 50 from the ditches is in a condition to serve as water quality buffer while 60% is paved, lawns, or buildings. One quarter is in City park land, leaving only 15% of the lineal footage in woods or other vegetation.

DLCD has now indicated that with the incorporation of the above paragraph, their concerns have been addressed.

- **Significant Wetlands** *DLCD suggests* that with adoption of the Local Wetland Inventory in 1999, Policy NR-9 is obsolete and suggested a change to the policy.

City Response: Staff recommended and the Planning Commission agreed that NR-9 and its action be amended to read 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.~~

During the Planning Commission's public hearing in August, the Planning Commission received oral and written testimony from the Santiam Water Control District.

The SWCD requested that Chapter 3 be amended to recognize the District's rights and responsibilities related to operation and maintenance of the canals. The District has asserted in other proceedings that it has easement rights beyond the banks of the canals to allow it access to the canals. If the District

does possess these rights, then development of land adjacent to the canals would not legally be able to interfere with them, regardless of the City's land use regulations or natural resource policies. In response to the comment from SWCD, Staff suggested and the Planning Commission agreed that the following be added at the end of the third paragraph on page 15 of the Plan:

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.](#)

In addition, Staff recommended and the Planning Commission agreed to amend the discussion of Storm Water on page 51 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.](#)

SWCD also expressed concern over potential conflicts between its interests and the City's Total Maximum Daily Load Implementation Plan. The TMDL Plan was written by the City and after many years approved by the Oregon Department of Environmental Quality. As the Plan notes on pages 19 and 20, increased water temperature has been identified by the DEQ as being an area of concern that the City must address. The City's TMDL Plan notes that the City currently has riparian vegetation management standards in place and intends to continue to implement them as one of the tools to maintain the water temperatures necessary to maintain quality fish habitat.

As a result of the SWCD comments and others made at the August public hearing, as well as City's previous discussions regarding the Natural Resource Overlay District, the Planning Commission felt it was important to have a discussion about the treatment of the Salem Ditch and Stayton Power Canal and the City's policies regarding their treatment as natural resources. There is a natural tension between any natural resource protection and the fact they were originally man-made hydro-mechanical power canals. As a result of this discussion, staff updated its research on fisheries habitat value of the ditches and found information that was not publicly available in 2010 or 2011 when Chapter 3 was being drafted and discussed by the Update Committee.

A September search of the Oregon Department of Fish and Wildlife web site and found they had recently prepared and posted fisheries habitat maps for five fishery resources: Winter Steelhead, Summer Steelhead, Spring Chinook, Fall Chinook and Coho Salmon. These maps were created in June 2012 and in my conversation with ODFW staff they represent the latest most up to date data. I have included in the staff report a copy of the map for Winter Steelhead. Due to its size, the key is difficult to read but indicates that the North Santiam River, Salem Ditch and Stayton Power Canal are identified as spawning habitat. The other maps are not included, but I will have at the hearing for display. They show the following for each of the other fishery resources:

Summer Steelhead

North Santiam River	Spawning habitat
Salem Ditch	Migration habitat
Stayton Power Canal	Migration habitat

Spring Chinook

North Santiam River	Spawning habitat
Salem Ditch	Rearing habitat
Stayton Power Canal	Spawning habitat

Fall Chinook

North Santiam River	Spawning habitat
Salem Ditch	Spawning habitat
Stayton Power Canal	Spawning habitat

Coho Salmon

North Santiam River	Migration habitat
Salem Ditch	not identified as habitat
Stayton Power Canal	Migration habitat

Based on the above new information the Planning Commission amended next to last paragraph on page 35, 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.

The draft Comprehensive Plan contains policies and actions that call for changes in the City's Land Use and Development Code. Attached to this staff report are proposed amendments to Title 17, as called for by the Plan. I will review each proposed code amendment at the hearing, but a note is included in the proposed amendments providing an explanation for each. In preparation of the proposed amendments, the suggested amendments to the Plan that are included above have been considered. Should the City Council choose to not include all of the changes to the Comprehensive Plan that the Planning Commission added, then perhaps some of the Code amendments should be deleted.

The City Council received the draft Comprehensive Plan in the materials for the October 1 meeting along with a copy of the DLCDC letter, a copy of the proposed Zoning Map showing the changes from the current zoning, and the Planning Commission's Order recommending changes that have been incorporated into the plan and recommending the City Council adopt the plan. Please bring them with you to the hearing, duplicates have not been provided with this staff report.

Included with this staff report are:

- A copy of the proposed Zoning Map as it will be adopted.
- A list of all of the zoning map amendments proposed, with street address, tax map/lot current zoning, proposed zoning and explanation. On the third page are three places where comprehensive plan map designation is proposed to be changed, with similar information.
- Proposed text amendments to Title 17, with an explanation of each amendment
- Written testimony from the Santiam Water Control District submitted at the Planning Commission's August public hearing
- Draft Ordinance 949, making findings and conclusions, and adopting the Comprehensive Plan and Official Zoning Map and enacting the text amendments to Title 17 for your consideration.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council enact Ordinance 949 as drafted.

OPTIONS AND MOTIONS

The City Council has the following options from which to choose. Staff recommends the first option.

1. Close the hearing and adopt the Comprehensive Plan, Official Zoning Map, and text amendments to Title 17 as recommended by the Planning Commission.

I move the City Council approve the first consideration of Ordinance 949 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 948 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 949 will be amended to remove the emergency provision and be brought before the Council for a second consideration at the November 5, 2012 meeting.

2. Close the hearing and adopt the Comprehensive Plan, Official Zoning Map, or text amendments to Title 17 with changes.

I move the City Council approve the first consideration of Ordinance 949, requesting staff make the following changes to the draft Comprehensive Plan, [Official Zoning Map] *or* [text amendments to Title17] (list changes) and return the revisions to the City Council for a second consideration on November 5, 2012.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 949 will be brought before the Council for a second consideration at its November 5, 2012 meeting.

3. Close the hearing and continue to deliberate on the Comprehensive Plan, Official Zoning Map, and text amendments to Title 17.

I move that the City Council continue its deliberations on Ordinance 949 until November 5, 2012 (or some other date).

4. Continue the hearing to allow for additional public testimony on the Comprehensive Plan, Official Zoning Map, and text amendments to Title 17.

I move to continue the hearing until November 5, 2012.

