



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, March 4, 2013

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

a. Stayton Public Library Foundation Presentation – Tass Morrison

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. February 19, 2013 City Council Meeting Minutes

b. 2013 OLCC Annual Liquor License Renewals

Purpose of the Consent Agenda:

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

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

PUBLIC HEARING – None

UNFINISHED BUSINESS

Resolution No. 895, City of Stayton Personnel Manual

Action

- a. Staff Report – Alissa Angelo
- b. Council Deliberation
- c. Council Decision

Ordinance No. 949, Comprehensive Plan

Action

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

NEW BUSINESS

Ordinance No. 953, Natural Resource Overlay District

Action

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

Large Vehicle Purchase Recommendation

Action

- a. Staff Report – Brenda Kuiken
- b. Council Deliberation
- c. Council Decision

PacifiCorp Foundation Grant

Action

- a. Staff Report – Rich Sebens
- b. Council Deliberation
- c. Council Decision

Moose Lodge Rent Reduction Request

Action

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

STAFF/COMMISSION REPORTS

Planning and Development Report – Dan Fleishman

Informational

- a. Land Use Training – March 11, 2013

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. Adoption of City Council Goals

ADJOURN

CALENDAR OF EVENTS

MARCH 2013

Monday	March 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	March 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Saturday	March 9	Tri 101 Workshop	10:00 a.m.	Stayton Family Memorial Pool
Monday	March 11	Land Use Training	7:00 p.m.	Community Center (north end)
Tuesday	March 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 25	Planning Commission	7:00 p.m.	Community Center (north end)

APRIL 2013

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

MAY 2013

Monday	May 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	May 7	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	May 7	Budget Committee	7:00 p.m.	Community Center (north end)
Thursday	May 9	Budget Committee	7:00 p.m.	Community Center (north end)
Friday	May 10	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	May 13	Budget Committee	7:00 p.m.	Community Center (north end)
Tuesday	May 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	May 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Saturday	May 18	Stayton Sprint Triathlon	8:00 a.m.	Stayton Family Memorial Pool
Monday	May 20	City Council	7:00 p.m.	Community Center (north end)
Tuesday	May 28	Planning Commission	7:00 p.m.	Community Center (north end)

Consent Agenda

**STAYTON CITY COUNCIL
MEETING MINUTES
February 19, 2013**

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 Catherine Hemshorn
Councilor Emily Gooch

STAFF

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

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. **James Loftus, 633 N. Third Avenue:** Mr. Loftus feels Ordinance No. 949 should be sent to the voters because it affects everyone in the community. He also expressed concerns about references to “no pollution” in the Comprehensive Plan. If these are strictly enforced, the growth of industry will be prohibited. Another concern he has is the Historic Properties list, which it is his understanding that being on the list is completely voluntary. He requested his property be removed from the list.

Also, Mr. Loftus asked staff to ensure he is added to the City's email list as he did not receive notice of the Council packet being posted on the City's website. Mayor Vigil informed Mr. Loftus the Council packet is always available for download on the City's website prior to the meeting.

ANNOUNCEMENTS

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

CONSENT AGENDA

- a. **February 4, 2013 City Council Meeting Minutes**

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

PUBLIC HEARING – None

UNFINISHED BUSINESS

Ordinance No. 949, Comprehensive Plan

- a. **Staff Report:** Mr. Fleishman briefly reviewed his staff report and the revised Ordinance included in the Council's packet. He noted that Brent Stevenson of the Santiam Water Control District (SWCD) had submitted a packet of documents. Mr. Fleishman also noted that in a conversation with Mr. Stevenson this afternoon, Mr. Stevenson indicated the SWCD is likely to appeal the Natural Resource Overlay District (NROD) section of the Comprehensive Plan.

Following the Council work session, Mr. Fleishman met with developers wanting to place a new stand-alone restaurant building in the Roth's/BiMart complex on Shaff Road. This shopping center has reached its maximum size of 80,000 square feet per the Stayton Municipal Code (SMC). In order for this new building to be placed in this complex, and Comprehensive Plan would have to be updated to allow a larger maximum square footage. Mr. Fleishman recommended increasing the maximum to 100,000 square feet, which he doesn't see as detrimental to the city of Stayton.

Mr. Fleishman spoke about the SWCD's impending appeal of the adoption of the NROD section of the Comprehensive Plan and how this will hold up the implementation of the entire Plan. He suggested that Council direct staff to remove the changes to the NROD in Ordinance 949 and return with a new, separate ordinance for the NROD. This will avoid putting the rest of the Comprehensive Plan on hold while the NROD section is appealed.

- b. **Council Deliberation:** Councilor Hemshorn spoke about the maximum square footage for shopping centers and it is her understanding that it was put into place to protect local businesses. However, by not allowing the project to move forward because the complex has met its maximum square footage is not protecting local businesses. She encouraged the Council to move forward with increasing the maximum size.

Councilor Quigley asked if there is a rule that would prohibit a developer to build two 30,000 square foot buildings next to each other. Mr. Fleishman stated if they are two completely different businesses, there is no issue with this. There was continued discussion on the size of similar businesses in Stayton, including Safeway and the Wilco store. Councilor Quigley asked if a bowling alley is considered retail. Mr. Fleishman stated it is not.

- c. **Council Decision:**

MOTION: From Councilor Gooch, seconded by Councilor Quigley, to approve the first consideration of Ordinance No. 949, requesting staff change the draft Comprehensive Plan to delete the third action under Policy NR-5 and to revise the first Action in Policy EC-3 to increase the maximum size of a shopping center mall to 100,000 square feet, and to revise the text amendments to Title 17 to amend Section 17.20.200.2.b to limit malls to 100,000 square feet and to delete part 5, and return the revised Ordinance to the City Council for a second consideration on March 4, 2013, as well as a separate ordinance to amend the Comprehensive Plan by reinserting the third action under Policy NR-5, amend the land use code to change the width of the Natural Resources

District from 50 feet to 25 feet along the ditches, and amend the Official Zoning Map to reduce the width of the Natural Resources Overlay District from 50 feet to 25 feet.

Discussion

Councilor Porter asked if this motion included any consideration for the Gardner House. Mr. Fleishman apologized for not pointing out the staff recommendations included in his report. He referenced the recommendations section of his staff report where he listed what staff suggested needed to be considered in addition to adoption of the Ordinance. This included reconsideration of the Gardner House property and closing the record for the public hearing.

Councilor Quigley withdrew his second. Councilor Gooch withdrew her motion.

Mayor Vigil closed the record for the public hearing.

MOTION: From Councilor Quigley, seconded by Councilor Gooch, to reconsider the December 3, 2012 decision to remove the A.D. Gardner House from the list of Historic Resources.

Discussion

Councilor Niegel stated she is still in support of the Gardner House remaining on this list. She feels it's sad that someone would want to remove their historic property from the list and not keep it in good condition.

Councilor Porter questioned if it's really as simple as a property owner does or doesn't want to be on the list. Mr. Fleishman explained the background of the statutes and administrative rules which require a property owner to give its consent prior to their property being included on a historic resources inventory. However, there is a LUBA case that ruled the decision is up to the Council of whether or not they remove a property from the list. Essentially it's a policy choice of the City Council.

Councilor Quigley asked about requirements of property owners on the list when they wish to make improvements or renovations to their property. Mr. Fleishman explained the procedures set forth in the SMC and the reason the City has this list in the Comprehensive Plan. The SMC also currently includes protocol for a property owner to remove or add properties to this list.