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 ZONING MAP AMENDMENTS

Lot Number	Address	Current Zone	Proposed Zone	Reason for Change	Acreage
091W03DC02900	0 FERN RIDGE RD	LD	P	Pacific Power substation; nonconforming use	0.83
091W04DC03600	1613 N EAGLE ST	LD	P	Owned by City; part of Quail Run Park	0.24
091W04DC06600	0 MEADOWLARK DR	LD	P	Owned by City; part of Quail Run Park	0.19
091W09AA10600	0 WILSHIRE AVE	LD	P	Part of parking lot and driveway for church	0.31
091W09CA00900	2044 W DESCHUTES DR	IL/IC	IL	Split zone: put all in IL	
091W09DD04600	257 N HOLLY ST	LD/MD	LD	Split Zone, put all in LD	
091W09DD04700	1032 W IDA ST	LD/MD	LD	Split Zone, put all in LD	
091W10DA06000	588 N 7th AV	P/MD	P	Split zone; put all in P; Neitling Park	0.085
091W09DB01001	450 PEACH ST	IL/CG	IL	Split zone: put all in IL	0.035
091W09DC05700	1988 W IDA ST & 911 JETTERS WAY	CG/MD	P	Split zone: Fire Station & Dispatch center; nonconforming uses	1.5 CG to P 1.8 MD to P
091W10AA00800	610 FERN RIDGE RD SE	LD	P	Church; nonconforming use	0.35
091W10AA00900	610 FERN RIDGE RD SE	LD	P	Church; nonconforming use	1.64
091W10AA01000	610 FERN RIDGE RD SE	LD	P	Church; nonconforming use	0.87
091W10AB00500	1077 N SIXTH AV	LD	P	Owned by church for future cemetary expansion	0.48
091W10AB01300	0 FERN RIDGE RD	CG	P	part of parking lot for church	0.21
091W10AC10200	0 FIRST AV	P	CG	small vacant parcel in common ownership with 1174 N 1st.	0.05
091W10AD02200	1236 N 7TH AV	HD	LD	existing SFD in HD zone; nonconforming use	
091W10BA04700	0 FIRST AV	CR	MD	vacant lot in similar ownership as 133 W Regis; inaccessible from First because of slope issues.	0.3
091W10BA04800	133 W REGIS ST	CR	MD	8-unit apartment building	0.29
091W10BC00600	0 GARDNER AVE	LD	P	Owned by City; pump station; adjacent to High School P zone	0.23
091W10BC00700	1380 GARDNER AVE	LD	P	Owned by School District; adjacent to High School	0.23
091W10BD09400	473 W LOCUST ST	LD	P	Owned by School District	0.94
091W10CD07500	232 W WATER ST	LD	CR	Freres Lumber in commercial use	0.58
091W10DA01300	966 N 6TH AV	LD/MD	MD	Split zone; one lot with 3 single fam homes; meets MD standards, not LD	
multiple	1519-1541 MELLISA CT	HD	MD	existing SFD in HD zone; nonconforming uses	
multiple	1430-1542 WYATT AV	HD	MD	existing SFD in HD zone; nonconforming uses	
multiple	1905-2004 WESTOWN DR	HD	MD	existing duplexes in HD zone; nonconforming uses	
091W15AB00600	200 S 1ST AV	LD	P	Split zone; put all in P; water treatment plant	0.38
091W15BB00300	642 - 664 W MAPLE ST	LD	MD	Currently 10-unit duplex development; nonconforming use	

PROPOSED ZONING MAP AMENDMENTS

091W10CA00900	830-850 N BIRCH AV	CR/CG	CG	Split zone; put all in CG; residential use	
091W10CA06000	186 W WASHINGTON ST	CR/CG	CG	Split zone; put all in CG; residential use	
091W09DC10500 091W09DC02500	King & Water	LD	IA	Owned by Norpac, used agriculturally	7.07

**BEFORE THE STAYTON
Planning Commission**

In the Matter of
the Adoption of
Stayton's
Draft 2012 update to the
Comprehensive Plan

Written Testimony
of the Santiam Water
Control District

The Santiam Water Control District ("SWCD" or "District") would like to commend the committee on its hard work on a comprehensive review and effort to update the Comprehensive plan and coordinate it with the other approved master plans the city has in place. The District would like to thank you for the opportunity to provide comments on Stayton's 2012 draft updates to the Comprehensive plan (Comp plan). The District respectfully submits these comments as written testimony on the plan, in an effort to improve the plan and its implementation. The district would also like to submit the second amended complaint as submitted in the Marion county circuit court case No. 11c23760 as part of the record.

One general issue conveyed earlier to the planning director is the overall lack of acknowledgement and detail in describing the interactions between the SWCD and the City of Stayton (City). The district has testified at a multitude of city council, planning commission and staff meetings. It has also filed several LUBA appeals and now a Marion county circuit case outlining many issues and conflicts between the entities yet there is little if any mention of the issues raised or any methodology to address the problems. The district remains concerned that the city Comp plan as proposed will lead to even more conflicts and not serve its purpose to guide in the growth and development of the community. I am including some general items of concern that have not been mentioned or addressed in the proposed Comp plan and that I will address in more detail following:

- A. Lack of coordination with Santiam Water Control District policies, rules and regulations specifically including SWCD's Drainage Plan and Policies;
- B. Lack of acknowledgement and coordination with SWCD's real property interests including fee title, easements, and rights of way for the construction, operation and maintenance of SWCD's facilities including but not limited to Salem, power and main canals as they pass through the City;
- C. The lack of addressing or including the legal issues between the SWCD and city related to stormwater discharge including a vast multitude of public testimony, several LUBA cases and now a Marion County Circuit Court lawsuit Case No. 11C23760 ;
- D. The failure to coordinate and resolve the various master plans and comp plan as they address water quality and the areas adjacent to the canals. The parks master plan includes visions and details to have or build linear parks or trails, the storm water master plan identifies detention facilities and the NROD seeks to protect natural buffer areas.
- E. The diminishment of the NROD from 50 to 25 feet has no justification or rational.
- F. The lack of coordination of the NROD and water quality issues with the acknowledged rights of the SWCD to operate and maintain the canals as per

district ownership and easements in the city boundaries; water quality initiatives must acknowledge and take into account the maintenance area required by the district such as the need to spray weeds along the canal.

The district would provide these comments to improve the draft comp plan. Amend all chapters to incorporating well know district facilities, water resources, facility operations and ownership address the well documented concerns and conflicts, not limited to but including, items a-f outlined above.

1. Amend chapter 3 to address the districts concern of flooding, water quantity and water quality. The chapter should also address and align the master plans and NROD with the district rights and responsibilities related to operation and maintenance of the canals for example the NROD, parks master plan and Stayton municipal code all govern the areas next to the canal without acknowledging the preexisting rights of way and easements held by the district for the construction operation and management of those facilities. In fact even the plans themselves conflict identifying paved and unpaved trails in urban stream corridors covered by an NROD designation and TMDL plan. Another specific example of conflict is the TMDL implementation strategy to establish vegetation along the canals to reduce water temperature. The district has established policy to remove vegetation and trees that inhibit maintenance and our core functions. The city should therefore acknowledge and plan for this need and possibly encourage establishment of shade structure further away from the canal meeting both entities needs.
2. Amend chapter 5 to incorporate and acknowledge the use of district facilities to convey stormwater. discuss and address the district's concerns, include a discussion on possible outcomes of current litigation, such as if the court ruled in support of either the district or city noting the majority of city stormwater is conveyed by the district, and the district has alleged the capacity of the ditch is sometimes exceeded. If the district believes it has some legal authority to use the canals to convey stormwater water then it should also plan and write policy to ensure compliance with statewide planning goals related to that use. The chapter and master plans are silent to the conveyance of the majority of the city stormwater once it reaches these canals.

Oregon Statewide Planning Goal No. 2 requires that the City "coordinate" its Comprehensive Plans with plans of affected government units. "Comprehensive Plans are 'coordinated' when the needs of all levels of government have been considered and accommodated as much as possible." The Goal No. 2 coordination requirement generally encompasses a two-step process wherein (1) information is exchanged between planning jurisdictions and the affected local governments, and (2) the planning jurisdiction uses the information gathered to balance the needs of affected governmental units as much as possible. The planning jurisdiction must adopt findings to address legitimate concerns raised by affected government units. DLCD v. Douglas County, 33 Or LUBA, 216, 222 (1997) citing Brown v. Coos County, 31 Or LUBA, 142, 145 (1996)." Santiam Water Control District v. City of Stayton, LUBA No. 2007-072, p. 6.

Conclusion. SWCD has done everything within its power to bring to the Cities attention the substantial, adverse impacts and conflicts of the City's master and comprehensive plans in relationship to the rights and policies of SWCD. The District has often requested that the City coordinate its Comprehensive Land Use Plan with the needs of SWCD. The district's by-laws, operational Plans and Policies should be address in the updated Comp plan yet to this date, the City has ignored SWCD's request and failed to coordinate its Plan with the needs of SWCD. The adoption of this proposed plan by the Planning Commission fails to address significant Land Use Planning Goals and should include steps to address SWCD's longstanding and well known issues.

Thank you for your consideration

A handwritten signature in black ink, appearing to read "Brent Stevenson", with a long horizontal flourish extending to the right.

Brent Stevenson
Manager
Santiam Water Control District.

ORDINANCE NO. 949

AN ORDINANCE ADOPTING THE 2012 STAYTON COMPREHENSIVE PLAN, THE OCTOBER 1, 2012 OFFICIAL ZONING MAP, AND AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17

WHEREAS, 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;

WHEREAS, the Stayton Comprehensive Plan was adopted in 1979, and has undergone periodic review and amendment, but not been thoroughly updated since adoption;

WHEREAS, 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 on April 25, 2012 and made changes to the draft plan and the draft official zoning map in response to comments received at the informational session;

WHEREAS, drafts of each chapter of the Plan were sent to the Department of Land Conservation and Development and to Marion County Planning Division as each chapter was written. Review comments from Marion County were incorporated as appropriate;

WHEREAS, the draft Comprehensive Plan was sent to the Oregon Department of Land Conservation and Development which sent review comments and suggestions on July 13, 2012;

WHEREAS, the Stayton Planning Commission held a public hearing on August 27 and September 24, 2012 and made changes to the draft plan and the draft amendments to the Stayton Municipal Code in response to the comments received at the public hearing and in response to the comments and suggestions received from the Oregon Department of Land Conservation and Development;

WHEREAS, the Stayton City Council held a public hearing on October 15, 2012;

WHEREAS, following the public hearing the Stayton City Council made the following findings:

1. 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 are one or more action steps to be taken to implement the policy.
2. 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.
3. 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.
4. 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.

5. Elevations with 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%.
6. The Plan identifies 13 buildings and sites as historic resources.
7. There is no land in Stayton identified as terrestrial wildlife habitat. The North Santiam River, Salem Ditch and Stayton Power Canal have been identified as fisheries habitat, including habitat for endangered species. Water quality in the North Santiam River is excellent but is impaired by high temperatures during the summer.
8. Within the UGB there are 358 acres of open space land, including city parks, school property and the golf course.
9. Stayton has historically had a resident unemployment rate that is 50% higher than neighboring cities, Marion County or the State.
10. 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.
11. 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
12. 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.
13. 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.
14. 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;

WHEREAS, based on the above findings, the Stayton City Council concludes the 2012 City of Stayton Comprehensive Plan meets the Statewide Planning Goals, Guidelines and Administrative Rules;

WHEREAS, based on the above findings, the Stayton City Council concludes that the October 1, 2012 Official Zoning Map is in compliance with the Comprehensive Plan Map; and

WHEREAS, based on the above findings the Stayton City Council concludes that the proposed text amendments to Title 17, described below, implement the 2012 City of Stayton Comprehensive Plan.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

Section 1. The October 15 Draft of the 2012 Stayton Comprehensive Plan, attached as Exhibit A and made a part hereof, is hereby adopted.

Section 2. The October 1, 2012 Official Zoning Map, attached as Exhibit B and made a part hereof, is hereby adopted.

Section 3. Stayton Municipal Code Title 17, is hereby amended and restated as follows:

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.

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.

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.

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.

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.

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.

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

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.
- 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.

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.

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.

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 ~~15~~20% may be granted.
- 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.

Section 4. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 5. Notification to State. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 15th day of October, 2012.