UPON ROLL CALL VOTE, THE MOTION PASSED 5:0.

MOTION: From Councilor Porter, seconded by Councilor Niegel, to leave Historic Resources list as it currently is.

Discussion

Councilor Quigley stated he is in support of leaving the Gardner House property on the list because there is set protocol in the SMC for property owners to follow to be removed from the list.

UPON ROLL CALL VOTE, THE MOTION PASSED 4:1 (GOOCH).

MOTION: From Councilor Gooch, seconded by Councilor Quigley, to increase the individual retail store size from 30,000 square feet to 45,000 square feet; increase retail shopping centers from 80,000 square feet to 100,000 square feet; and remove the Natural Resource Overlay District from the draft Comprehensive Plan and create a separate ordinance for it.

UPON ROLL CALL VOTE, THE MOTION PASSED 5:0.

Mr. Fleishman stated he will bring a revised Ordinance No. 949 and a new ordinance for the Natural Resource Overlay District at the March 4, 2013 City Council meeting.

NEW BUSINESS

Resolution No. 895, City of Stayton Personnel Manual

- a. **Staff Report:** Ms. Angelo briefly reviewed the staff report included in the Council packet.
- b. **Council Deliberation:** Councilor Hemshorn referenced page 4 and the definition “At-Will Employee” and the addition of the sentence referencing the Personnel Manual and collective bargaining agreements. Ms. Shaffer stated the City has two collective bargaining agreements, one with AFSCME and the other with the SPOA. When dealing with union employee issues, their bargaining agreements come first, all other employees go strictly by this personnel manual.

Councilor Quigley requested the Resolution return at the next meeting for a vote as he’d like to take the time to fully review the manual.

Resolution No. 895 will be brought back before the Council at their March 4, 2013 meeting.

- c. **Council Decision:** None.

STAFF / COMMISSION REPORTS

Finance Director’s Report – Christine Shaffer

- a. **January 2013 Monthly Finance Department Report:** No further discussion.

Police Chief’s Report – Rich Sebens

- a. **January 2013 Statistical Report:** Chief Sebens reviewed the January 2013 report included in the Council packet. He distributed new Stayton Police Officer trading cards to the Council. The cards were made possible through donations from local businesses.

Public Works Director’s Report – David Kinney

- a. **January 2013 Monthly Operating Report:** Mr. Kinney reviewed the monthly operating report.

Councilor Quigley asked if staff if during construction a fence on the east side of 10th Avenue going down the hill toward E. Santiam Street had been considered. Mr. Kinney stated it had been considered, but due to budget constraints was removed from the project. However, he has received inquiries about the lack of a fence on the east side of the street.

- b. **Downtown Area Sidewalk Repairs:** Mr. Kinney provided the Council with an update on the

downtown area sidewalk repairs.

Councilor Quigley spoke about the muddy area at Pioneer Park. Mr. Kinney explained the numerous issues with this area of the park. When the Pioneer Park rehabilitation project moves forward, additional onsite drainage will be added.

Pool Manager's Report – Rebekah Meeks

a. **January 2013 Monthly Operating Report:** No discussion.

Library Director's Report – Louise Meyers

a. **January 2013 Activities / Statistics:** Ms. Meyers reviewed the January Library Director's report and spoke about what activities are happening at the Library.

PRESENTATIONS/COMMENTS FROM THE PUBLIC – None

BUSINESS FROM THE CITY ADMINISTRATOR – None

BUSINESS FROM THE MAYOR – None

BUSINESS FROM THE COUNCIL – None

FUTURE AGENDA ITEMS

ADJOURN

There being no further business, the meeting was adjourned at 8:03 p.m.

APPROVED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF MARCH 2013, 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



MEMORANDUM

TO: Mayor Vigil and the Stayton City Council

FROM: Rich Sebens, Chief of Police

SUBJECT: 2013 OLCC Annual Liquor License Renewals (Consent Agenda)

DATE: March 4, 2013

ISSUE:

Annually the police department reviews the activities occurring at or near the vicinity of all licensed liquor establishments in Stayton. The City Council then gives a recommendation to the Oregon Liquor Control Commission (OLCC) to either recommend or give no recommendation.

BACKGROUND INFORMATION:

In October of 1999 the Council enacted Resolution No. 653; A Resolution Adopting Policy Guidelines and Procedures for Stayton Council Recommendations for Renewal and Issuance of Liquor Licenses. Through these established guidelines and procedures, the City Council ensures equitable and consistent treatment of all liquor license applications. The adoption of this policy protects the interest of the general public by providing consistent direction to staff in the processing of the liquor license.

FACTS AND FINDINGS:

All 2013 reviews were completed in accordance with Council Resolution No. 653, dated October 7, 1999. Oregon law provides criteria to be used by OLCC for license refusal which can be adopted into criteria for police department recommendations.

The standards and criteria are as follows:

- Fights or assaults
- Liquor law violations by licensee or their employees
- Excessive or obtrusive noise
- Illegal drug use or sales on the premises
- Trespass on private property
- Failure of the licensee to take appropriate action to prevent or control problems caused by patrons on the premise or within the local vicinity.

Council Resolution No. 653, Section (F), Evaluation Guidelines and Criteria

1. A recommendation to deny the renewal application will be made when there are persistent problems involving the types of police calls listed above related to the sales of alcohol.
2. The police department will automatically recommend denial of a renewal application when there is a record of ten arrests, in the prior twelve (12) months, of employees or patrons of the licensed business for unlawful activities related to the sale of service of alcohol under the license either on the premises or in the immediate vicinity.
3. Actions by the licensee, which might tend to mitigate the problems, should be considered. Examples of mitigating actions are seeking and following recommendations by the OLCC, or police, and increased security measures.
4. In addition to the criteria previously outlined, a recommendation for denial of a license renewal may be made when there are persistent problems involving police calls related to the sales or service of alcohol not stemming from calls for assistance from the establishment, within the preceding twelve months, concerning unlawful activities by employees and patrons of the licensed business, either on the licensed premises or in the immediate vicinity thereof.
5. The recommendation by the police department is only one component of the liquor license recommendation process. Community input is a significant factor in a complete review of applications. With all licensing activities, it must be remembered that the City recommends and OLCC grants or denies.

STAFF RECOMMENDATION:

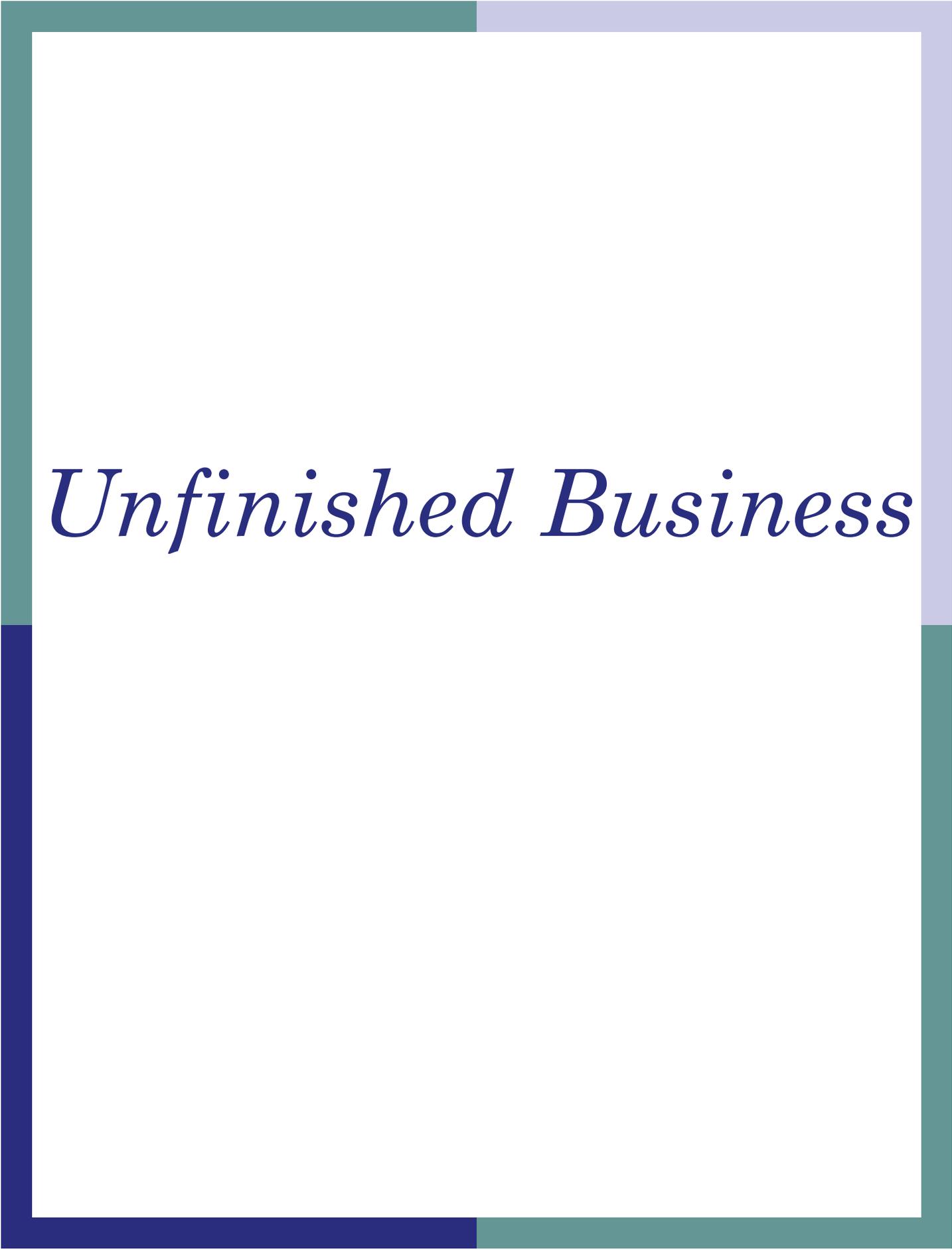
All liquor license establishments met the guidelines and policies established by Resolution No. 653 for the year 2013.

Off Premise Sales	Full On-Premise Sales	Limited On-Premise Sales
Bi-Mart	Rumours Restaurant / Lounge	Fey Asian
Circle K East	Cheers On 1 st	UGO's Pizza
Circle K West	Ixtapa Restaurant	
Roth's IGA	Mick & Moms	
Safeway	Rif's Food and Spirits	
Stayton AM-PM	Red Apple Restaurant Lounge	
Stayton Grocery Outlet	Happy Dragon Restaurant	
Stayton Market and Deli	Moose Lodge #2639	
Stayton Shell		
Stop N Save		

***Kev's Smoke House closed in 2012 and therefore did not renew for 2013.

RECOMMENDATION: Send a renewal recommendation to OLCC.

Please let me know if you have any questions.



Unfinished Business



CITY OF STAYTON
MEMORANDUM

TO: Mayor Scott Vigil and the Stayton City Council
FROM: Alissa Angelo, Deputy City Recorder
DATE: March 4, 2013
SUBJECT: Resolution No. 895, a Resolution Amending Various Sections of the Stayton Personnel Manual Dated October 2011

ISSUE

Resolution No. 895 amends various sections of the Stayton Personnel Manual. The recommended legal language updates to the Personnel Manual are recommended by City County Insurance Services (CCIS) and the Local Government Personnel Institute (LGPI).

ENCLOSURES

1. Resolution No. 895

BACKGROUND INFORMATION

The City of Stayton requested both CCIS and LGPI review the core policies of the City's Personnel Manual. They recently completed their review and provided City staff with their recommended legal language updates. These recommendations do not make any changes to the policies of the Personnel Manual and were recommended by CCIS because they are the areas where they have seen the most legal challenges made by employees.

Following review of the October 2011 Personnel Manual, it was determined formatting of the entire document needed to be updated. Spacing and margins were reduced to save paper, resulting in the document being reduced from 112 pages to 66 pages. Also, the number formatting was revised to make the document easier to read and follow.

After the February 19, 2013 City Council meeting, Police Chief Rich Sebens requested a minor change be made to the new "Cell Phone Safety" section of the manual (section 9.14.3 on page 41). The additional language is underlined below:

3. *Cell Phone Safety*: The City prohibits the use of cell phones, including text messaging, during the following work-related activities **except when allowed by Oregon Revised Statutes**:
 - a. While operating a moving vehicle unless a hands free device is used.
 - b. While operating or being in close proximity of heavy, dangerous, moving machinery.
 - c. Where use of a cell phone may place employees at risk of injury.

Chief Sebens requested this additional language because it allows for 911 calls to be made in emergencies, as well as allows our Police Officers to use their cell phones when necessary for handling emergency situations. The Resolution and draft Manual have been revised to include this change.

OPTIONS

1. Adopt Resolution No. 895, as presented.
2. Do Nothing.

MOTIONS

1. Offer a motion to adopt Resolution No. 895, a Resolution amending various sections of the Stayton Personnel Manual dated October 17, 2011.
2. No motion necessary.

RESOLUTION NO. 895

A RESOLUTION AMENDING VARIOUS SECTIONS OF THE STAYTON PERSONNEL MANUAL DATED OCTOBER 17, 2011.

WHEREAS, the City of Stayton requested the Local Government Personnel Institute (LGPI) in conjunction with City County Insurance Services (CCIS), review the core policies of the Stayton Personnel Manual, adopted October 17, 2011;

WHEREAS, the Stayton City Council is committed to protecting the City from unnecessary litigation; and,

WHEREAS, the Stayton City Council wishes to provide rules and policies that apply to all City employees in a fair and equitable manner.

NOW THEREFORE BE IT RESOLVED BY THE STAYTON CITY COUNCIL that the Stayton Personnel Manual in the Sections listed below is hereby amended as reflected in attachment "A":

- The entire manual has updated numbering of sections and has been reformatted to single spacing to reduce paper.
- Revised Employee Certificate of Receipt of Personnel Handbook
- Section 1.2.2, page 1 – Removed “at any time with or without notice” and replaced with “15 days notice”; added new language regarding “at will” employment and contracts.
- Section 1.2.4, page 1 – Change effective date.
- Section 1.3.4, page 2 – Added new language to definition of “At-Will Employee”
- Section 1.3.4 – Removed “Trial Service Period” definition.
- Section 2.1.1a, page 6 – “Veterans Preference in Hiring” language revised.
- Section 2.3.3, page 7 – Addition of last sentence regarding family medical history.
- Section 2.6, Trial Service Period – Removed section discussing Trial Service Period.
- Section 2.16.7, page 12 – Paragraph discussing Confidential Information Storage added.
- Section 6.6, page 24 – Explanation of the section was added in regard to OFLA and FLMA. Also, explanation of City’s definition of year and work week.
- Section 6.6.2c, page 25 – Revised acceptable OFLA leave to care for extended family members and children over the age of 18.
- Section 6.7.1, page 27 – Added additional language referencing ORS 659A.272 in regard to Domestic Violence / Victims Leave.
- Section 6.7.3, page 27 – Added additional language regarding how an employee’s leave is charged under this policy.
- Section 6.7.5, page 27 – New language regarding reasonable safety accommodation.
- Section 6.7.6, page 27 – New language regarding ORS 659A.280(4) regarding certification requirements required from an employee taking leave under this policy.