CITY OF STAYTON

Signed: _____, 2012

BY: _____
A. Scott Vigil, Mayor

Signed: _____, 2012

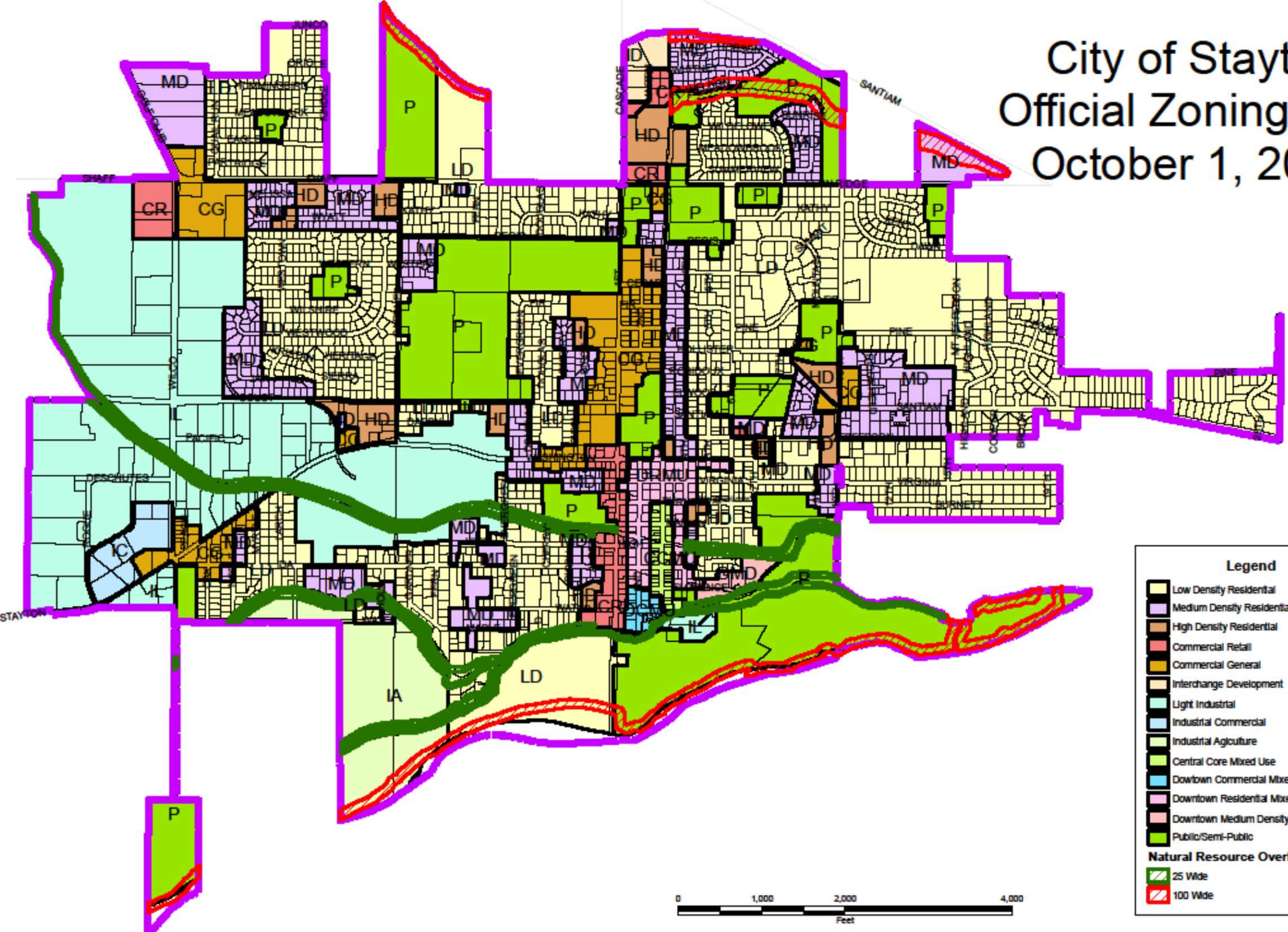
ATTEST: _____
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT

City of Stayton Official Zoning Map October 1, 2012

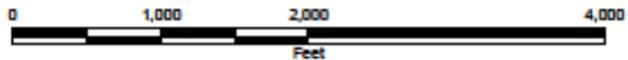


Legend

- 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



Stayton Comprehensive Plan





*Staff / Commission
Reports*



MEMORANDUM

TO: Mayor Scott Vigil and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: October 15, 2012
SUBJECT: Monthly Finance Department Report

Attached are the month-end reports for the major operating funds of the City. I have identified the following funds as the major operating funds: General Fund, Public Works Administration Fund, Library Fund, Water Fund, Sewer Fund, Street Fund and Swimming Pool Fund. If you have any questions, please let me know.

Departmental activity:

Utility Billing:	August 2012	September 2012
Number of Bills sent out	2,608	2,590
Delinquent Notices sent out	477	480
Courtesy Delinquent Notices sent to Landlords	219	215
Notified of Impending Shut off & Penalty	106	107
Customers with Interrupted Services Non-Payment	15	19
Services still Disconnected	0	0

Accounts Payable:	August 2012	September 2012
Number of Checks Issued	159	159
Total Amount of Checks	\$599,689.46	\$781,197.94

Accounts Receivable:	August 2012	September 2012
Number of Invoices Sent Out	3	2
Total Amount of Invoices	\$2,306.25	\$930.00

CITY OF STAYTON
FUND SUMMARY
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	36,658.46	1,708,922.00	1,672,263.54	2.2
CHARGES FOR SERVICES	278.00	7,200.00	6,922.00	3.9
GRANTS & CONTRIBUTIONS	375.00	1,500.00	1,125.00	25.0
FRANCHISE FEES	147,468.94	626,000.00	478,531.06	23.6
LICENSES, PERMITS & FEES	3,848.34	16,000.00	12,151.66	24.1
FINES & FORFEITURES	7,936.99	20,500.00	12,563.01	38.7
INTERGOVERNMENTAL	36,733.98	163,200.00	126,466.02	22.5
INTEREST	(2,215.55)	1,000.00	3,215.55	(221.6)
MISCELLANEOUS/TRANSFERS	100,922.44	385,425.00	284,502.56	26.2
	<u>332,006.60</u>	<u>2,929,747.00</u>	<u>2,597,740.40</u>	<u>11.3</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	87,664.33	411,000.00	323,335.67	21.3
ADMINISTRATION	106,059.19	461,973.00	355,913.81	23.0
POLICE	435,630.86	1,866,232.00	1,430,601.14	23.3
PLANNING	33,166.20	138,224.00	105,057.80	24.0
COMMUNITY CENTER	10,319.53	56,798.00	46,478.47	18.2
PARKS	39,259.57	141,576.00	102,316.43	27.7
STREET LIGHTING	17,333.42	103,915.00	86,581.58	16.7
	<u>729,433.10</u>	<u>3,179,718.00</u>	<u>2,450,284.90</u>	<u>22.9</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