- Section 9.2.3, page 36 – Language regarding meetings was revised, references ORS 659.785.
- Section 9.3.1, page 36 – Link to Oregon Government Ethics Commission website added.
- Section 9.3.2, page 37 – Section discussing “Conflict of Interest” added.
- Section 9.3.3, page 37 – Additional language added in regard to “Gifts and Gratuities”.
- Section 9.4.2, page 37 – Revised language regarding “Political Activity”.
- Section 9.13, page 40 – New section discussing Social Networking and Blogging.
- Section 9.14.1, page 41 – Additional language added regarding “Personal Electronics”.
- Section 9.14.2, page 41 – New section added “City-Issued Cell Phones”.
- Section 9.14.3, page 41 – New section added “Cell Phone Safety”.
- Section 9.14.4, page 41 – New section added “Reporting Lost or Stolen Cell Phones”.
- Section 10.1, page 46 – Additional protected classes added to “Equal Employment Opportunity” section. The word “performance” was added to the second paragraph, first sentence.
- Section 10.3, page 46 to 47 – Reference throughout section to the “Americans with Disabilities Act Amendment Act (ADAAA)”.
- Section 10.5, page 47 – Additional language added to the “Whistleblower Policy”.
- Section 10.6.2, page 48 – Additional language added to the “Retaliation” section.
- Section 10.7.1, page 48 – Additional language added forms of harassment prohibited.
- Section 10.7.2, page 48 to 49 – Section added discussing forms of sexual harassment.
- Section 10.9, page 54 – Section titled “Crime Victims” added.
- Section 10.10, page 54 – The section on “Religious Accommodation” was moved from Section 6 to Section 10.

This Resolution shall become effective upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF MARCH, 2013.

CITY OF STAYTON

Date: _____, 2013

By: _____
A. Scott Vigil, Mayor

Date: _____, 2013

Attest: _____
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



City of Stayton

Planning and Development Department

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

Office location: 311 N. Third Avenue

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

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members

FROM: Dan Fleishman, Planning and Development Director

DATE: March 4, 2013

SUBJECT: Comprehensive Plan Update, Enactment of Ordinance 949

120 DAYS ENDS: not applicable

ISSUE

The issue before the City Council is the enactment of Ordinance 949 to adopt the draft Update of the Stayton Comprehensive Plan, a new Official Zoning Map, and a number of legislative text amendments to the Land Use and Development Code.

BACKGROUND

The City Council held a public hearing on October 15. At the close of the hearing, the City Council kept the record open for written submissions and began its review of the plan and deliberations. The Council culminated its review of the Plan, Map and Code amendments at its February 19 meeting, directing staff to make a number of changes and to remove changes to the Natural Resources Overlay District from the ordinance. Changes to the Natural Resources Overlay District are presented to the City Council in Ordinance 953 and are addressed in a separate staff report.

Changes to Ordinance 949 since its review by the City Council on February 19 include the following:

- The City Council voted to reconsidered its previous decision to remove of the A.D. Gardner House from the list of historic resources in the City. Upon reconsideration the City Council did not change the list. The current draft of the Plan and ordinance leave the A.D. Gardner House on the list.
- Section 1, Parts 4 and 5 are added, to not make changes to the NROD
- Section 1, Parts 10 and 11 are added, to increase the size limit on shopping centers from 80,000 square feet to 100,000 square feet and individual retail stores from 30,000 to 45,000 square feet.

- Section 3, Part 5 was an amendment in Title 17 to the description of the NROD. It is now an amendment to the size limitation on retail stores, up to 45,000 square feet.
- Section 3 Part 6 increases the allowable size of shopping centers to 100,000 square feet.
- In Section 4 the effective date of the ordinance has been changed from April 1 to 30 days after signing by the Mayor.

In the written comments submitted by the SWCD on February 19 there was one comment not directly addressing the reduced width of the NROD. SWCD commented relative to the proposal in Section 1 Part 2 of Ordinance 949 to add a sentence to Chapter 3, page 15 of the Comprehensive Plan that the ditches were used for “a variety of industrial uses, for wastewater disposal and flood control.” SWCD claims it is not aware of any support for such a statement. The motion to add this sentence to the Plan was offered by former councilor Loftus. Mr. Loftus, currently the owner of the home built by A.D. Gardner, is familiar with the history of Mr. Gardner’s contributions to the development of the City, including Mr. Gardner’s ownership of the Stayton Ditch. The SWCD later contradicts its assertion by stating that the ditches, when first built, were used for hydro power, which is clearly an industrial use. SWCD may be correct in the statement that the ditches were “never intended as anything other” than conveyance of water for irrigation and hydropower. Regardless of the intent, their use for other purposes is documented by Ernst Lau in his publication *The Waterways of Stayton*, as in the following excerpts.



While the original diversions of the North Santiam were intended to power industries, Stayton’s Baptist Congregation derived a peripheral benefit by using the Salem Ditch for their immersion ritual. This photo from about 1895 was taken on the Ditch bank just east of 2nd street. At the center of the picture, the monumental gentleman standing next to the fir tree is Moses Stayton who dug the Stayton family’s ditch, largely by hand between 1866 and 1868. (p. ii)

For many years both ditch bottoms were covered with sunken garbage and several sewer lines blatantly discharged into the waterways. ... during one period the operators of the Salem Ditch were not providing enough flow through Stayton to “keep the ditch sanitary” – that is, to dilute and carry away the liquid waste that Stayton was dumping into it. (p. 52)

When the Bon Ton restaurant moved from the Stayton Hotel in to the Farmers and merchants Bank building in 1921, they dug a sewer line that emptied into the flour mill tail race. (p. 52)

Toilets in the mills were usually near the turbine penstock, sometimes simply a plank left out of the flooring that covered the tail water discharge. The flour mill had a more architectural toilet cantilevered out over the tail race much in the manner of medieval castle’s garderobe. (p. 52)

...Later, more of the pipe broke away and the main Ditch would undergo hue changes, more subtle because of the greater dilution but still perceptible. (p. 52)

RECOMMENDATIONS

Staff recommends the City Council enact Ordinance 949 as amended.

OPTIONS AND MOTIONS

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

1. Adopt the revised draft Ordinance as presented.

I move the City Council approve the first consideration of the revised 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. 949 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 March 18, 2013 meeting.

2. Adopt the revised draft Ordinance 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 March 18, 2013.

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 March 18, 2013 meeting.

3. 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 March 18, 2013 (or some other date).

ORDINANCE NO. 949

AN ORDINANCE ADOPTING THE STAYTON COMPREHENSIVE PLAN UPDATE, THE APRIL 1, 2013 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.
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;
15. The owner of the A.D Gardner House, 633 N 3rd Ave objected to the property being included on the City's inventory of historic resources.

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, 2012 Draft of the City of Stayton Comprehensive Plan, attached as Exhibit A and made a part hereof, is hereby adopted with the following amendments:

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

Part 1. In Chapter 1, page 1, in the recitation of goals, change Goal 5 as follows:

5. ~~Habitat for rare and endangered fish species~~ Fisheries habitat will be maintained ~~and improved~~.

Part 2. In Chapter 3, page 15, amend the third paragraph under Surface Water Bodies as follows:

Additionally, the Salem Ditch and Stayton Power Canal (West Stayton irrigation ditch) divert water from the North Santiam River and pass through the southern part of Stayton. Salem Ditch forms part of the western edge of the UGB just before its confluence with Mill Creek. The Salem Ditch and the Santiam Power Canal were originally constructed for water power. The ditches were used for a variety of industrial uses, for wastewater disposal and flood control. ~~but Both ditches~~ are now owned and operated by the Santiam Water Control District as conveyances of irrigation water, and which has ongoing operational rights and responsibilities. The two canals also receive the majority of the City's storm water.

Part 3. In Chapter 3, page 38, amend the third Goal as follows:

GOAL FISHERIES HABITAT FOR RARE AND ENDANGERED FISH SPECIES WILL BE MAINTAINED ~~AND IMPROVED~~

Part 4. In Chapter 3, page 38, amend the first Action under Policy NR-4 as follows:

ACTION The City will continue to apply regulations ~~to apply standards~~ for maintenance of vegetation and limiting uses within 100 feet of the North Santiam River, ~~and~~ Mill Creek and that portion of Salem Ditch north of Shaff Road.

Part 5. In Chapter 3, page 38, amend the second Action under Policy NR-4 as follows:

ACTION The City will continue to apply regulations ~~to apply standards~~ for maintenance of vegetation and limiting uses within ~~25~~ 50 feet of the Salem Ditch, south of Shaff Road, and the Stayton Ditch.

Part 6. In Chapter 4, page 40, amend the first paragraph under Streets and Highways as follows:

Automotive transport is and will continue to be the dominant form of moving people and goods to, through, and within the City of Stayton. The TSP contains a complete inventory of the street and highway system, an analysis of the needed improvements, and a recommended capital improvements plan. Based on the analysis of projected traffic in 2025, the TSP calls for eight significant various changes to the existing street and highway system, ~~two of which had been completed by 2010.~~ These improvements are

- ~~1. Rebuild the Highway 22-Cascade Highway interchange (completed 2010)~~
- ~~2. Widen Cascade Highway between Highway 22 and Regis Street to 5 lanes~~
- ~~3. Widen Golf Club Road between Highway 22 and Shaff Road to 5 lanes~~

- 4. ~~Construct four roundabouts at Washington St, 6th Ave, Jefferson St, 10th Ave, and Santiam St~~
- 5. ~~Signalize east bound ramp onto Highway 22 at Golf Club Road~~
- 6. ~~Signalize intersection of Golf Club Road and Mill Creek Road~~
- 7. ~~Signalize the Cascade Highway/Whitney St intersection with left turn lanes (completed 2008)~~
- 8. ~~Construct roundabout at corner of Wilco Rd, Washington St, and Ida St.~~

Part 7. In Chapter 4, page 45, delete the third Action under Policy T-7.

Part 8. In Chapter 4, page 47, amend the fourth Action under Policy T-14 to read as follows:

ACTION The City will require striped bicycle lanes on all new and improved collector streets.

Part 9. In Chapter 6, page 76 delete the second Action under Policy HO-1.

Part 10. In Chapter 7, page 87 amend the first Action under Policy EC-3 to read as follows:

ACTION The City shall ~~continue to increase the~~ limit on the size of shopping center malls to ~~80,000~~100,000 square feet.

Part 11. In Chapter 7, page 87 amend the second Action under Policy EC-3 to read as follows:

ACTION The City shall ~~continue to increase the~~ limit on the size of retail stores to ~~30,000~~45,000 square feet.

Section 2. The April 1, 2013 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~~ April 1, 2013 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 17.20.200.2.a to increase the allowable area in a retail store.

- a. All retail stores are limited to ~~30,000~~ 45,000 square feet of gross floor area.

Part 6. Amend **Section 17.20.200.2.b** to increase the allowable area in a mall.

- b. Malls are limited to ~~80,000~~ 100,000 square feet of gross floor area with no retail store exceeding 30,000 square feet.

Part 7. 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 8. 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 9. 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.

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 4th day of March, 2013.