PUBLIC WORKS ADMINISTRATION

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
INTEREST	9.20	100.00	90.80	9.2
MISCELLANEOUS/TRANSFERS	103,250.00	415,000.00	311,750.00	24.9
	<u>103,259.20</u>	<u>415,100.00</u>	<u>311,840.80</u>	<u>24.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	93,559.80	438,423.00	344,863.20	21.3
	<u>93,559.80</u>	<u>438,423.00</u>	<u>344,863.20</u>	<u>21.3</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

LIBRARY FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
PROPERTY TAXES	2,911.55	134,700.00	131,788.45	2.2
CHARGES FOR SERVICES	16,265.25	80,450.00	64,184.75	20.2
GRANTS & CONTRIBUTIONS	150.00	30,000.00	29,850.00	.5
LICENSES, PERMITS & FEES	2,680.25	12,300.00	9,619.75	21.8
FINES & FORFEITURES	4,896.99	15,000.00	10,103.01	32.7
INTERGOVERNMENTAL	.00	1,100.00	1,100.00	.0
INTEREST	59.71	200.00	140.29	29.9
MISCELLANEOUS/TRANSFERS	32,375.00	131,100.00	98,725.00	24.7
	<u>59,338.75</u>	<u>404,850.00</u>	<u>345,511.25</u>	<u>14.7</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	109,234.56	444,912.00	335,677.44	24.6
	<u>109,234.56</u>	<u>444,912.00</u>	<u>335,677.44</u>	<u>24.6</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

WATER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICES	642,370.50	1,745,000.00	1,102,629.50	36.8
LICENSES, PERMITS & FEES	8,067.50	29,000.00	20,932.50	27.8
INTEREST	1,021.56	3,500.00	2,478.44	29.2
MISCELLANEOUS/TRANSFERS	151.33	11,000.00	10,848.67	1.4
	<u>651,610.89</u>	<u>1,788,500.00</u>	<u>1,136,889.11</u>	<u>36.4</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>367,029.91</u>	<u>2,324,761.00</u>	<u>1,957,731.09</u>	<u>15.8</u>
	<u>367,029.91</u>	<u>2,324,761.00</u>	<u>1,957,731.09</u>	<u>15.8</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

SEWER ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CHARGES FOR SERVICES	647,066.75	2,626,680.00	1,979,613.25	24.6
INTEREST	2,049.89	9,000.00	6,950.11	22.8
MISCELLANEOUS/TRANSFERS	239.05	2,500.00	2,260.95	9.6
	<u>649,355.69</u>	<u>2,638,180.00</u>	<u>1,988,824.31</u>	<u>24.6</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>599,327.26</u>	<u>3,405,469.00</u>	<u>2,806,141.74</u>	<u>17.6</u>
	<u>599,327.26</u>	<u>3,405,469.00</u>	<u>2,806,141.74</u>	<u>17.6</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	21,433.70	84,000.00	62,566.30	25.5
LICENSES, PERMITS & FEES	3.61	.00	(3.61)	.0
INTERGOVERNMENTAL	367,890.53	861,119.00	493,228.47	42.7
INTEREST	79.67	250.00	170.33	31.9
MISCELLANEOUS/TRANSFERS	.00	250.00	250.00	.0
	<u>389,407.51</u>	<u>945,619.00</u>	<u>556,211.49</u>	<u>41.2</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	<u>375,618.59</u>	<u>977,462.00</u>	<u>601,843.41</u>	<u>38.4</u>
	<u>375,618.59</u>	<u>977,462.00</u>	<u>601,843.41</u>	<u>38.4</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2012

SWIMMING POOL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	3,429.97	153,400.00	149,970.03	2.2
CHARGES FOR SERVICES	24,839.85	105,000.00	80,160.15	23.7
GRANTS & CONTRIBUTIONS	.00	20,000.00	20,000.00	.0
INTEREST	39.12	300.00	260.88	13.0
MISCELLANEOUS/TRANSFERS	19,031.38	79,000.00	59,968.62	24.1
	<u>47,340.32</u>	<u>357,700.00</u>	<u>310,359.68</u>	<u>13.2</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>100,562.46</u>	<u>408,958.00</u>	<u>308,395.54</u>	<u>24.6</u>
	<u>100,562.46</u>	<u>408,958.00</u>	<u>308,395.54</u>	<u>24.6</u>



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilor

FROM: Christine Shaffer, Finance Director

DATE: October 15, 2012

SUBJECT: Refinancing Update

ISSUE:

A resolution authorizing the refinancing of sewer debt will be presented to the City Council at the November 5th meeting.

BACKGROUND INFORMATION:

In order to issue bank qualified bonds, the refinancing schedule has been modified. There is a limit for bank qualified issuance of \$10,000,000 each calendar year, since the City just issued \$8,316,000 of bond debt with USDA. The City would exceed the limit allowed if we were to close prior to January 1, 2013.

The current interest rate for bank qualified bonds is 2.51% the unqualified rate is 2.85%. In order to secure the best rate and the greatest savings the schedule has been modified to allow bond closing on January 2, 2013. We will receive bond pricing on December 4, 2012 as bank qualified, the bond market has been fairly stable last quarter the bond rate did increase one tenth of a percent. There is a possibility the rate will increase for a January issuance although the market hasn't jumped by .34% in a quarter since 2008.

If there are any concerns please feel free to contact me.