CITY OF STAYTON

Signed: _____, 2013

BY: _____
A. Scott Vigil, Mayor

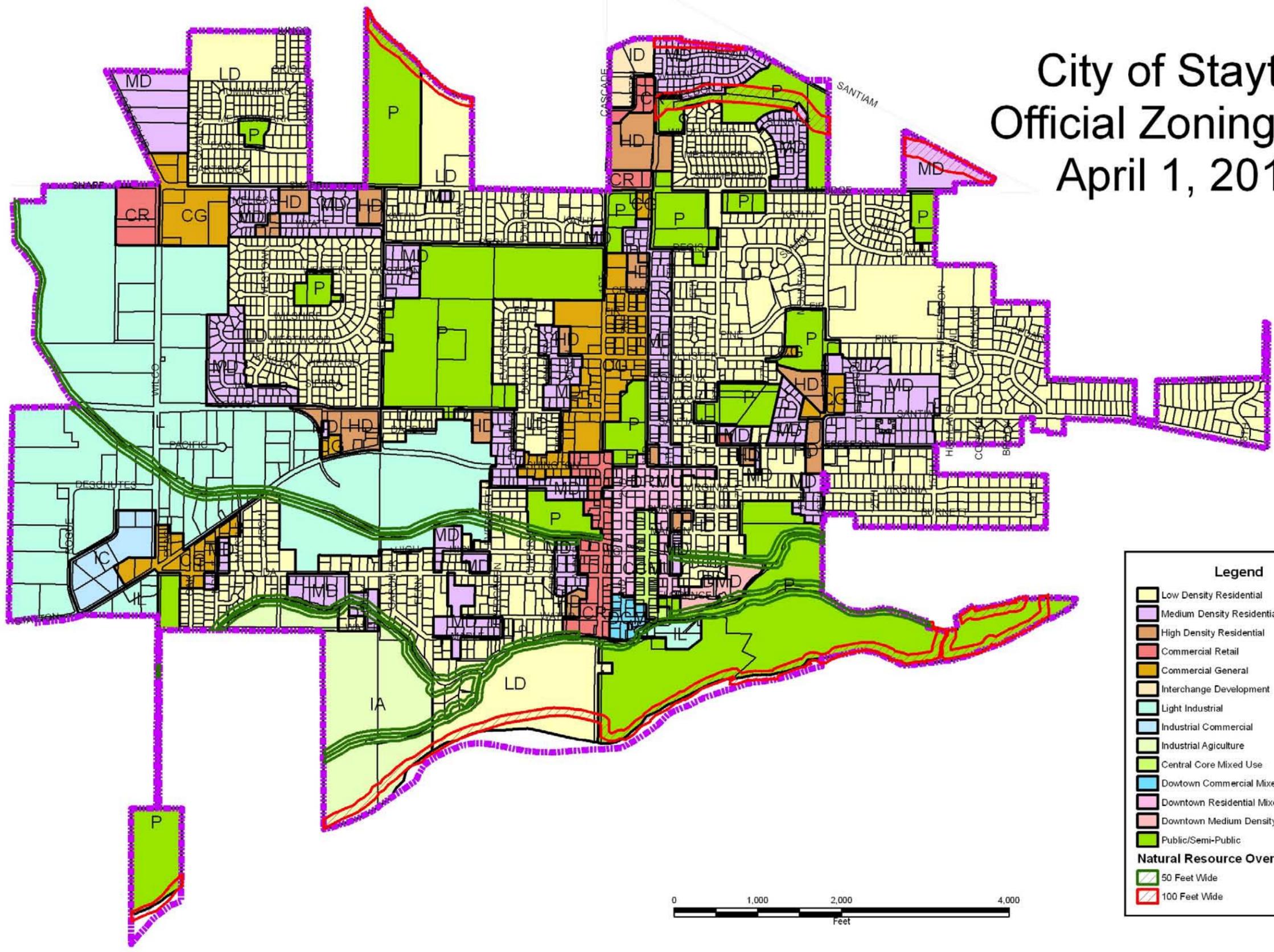
Signed: _____, 2013

ATTEST: _____
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

City of Stayton Official Zoning Map April 1, 2013

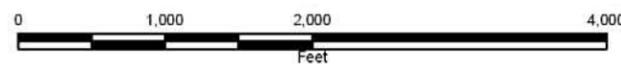


Legend

- 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

- 50 Feet Wide
- 100 Feet Wide





New Business



City of Stayton

Planning and Development Department

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

Office location: 311 N. Third Avenue

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

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members

FROM: Dan Fleishman, Planning and Development Director

DATE: March 4, 2013

SUBJECT: Comprehensive Plan and Land Use Code Amendments, Enactment of Ordinance 953

120 DAYS ENDS: not applicable

ISSUE

The issue before the City Council is the enactment of Ordinance 953 to amend the Stayton Comprehensive Plan, the Official Zoning Map, and legislative text amendments to the Land Use and Development Code relative to the Natural Resource Overlay District.

BACKGROUND

The City Council held a public hearing on the Comprehensive Plan Update, Zoning Map and text amendments to the Land Use and Development Code on October 15. At the hearing there was testimony from the Santiam Water Control District (SWCD) relative to the proposed changes in the Natural Resources Overlay District (NROD). At the close of the hearing, the City Council kept the record open for written submissions and began its review of the plan and deliberations. The SWCD submitted written testimony at the February 19 meeting, after which the Mayor closed the record on the proceedings. The Council culminated its review of the Plan, Map and Code amendments at its February 19 meeting, directing staff to make a number of changes and to remove changes to the Natural Resources Overlay District from Ordinance 949. Ordinance 949 was considered by the City Council earlier in this evening's meeting.

Changes to the Natural Resources Overlay District are presented to the City Council in Ordinance 953 and are addressed in this staff report.

ANALYSIS

Stayton first enacted the Public Natural Resource Overlay District in 1993 and it was originally intended to protect the area surrounding the water treatment plant and along the North Santiam River.

Land Use File 06-06/12

NROD Amendments to Comprehensive Plan and Title 17

City Council Staff Report

Page 1 of 7

Though the PNROD never was shown on the City's Zoning Map, research has revealed that it was applied only to the City-owned property east of 1st Ave around the water treatment plant. The name was changed to the NROD in 2007 and the written description of the boundaries was a changed to the current description:

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

When the Downtown Zones were created in 2008, areas within the CCMU and DRMU zone were also exempted from the NROD.

In 2008 the City developed a Total Maximum Daily Load (TMDL) Implementation Plan, in response to a mandate from the Oregon Department of Environmental Quality. This plan details the steps will take to improve water quality in the Willamette River. The TMDL Implementation Plan recognized the City's NROD and indicated that continued administration of the NROD is one of the steps the City will undertake. The TMDL Implementation Plan was approved by the DEQ in early 2009.

In 2009, due to the request by an affected property owner, the City Council requested the Planning Commission to review the restrictions of the NROD along the Salem Ditch. The Planning Commission at that time recommended reducing the width the NROD along the Salem Ditch and Stayton Ditch to 15 feet. In 2010, after a public hearing, the City Council chose to leave the NROD unchanged at that time.

In the course of the process for the consideration of those changes, staff conducted two avenues of research on the issue. One was a review of literature regarding the importance of buffer strips on water quality; the other was on the existing patterns of development along the Ditches within the City. Staff reviewed the City's April 1, 2008 aerial photo and looked at the area between 25 feet and 50 feet from the ditches. As is summarized on page 21 of the October 15 Draft Plan, that analysis determined that within the urban growth boundary only 40% of the lineal frontage between 25 feet and 50 feet from the ditches is in a condition to serve as a water quality buffer, while the remaining 60% is paved, developed as lawn or is buildings created prior to the passage of the NROD.

The Comprehensive Plan Update Committee discussed the existence of the NROD on several occasions. At the time that Chapter 3 of the Draft Plan was written by the Committee, in July 2010, it appeared as if the NROD was going to be amended to be 25 feet wide along the Salem Ditch south of Shaff Road and along Stayton Ditch. Policy NR 5 and its implementing actions were originally written by the Committee as

Policy NR-5 It is the Policy of the City to maintain vegetation along streams and rivers in a natural state as a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

ACTION The City will continue to apply regulations to apply standards for maintenance of vegetation and limiting uses within 100 feet of the North

Santiam River, Mill Creek, and that portion of the Salem Ditch north of Shaff Road.

ACTION The City will continue to apply regulations to apply standards for maintenance of vegetation and limiting uses within 25 feet of the Salem Ditch south of Shaff Road and the Stayton Ditch.

There were several individuals who appeared at the Committee's April 2012 public information session and expressed opposition to the width of the NROD. Following the public information session, the Committee again took up discussion of the NROD and changed the plan to provide the NROD within 100 feet of the natural water bodies and 25 feet of the manmade water bodies, as follows

Policy NR-5 It is the Policy of the City to maintain vegetation along streams and rivers in a natural state as a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

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

The draft plan was forwarded to the Oregon Department of Land Conservation and Development, who expressed concern about the reduction in the NROD. Upon submittal to the DLCD of the 2010 analysis of the current conditions in the area between 25 and 50 feet from the ditches, the DLCD, after consultation with DEQ, wrote the City that the City could make a finding that the draft Plan complied with Goal 6.

SWCD submitted written testimony regarding the draft Comprehensive Plan. In light of the comments from the DLCD and SWCD, the Planning Commission forwarded the Comprehensive Plan to the City Council with several changes. The changes included:

- Inserting language on page 15 of the plan relative to the origins of the ditches, their operation by SWCD, and the discharge of City storm water into the ditches;
- Inserting language on page 21 relative to the 2010 analysis of the NROD; and
- Inserting a paragraph on page 51 relative to storm water being discharged into the SWCD's ditches.

SWCD testified at the City Council's public hearing on the Comprehensive Plan and Code amendments. SWCD attended the City Council's work session on the Comprehensive Plan and discussed with the City Council the NROD issues, focusing mostly on the issue of access and the SWCD's easements along the ditch.

At the City Council's February 19 meeting, SWCD submitted written testimony with numerous attachments. The remainder of this memorandum is a direct response to each of the points brought up in the undated written testimony submitted on February 19. It should be pointed out the SWCD

written testimony is completely about the proposed Code amendments to the NROD. The SWCD does not comment on the proposed Comprehensive Plan policies or implementation actions.