City of Stayton, Oregon Full Faith and Credit Refunding Obligations, Series 2012

Schedule of Events as of October 5, 2012

Financing Team		
Issuer:	City of Stayton	City
Special Counsel:	Hawkins Delafield & Wood LLP	SC
Escrow/Paying Agent:	<i>To Be Determined</i>	PA
Underwriter:	D.A. Davidson & Co.	DAD
Rating Agency:	Moody's	RA

October						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2			

Done	Due Date	Event	Parties
<input checked="" type="checkbox"/>	Fri., Sept 28	Circulate distribution list, information requirements and schedule	DAD
<input checked="" type="checkbox"/>		Circulate 1 st draft POS	DAD
	Mon., Oct 8	Circulate draft Rating letter	DAD
	Wed., Oct 10	Circulate draft authorizing resolution for comments	SC
	Thurs., Oct 11	Comments due on first draft POS	Fin. Team
	Mon., Oct 15	Circulate second draft POS	DAD
	Tues., Oct 16	Send rating letter, draft POS and financial information to Moody's	DAD
	Thurs., Oct 18	Comments due on authorizing resolution	Fin. Team
	Fri., Oct 19	Rating conference call at 1 p.m.	City; DAD; RA
	Mon., Oct 22	Comments due on second draft of POS	Fin. Team
	Tues., Oct 23	Second draft of authorizing resolution circulated	SC
	Mon., Oct 29	Substantially Final draft POS circulated	DAD
		Comments due on second draft of authorizing resolution	Fin. Team
	Tues., Oct 30	Finalize authorizing resolution for council packet	SC
	Wed., Oct 31	Authorizing resolution included in council packet for Nov. 5 th meeting	City
		Send clean copy of draft POS to City Council	City
		Draft appendices for POS distributed	SC
	Mon., Nov 5	Council Adopts Authorizing Resolution	City Council
	Tues., Nov 6	File MDAC form 1 with Treasury	DAD
	Wed., Nov 14	End of two-week Council review of POS	City Council
		Final comments on draft POS due	Fin. Team
		Comments on draft POS appendices due	Fin. Team
	Fri., Nov 16	Circulate final POS, draft purchase agreement and "Deemed Final" letter	DAD
	Mon., Nov 19	Executed "Deemed Final" letter due	City
		Final POS appendices delivered	SC
	Tues., Nov 20	Print and mail POS	DAD
	Mon., Dec 3	Pre-pricing (time between 11 a.m. and 2 p.m. to be determined)	City; DAD
	Tues., Dec 4	Pricing (City to be available throughout the day)	City; DAD
		Sign Purchase Agreement; File MDAC form 2	City; DAD



D.A. Davidson & Co.



	Draft Official Statement circulated	DAD
Fri., Dec 7	Print final Official Statement	DAD
Week of Dec 10	Circulate Memorandum of Bond Delivery	DAD
	Circulate Drafts of Closing Documents	SC
Thurs., Dec 20	Final Closing Documents executed and placed in escrow	Fin. Team
Wed., Jan 2	Closing	Fin. Team



MEMORANDUM

TO: Mayor Vigil and the Stayton City Council

FROM: Rich Sebens, Chief of Police

SUBJECT: Monthly Crime Rate Comparison Statistical Sheets

DATE: October 15, 2012

Below you will see the stats for the Police Department for the month of September. Activity is in line with previous months. Please let me know if you have any questions.

	Sept. 2012	Jan. thru Sept. 2012	Sept. 2011	Jan. thru Sept. 2011
Police Activity	830	-	-	-
Investigated Incidents	404	2834	377	3681
Citations/Warning	249	2329	276	2370
Traffic Accidents	10	99	15	100
Arrests	49	520	44	511
Reserve Volunteer Hours	175.5	-	-	-
Citizen Volunteer Hours	15	-	-	-
Peer Court Referrals:	13	52	-	-

STAYTON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS

9/1/2012 - 9/30/2012

PERSON	CRIMES				Percent Change	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED				
	9/1/12 to 9/30/12	1/1/12 to 9/30/12	1/1/11 to 9/30/11	9/30/12		9/1/12 to 9/30/12	1/1/12 to 9/30/11	1/1/11 to 9/30/11	9/30/12	9/1/12 to 9/30/12	1/1/12 to 9/30/12	1/1/11 to 9/30/11	9/30/12	Juv	Adult	Total	9/30/12	1/1/11 to 9/30/11
NON-CRIMINAL																		
ACCIDENT-INJURY	2	12	10	20.0%														
ACCIDENT-PROPERTY	8	59	44	34.1%														
ALL OTHER NON-CRIMINAL	260	2,176	2,396	-9.2%														
NON CRIMINAL DOMESTIC DISTURBANCE	9	99	97	2.1%														
	279	2,346	2,547	-7.9%														
PERSON																		
AGGRAVATED ASSAULT	1	15	22	-31.8%	1	12	21	100.0%	80.0%	95.5%	0	1	1	18	16			
KIDNAPPING	0	2	4	-50.0%	0	2	4	0.0%	100.0%	100.0%	0	0	0	1	2			
OFFENSE AGAINST FAMILY	0	6	11	-45.5%	0	5	10	0.0%	83.3%	90.9%	0	0	0	6	10			
OTHER ASSAULTS	10	62	50	24.0%	6	48	46	60.0%	77.4%	92.0%	2	5	7	41	43			
RAPE	1	2	1	100.0%	1	1	0	100.0%	50.0%	0.0%	0	0	0	0	0			
RESTRAINING ORDER VIOLATION	2	6	1	500.0%	2	6	1	100.0%	100.0%	100.0%	0	1	1	4	4			
SEX OFFENSES	0	13	13	0.0%	0	9	8	0.0%	69.2%	61.5%	0	0	0	8	3			
	14	106	102	3.9%	10	83	90	71.4%	78.3%	88.2%	2	7	9	78	75			
PROPERTY																		
ARSON	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0			
BURGLARY - BUSINESS	0	12	0	0.0%	0	1	0	0.0%	8.3%	0.0%	0	0	0	1	0			
BURGLARY - OTHER STRUCTURE	1	9	3	200.0%	0	1	0	0.0%	11.1%	0.0%	0	0	0	0	0			
BURGLARY - RESIDENCE	1	42	24	75.0%	1	6	6	100.0%	14.3%	25.0%	0	0	0	8	3			
COUNTERFEITING/FORGERY	1	7	11	-36.4%	0	3	4	0.0%	42.9%	36.4%	0	0	0	7	3			
EMBEZZLEMENT	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0			
FRAUD	4	31	42	-26.2%	2	11	14	50.0%	35.5%	33.3%	0	1	1	14	7			
LARCENY	32	222	167	32.9%	7	52	52	21.9%	23.4%	31.1%	2	4	6	45	43			
MOTOR VEHICLE THEFT	1	20	6	233.3%	0	6	1	0.0%	30.0%	16.7%	0	0	0	5	2			
ROBBERY	0	3	0	0.0%	0	2	0	0.0%	66.7%	0.0%	0	0	0	2	0			
STOLEN PROPERTY	1	3	1	200.0%	1	3	1	100.0%	100.0%	100.0%	0	1	1	3	1			
VANDALISM	8	122	124	-1.6%	1	36	29	12.5%	29.5%	23.4%	0	0	0	50	25			
	49	471	379	24.3%	12	121	107	24.5%	25.7%	28.2%	2	6	8	135	84			
SOCIETY																		
ALL OTHER	17	170	206	-17.5%	6	89	116	35.3%	52.4%	56.3%	2	4	6	38	56			
ANIMAL	0	2	1	100.0%	0	1	1	0.0%	50.0%	100.0%	0	0	0	0	1			
CURFEW	4	27	32	-15.6%	4	27	32	100.0%	100.0%	100.0%	7	7	7	34	31			
CUSTODY-MENTAL	0	6	5	20.0%	0	6	5	0.0%	100.0%	100.0%	1	1	1	7	5			
DISORDERLY CONDUCT	3	49	46	6.5%	3	46	36	100.0%	93.9%	78.3%	0	3	3	45	25			

	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	9/1/12 to 9/30/12	1/1/12 to 9/30/12	1/1/11 to 9/30/11	Percent Change	9/1/12 to 9/30/12	1/1/12 to 9/30/11	9/1/12 to 9/30/12	1/1/12 to 9/30/11	9/1/12 to 9/30/12	1/1/12 to 9/30/11	Juv	Adult	Total	1/1/12 to 9/30/12	1/1/11 to 9/30/11	
DR WHILE SUSP	0	4	22	-81.8%	0	4	22	0.0%	100.0%	0	0	0	4	22		
DRIVING UNDER INFLUENCE	7	47	47	0.0%	7	47	47	100.0%	100.0%	0	7	7	47	49		
ELUDING	0	2	3	-33.3%	0	2	2	0.0%	100.0%	0	0	0	1	3		
ESCAPE	1	3	0	0.0%	1	3	0	100.0%	100.0%	0	1	1	3	0		
FAIL TO DISPLAY DL	0	1	1	0.0%	0	1	1	0.0%	100.0%	0	0	0	1	1		
FUGITIVE	8	76	76	0.0%	8	82	76	0.0%	100.0%	0	1	1	36	80		
HIT & RUN	1	28	46	-39.1%	0	6	10	0.0%	107.9%	0	0	0	4	3		
LIQUOR LAWS	3	17	23	-26.1%	4	20	25	133.3%	117.6%	0	0	0	26	42		
MIP TOBACCO	1	12	5	140.0%	1	13	5	100.0%	108.3%	1	0	1	14	7		
NARCOTICS/DRUGS	7	60	52	15.4%	7	62	57	100.0%	103.3%	0	5	5	58	62		
PROP RECOVERED - FOR OTHER AGENCY	1	8	2	300.0%	0	1	2	0.0%	12.5%	0	0	0	0	0		
RECKLESS DRIVING	0	4	3	33.3%	0	4	2	0.0%	100.0%	0	0	0	3	2		
RUNAWAY	2	30	18	66.7%	2	28	18	100.0%	93.3%	2	0	2	27	14		
SEX OFFENSES	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0	0	0	0	0		
TRESPASS	4	50	44	13.6%	3	35	34	75.0%	70.0%	1	2	3	18	14		
VEH RECOVERED - FOR OTHER AGENCY	0	1	1	0.0%	0	1	0	0.0%	100.0%	0	0	0	0	0		
WARRANT	2	33	16	106.3%	2	35	16	100.0%	106.1%	1	9	10	94	34		
WEAPONS	1	6	3	100.0%	1	7	4	100.0%	116.7%	0	1	1	7	4		
GRAND TOTALS	404	3,559	3,681	-3.3%	49	520	511	79.0%	81.8%	17	35	52	467	455		



CITY OF STAYTON

MONTHLY OPERATING REPORT

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Jennifer Russell, Administrative Assistant
THRU: Dave Kinney, Public Works Director
DATE: October 15, 2012
SUBJECT: September Monthly Operating Report

KEY ACTIVITIES **STATUS**

- **WWTP Facility** Effluent flows: 31.21 million gallons were treated during September. The highest flow was 1.23 million gallons on September 11th, and the lowest flow was 0.90 million gallons on September 29th. The average flow was 1.04 million gallons. Total rainfall for September was 0.07 inches. 11.14 tons of dewatered biosolids were produced.
- **WTP** Highest production day was 6,195,000 on the September 20th.
- **Water System** City crews installed two new meters, replaced 8 meters and installed 2 new radios. Lowered 8 valves on First Avenue. Replaced 3 services on W. Washington Street and First Avenue. Installed valve and 8 inch water line across First Avenue on Washington Street. Repair water service on Ida Street. Repair to water line on E. Regis Street. Replaced a water service at 1576 Sixth Avenue.
- **Streets** Swept 80 curb miles and removed approximately 21 cubic yards of material. Repair to a catch basin on Evergreen.
- **Parks** The High School Life Skills group completed 36 volunteer hours weeding and cleaning at the Library.
- **Building Permits**

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling	1	\$11,065.00
Residential Building Addition/Alteration/Other	0	
Commercial Building Addition/Alteration/Other	4	
Electrical	2	
Mechanical	0	
Plumbing	1	
TOTAL	8	\$11,065.00

One (1) Residential SDC = \$11,065



CITY OF STAYTON

MONTHLY OPERATING REPORT

TO: Mayor Scott Vigil and the Stayton City Council

FROM: Rebekah Meeks, Pool Manager

DATE: October 15, 2012

SUBJECT: September Pool Monthly Operating Report

SALES

	SEPT 2012 SALES	2012-2013 YTD	SEPT 2011 SALES	2011-2012 YTD
Swim Lessons	\$ 0.00	\$ 4,358.25	\$ 0.00	\$ 4,824.55
Daily Receipts	\$ 563.55	\$ 8,709.65	\$ 1,419.25	\$ 11,416.52
Pool Rentals	\$ 0.00	\$ 2,870.00	\$ 237.00	\$ 1,577.00
Pool Vending	\$ 36.75	\$ 587.48	\$ 31.00	\$ 806.20
Memberships	\$ 1,294.70	\$ 8,901.95	\$ 1,733.72	\$ 5,874.85
Lifeguard Training	\$ 0.00	\$ 35.00	\$ 0.00	\$ 0.00
Other	\$ 0.00	\$ 0.00	\$ 150.00	\$ 280.00
TOTAL	\$1,895.00	\$25,462.33	\$ 3570.97	\$24,779.12
Target revenue above general fund and levy subsidies is \$108,500 . YTD sales represent approximately 23% of that target.				