- The SWCD makes reference to a “NROD setback” distance. The NROD does not establish, *per se* a setback requirement from the protected water body. Instead the NROD regulates use and establishes development standards to minimize impacts on water quality. Structures are permitted in the NROD.
- The SWCD makes reference to the “City’s own determination of the scientific consensus.” When the NROD was established it was based partially on the requirements of the DLCDC for riparian buffers along the natural water bodies and a sense of what “would work” along the manmade ditches. I have reviewed the staff reports to the Planning Commission and City Council from late 2006 and January 2007 when the new Land Use Code was adopted and the minutes of their meetings and found no reference to research that was conducted or rationale for the distances selected. Recognizing that the City desired compact urban development on lots mostly of under a ¼ acre, the 50-foot width of the Overlay District was chosen to provide a buffer for shade and to trap sediment in runoff.
- SWCD states that “Nothing in the new draft of the Comprehensive justifies reducing the NROD setback distance to 25 feet.” In fact, as discussed above, the draft developed by the Comprehensive Plan Update Committee specifically calls for “maintenance of vegetation and limiting uses within 25 feet of the Salem Ditch and the Stayton Ditch.” The proposed code amendments to which the SWCD objects are in direct response to specific Actions contained in the draft plan.
- The voluminous attachments provided by SWCD are the record of the staff reports and research by staff in 2009 and 2010 regarding the proposed amendments to the width of the NROD. With the submission by SWCD, they are now part of the record for the adoption of the Comprehensive Plan, Zoning Map, and Title 17 amendments contained in Ordinance 953. In 2009 and 2010 there was no comprehensive plan policy that directly addressed the width of the NROD. The October 15 draft of the Comprehensive Plan update does contain a specific policy and implementation actions regarding the NROD. The City Council has now selected to remove these from adoption of the updated Plan and to vote them separately.
- SWCD asserts that reducing the width of the NROD constitutes a Zoning Map amendment and must meet the approval criteria of Section 17.12.170.6. When the change was part of Ordinance 949 and done as part of the Comprehensive Plan update process, the position of the City is that the reduction of the NROD is an not amendment to the Zoning Map but is but one of over 30 change that are result of the City-wide planning process culminating the adoption of a new Zoning Map. Ordinance 949 amends Section 12.16.020.3 such that it will refer to an April 1, 2013, rather than the older map. With the bifurcation of the adoption of the updated plan, new map and all other code amendments and the reduction in width of the NROD, staff agrees that the Council must now make findings that the approval criteria of Section 17.12.170.6 are met. Ordinance 953 includes such findings.
- SWCD claims that the Council must make findings that the Code and Map amendment is “compatible with the existing provisions of the Comprehensive Plan.” Draft Ordinance 953

includes such findings, in that the Code and Map amendments are being adopted concurrently with Comprehensive Plan amendments.

- SWCD asserts that the “primary purpose” of the NROD is to protect the environmental quality of adjacent waterbodies. Section 17.16.060.14 states that the purpose of the NROD is to protect aquifers, the natural riparian area adjacent to the named water bodies. There is no other purpose stated in the Code. The City maintains that the reduction in width of the NROD will continue to provide that protection. The City’s TMDL Implementation Plan was drafted to address three pollutants: temperature, mercury, and bacteria. Temperature increases can be limited by maintaining shade on water bodies. A 25-foot wide vegetated buffer will be equally effective in shading the ditches as will a 50-foot buffer. In addition to the provisions of the NROD, Section 17.20.080 also specifically protects trees and other vegetation in riparian corridors and remains unaffected by the proposed amendments. Mercury is a natural soil component and will be controlled by limiting sedimentation of waterbodies. *Managing Streamside Areas with Buffers (Washington Co (OR) Soil and Water Conservation District)* suggests a 50-foot buffer in agricultural settings and notes that buffer width may be adjusted down. The USDA Natural Resources Conservation Service in its *NRCS Planning and Design Manual* recommends a minimum width of 25 feet.
- SWCD asserts that the City must consider the effect on fish habitats. However Policy NR-13 discusses quasi-judicial discretionary land use actions “on a parcel” adjacent to the listed waterbodies. The action before the City Council is a legislative change to the Comprehensive Plan, Map, and Code that results from the review and update of the entire Comprehensive Plan. The City has taken care to minimize impacts on fish habitat. SWCD’s testimony at the City Council’s October 2012 public hearing noted that the Stayton Ditch was no longer considered habitat for endangered species.
- SWCD asserts that the reduction in the width of the NROD would undermine the City’s TMDL Implementation plan, whereas that document cites the 50-foot buffer requirement and relies on it in part to maintain and improve water quality. The proposed amendment has been reviewed by DEQ, who has not expressed any opposition to the amendment. SWCD’s comments cite the TMDL Implementation Plan’s citation of the DEQ’s desire to see effort to create riparian vegetation and the importance of riparian tree plantings. However, in other proceedings SWCD has been opposed to tree planting requirements sought by the City because of the SWCD’s stated desire to have access to their ditches.
- SWCD states that reducing the width of the NROD will diminish park and recreation facility potential. It is not the purpose of the NROD to establish park and recreation facilities or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality.
- SWCD claims that reducing the width of the NROD does not comply with statewide planning goals, specifically citing Goal 3 (agricultural lands), Goal 5 (natural resources, scenic and historic area and open spaces), Goal 6 (air, water and land resources), Goal 8 (recreational needs), Goal 11 (public facilities and services), and Goal 12 (transportation).

Goal 3 is not relevant to the City’s comprehensive plan as it only applies to counties. Once an area has been identified as being within an urban growth boundary, OAR 660-033-0020(1)(c)

states that it is not agricultural land for purposes of Goal 3. The Oregon Land Use Board of Appeals affirmed that the City’s comprehensive planning process does not need to address Goal 3 when it upheld the adoption of the Storm Water Master Plan in the appeal by the SWCD. The Comprehensive Plan (page 3) states that Goal 3 is not applicable.

While the discussion of the NROD and vegetative buffers is in Chapter 3 of the Comprehensive Plan with the types of natural and cultural resources that are addressed by Goal 5, the ditches have not been identified as “Goal 5 resources.” The LCDC Administrative Rule regarding the establishment of riparian corridors (660-023-0090) specifically excludes the ditches from the definition of a stream and does not require the City to establish a riparian buffer around them.

Goal 6 is the statewide planning goal that applies to this issue and the Goal that the DLCDC reviewed in making its comments on the draft plan. Upon review of the information regarding the current conditions in the area in which the NROD is being reduced, the DLCDC concluded the city may “make a finding of compliance with Goal 6.” The City Council must make that finding and such a finding has been included in Ordinance 953.

Goal 8 is addressed in the Comprehensive Plan in Chapter 5 and through the adoption of the Parks and Recreation Master Plan. It is not the purpose of the NROD to establish park and recreation facilities or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access.

Goal 11 is addressed in the Comprehensive Plan in Chapter 5 and through the adoption of the Water, Waste Water, and Storm Water Master Plans. It is not the purpose of the NROD to assist in public facility creation or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access.

Goal 12 is addressed in the Comprehensive Plan in Chapter 4. It is not the purpose of the NROD to establish pedestrian trails or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access.