ATTENDANCE

	Sept 2012	Sept 2011
Exercise / Therapy	682	856
Lap Swim	287	276
Open Swim	390	279
Swim Lessons	0	0
Kiwanis Attendance	308	0
TOTAL PATRONS GUARDED	1,667	1,411



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilors

FROM: Louise Meyers

DATE: October 15, 2012

SUBJECT: Library Director's Report, September Activities

Updates:

The annual report to the State Library is complete, and available for viewing at the Director's office if desired.

We held a Back to School night in September, with games, stories, and a general "Welcome Back" theme. Over 90 people attended and enjoyed the evening.

We also offered a Homeschoolers night for families of home schooled children, with more than 45 people attending.

The Library Foundation held a fundraiser event in the Library called "Brews, Bites n' Books" on Oct. 6, and we assisted them with planning that event. As of this writing, the event was held and was a successful evening. Over 100 people attended and enjoyed beer from craft brewers, wine samples, and appetizers provided by six area vendors, music by local folksinger Maria Bulkow. The major sponsors were SCTC and Roth's Fresh Market, who helped make it a memorable event.

2012 - 2013 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2011-12	2012-13 YTD	% Change
CHECKOUTS	13,918	11,223	10,448										35,911	35,589	-1%
INCOME Received															
Non-resident cards	\$1,046.00	\$692.00	\$307.00										\$2,475.00	\$2,045.00	-17%
Fines: overdue books	\$866.00	\$1,011.00	\$1,903.00										\$4,343.00	\$3,780.00	-13%
Room fees	\$109.00	0	\$526.25										\$484.00	\$635.25	31%
Fees-cards and lost books	\$776.00	\$140.00	\$299.00										\$975.00	\$1,215.00	25%
												Total	\$8,277.00	\$7,675.25	-7%
REFERENCE QUESTIONS															
Reference questions	559	528	461										990	1,548	56%
Telephone	302	346	290										831	938	13%
												Total	1,821	2,486	37%
INTERNET USE															
	1,946	1,837	1,482										5,584	5,265	-6%
PROGRAM ATTENDANCE															
Children/teens	827	224	199										1,810	1,250	-31%
Adults	350	79	100										714	529	9%
Outreach	75	57	212										232	344	48%
												Total	2,756	2,123	-23%
MEETING ROOM ATTENDANCE															
	1,217	341	617										1,987	1,558	-22%
PATRON VISITS															
	9,383	8,069	6,721										23,532	24,173	3%

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

Santiam Water Control District



284 E. Water St. ♦ ♦ Stayton OR, 97383 ♦
Phone (503) 769-2669 ♦ Fax (503) 769-5995

November 2, 2012

The Honorable Mayor Vigil and members of the Stayton City Council, for the record, Brent Stevenson, Manager of the Santiam Water Control District (SWCD) at 284 E. Water Street, Stayton. Due to a scheduling conflict I am unable to attend the Monday Nov 5th meeting so please consider this letter as part of the record for ordinance 949, an update to the City of Stayton's Comprehensive Plan.

The SWCD requests that the record be left open to provide additional testimony. I am working very hard to assemble information I feel will be helpful to the council regarding the plan both in a historical and functional aspect.

It is of particular concern to the district that a reduction in the width of the NROD is included without a full presentation of the facts and issues. Even though a previous council originally implemented it, there is no background information provided for your consideration on discussions and issues considered during its implementation. This is a complex issue due to the varied wants and needs of all parties. The NROD involves Clean Water Act Protection, Endangered Species Act concerns, State Land use goals, private property rights, District easements and operational concerns, and the Cities wish for a viable community that includes linear parks and trails. It is my suggestion this change should be removed from the comp plan update and considered as a stand-alone action, It may also be worthy of a smaller committee or workgroup to discuss and fully understand all the issues, it may also be helpful to hear from some experts or maybe a community that has implemented a successful solution.

This issue may be a good topic for our local watershed council or soil and water conservation district to be involved in; they may be able to act as an impartial facilitator and have valuable knowledge and expertise to share.

I would hope you honor my request to leave the record open and consider my suggestion to address the NROD as a stand-alone issue with the importance it deserves.

Thank You for your consideration,

A handwritten signature in black ink, appearing to read "Brent Stevenson".

Brent Stevenson

October 30, 2012

To Mayor Scott Vigil and the Stayton City Council

Dear Mayor Vigil and City Council;

I am writing in regards to your work on the Stayton Comprehensive Plan and the fact that you have kept open the public record for written comments.

Because of having followed the work of the committee, the Planning Commission and the work you are now doing I would like to make comments on potential changes that I believe would be harmful to the City over the long term. And because of State interference we would not be able to go back to our original codes if we found the changes in the new codes were not working.

1. Under low density residential codes we should not add the policy: "development shall not be less than 3 units per acre." If the landowner wants to provide and sell large lots to accommodate a wealthier segment of the community we should allow it because it will improve the quality of the community.
2. We should not add under medium density residential: "shall not be less than 4.5 dwelling units per acre." We should allow larger lots for nicer multi family units and not just cram in duplexes like we see around Stayton today. We can see the negative impact those rental units are having on the appearance of the town.
3. Numbers 1 and 2 above would also have a detrimental effect on existing large lots in Stayton. Some of these lots are large enough to force the creating of a subdivision (4 lots or more) and all the extra costs that are associated with a subdivision as opposed to a simple partitioning creating 2 or 3 lots. The proposed changes would in essence destroy the infill concept for larger lots as well.
4. We should not remove the "footnote #2" which would eliminate the requirement that all lots east of 10th Street have a minimum lot size of 10,000 square feet. That requirement was put in the code in the mid 1990s in order to encourage that part of town to build homes of a different level from the 7,000 to 8,000 foot lots that were being developed elsewhere in town. That has worked and continues to work. Also, the amount of traffic produced by a greater number of homes east of town would be detrimental to neighborhoods off of 10th Avenue, Jefferson Street, Fernridge Road and 3rd Avenue.

We could never go back to 10,000 square foot lots if we wanted to do so in the future.

We need to provide these large lots to effectively compete with Sublimity for higher end neighborhoods with **all** of their (Sublimity's) low density residential lots at 10,000 square feet.

Thank you for your consideration on this issue.

Sincerely,
Gerry Aboud
836 East Kathy Street
Stayton