- SWCD states that there is not a demonstrated need to reduce the width of the NROD, citing approval criterion found in Section 173.12.170.6.b. Again, the City interprets this criterion as mostly pertaining to a quasi-judicial proceeding where an applicant is requesting a Map amendment for a particular parcel in order to allow a use that would not have otherwise been permitted in that location. The proposed amendment is part of a legislative amendment that is the result of a city-wide review and update of the entire comprehensive plan. There is no “proposed use” to which to apply this criterion.
- SWCD states that reducing the width of the NROD is not desirable, appropriate or proper, citing the approval criterion Section 17.12.170.6.e. As noted by SWCD, Section 17.12.170.6.e requires that the Council make a finding that at least one four criteria have been met by the change. As the Plan amendment that is part of the Ordinance calls for the changes in the map, the map amendment is a logical implementation of the Plan, as provided in criterion 2). Though not reflected in the issue raised by the SWCD, the amendment also corrects an error in the existing Code and Map. When the Downtown Commercial Mixed Use Zone was created in

2010, the area in that zone was not exempted from the NROD. The DCMU Zone was created out of an area previously zoned Downtown Residential Mixed Use. The NROD does not apply within the DRMU and should not have applied to land within the DCMU. Ordinance 953 corrects this error.

- SWCD's last comment is not relative to Ordinance 953 and has been addressed in the staff report on Ordinance 949.

RECOMMENDATIONS

Staff recommends enactment of Ordinance 953 as presented.

OPTIONS AND MOTIONS

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

1. Adopt the revised draft Ordinance as presented.

I move the City Council approve the first consideration of the revised Ordinance 953 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. 953 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 953 will be amended to remove the emergency provision and be brought before the Council for a second consideration at the March 18, 2013 meeting.

2. Adopt the revised draft Ordinance with changes.

I move the City Council approve the first consideration of Ordinance 953, requesting staff make the following changes (list changes) and return the revisions to the City Council for a second consideration on March 18, 2013.

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. 953 will be brought before the Council for a second consideration at its March 18, 2013 meeting.

3. Make no changes to the Comprehensive Plan, Official Zoning Map or Title 17 as adopted and amended by Ordinance 949.

No motion necessary

ORDINANCE NO. 953

**AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN, THE
APRIL 1, 2013 OFFICIAL ZONING MAP, AND AMENDING THE DESCRIPTION
OF THE NATURAL RESOURCES OVERLAY DISTRICT IN CHAPTER 17.16
ZONING OF THE 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, 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;

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, upon completing a draft of an updated Comprehensive Plan, the Committee held a public informational session on April 25, 2012;

WHEREAS, there were a number of objections raised to the existing width of the Natural Resources Overlay District and the Committee made changes to the draft plan and the draft official zoning map in response to comments received at the informational session;

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

WHEREAS, the Draft Comprehensive Plan submitted to the DLCD proposed a reduction in the width of the Natural Resources Overlay zone around the Salem Ditch and the Stayton Ditch;

WHEREAS, the DLCD raised concern about the proposed reduction in the width of the Natural Resources Overlay zone;

WHEREAS, upon more explanation of the changes being inserted into the Draft Comprehensive Plan, on July 27, 2012 the DLCD responded that the Draft Plan appeared to comply with Statewide Planning Goal 6;

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 DLCD and from the Santiam Water Control District (SWCD);

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

WHEREAS, following the public hearing the Santiam Water Control District submitted written testimony on February 19, 2013 objecting to the amendment to the Stayton Municipal Code reducing the width of the Natural Resources Overlay District, but did not object to the inclusion of implementation actions in the Comprehensive Plan calling for a reduction in the width of the Natural Resources Overlay District;

WHEREAS, on February 19, 2013 the Stayton City Council decided to adopt the changes in the Comprehensive Plan, in the Official Zoning Map and the Stayton Municipal Code relative to the reduction in width of the Natural Resources Overlay District in an ordinance separate from the overall update of the Comprehensive Plan, the adoption of a new Official Zoning Map and implementing amendments to the Stayton Municipal Code;

WHEREAS, on March 4, 2013 the Stayton City Council did enact Ordinance 949, adopting an updated Comprehensive Plan, a new Official Zoning Map and text amendments to Title 17 of the Stayton Municipal Code, but left the boundaries of the Natural Resources Overlay District unchanged;

WHEREAS, SWCD makes reference to a “NROD setback” distance, the City Council finds that the NROD does not establish, *per se* a setback requirement from the protected water body. Instead the NROD regulates use and establishes development standards to minimize impacts on water quality. Structures are permitted in the NROD.

WHEREAS, SWCD makes reference to the “City’s own determination of the scientific consensus” in the adoption of the widths of the NROD, the City Council finds that the record from 2006 and the January 31, 2007 adoption of the NROD does not contain any findings relative to appropriate widths of buffer areas. In 2006, the City undertook a total review and rewrite of Title 17. At that time, there was a Public Natural Resources Overlay District described in the Code, but the Code did not indicate where the Overlay District was located and the Official Zoning Map did not show it. The City chose to describe where it applies and changed the name. There was no research at that time; instead the City developed what seemed like “good numbers” that would work. The 2006 Comp Plan contained a policy very much like proposed NR-5 that states that vegetation along streams and rivers should be maintained in a natural state and that a strip of riparian vegetation should be retained along the River and Mill Creek. There is no width specified in the Comprehensive Plan. In 2007 the Code was changed, in compliance with the Comprehensive Plan to create the 50- and 100-foot NROD by a code text amendment that inserted the narrative description of the location of the NROD and the Map was amended to show the NROD as described in the Code. There was no Comprehensive Plan amendment at that time.

WHEREAS, SWCD states that “nothing in the new draft of the Comprehensive justifies reducing the NROD,” the City Council finds that Policy NR-5 and its associated implementation actions specify the width of the NROD. The SWCD comments are focused exclusively on the Code amendments. They do no address the comprehensive plan update. The October 15, 2012 draft of the Comprehensive Plan contains an implementation action that calls for the City to apply standards for maintenance of vegetation and limiting uses within 100 feet of the N Santiam River and Mill Creek and a similar implementation action 25 feet along the Salem Ditch and Stayton Ditch. As adopted Ordinance 949 changed those implementation actions to maintain the current 50-foot NROD around the ditches and this ordinance amends the Comprehensive Plan by restoring the language from the October 15 draft.

WHEREAS, SWCD asserts that the “primary purpose” of the NROD is to protect the environmental quality of adjacent water bodies, the City Council finds that Section 17.16.060.14 states that the purpose of the NROD is to protect aquifers, the natural riparian area adjacent to the named water bodies. There is no other purpose stated in the Code. The City Council finds that the reduction in width of the NROD will continue to provide that protection. The City’s TMDL Implementation Plan was drafted to address three pollutants: temperature, mercury, and bacteria. Temperature increases can be limited by maintaining shade on water bodies. A 25-foot wide

vegetated buffer will be equally effective in shading the ditches as will a 50-foot buffer, as trees more than 25 feet from the water body are not likely to provide effective shading. In addition to the provisions of the NROD, Section 17.20.080 also specifically protects trees and other vegetation in riparian corridors and remains unaffected by the proposed amendments. Mercury is a natural soil component and will be controlled by limiting sedimentation of water bodies. *Managing Streamside Areas with Buffers (Washington Co (OR) Soil and Water Conservation District)* suggests a 50-foot buffer in agricultural settings and notes that buffer width may be adjusted down. The USDA Natural Resources Conservation Service in its *NRCS Planning and Design Manual* recommends a minimum width of 25 feet.

WHEREAS, SWCD asserts that the City must consider the effect on fish habitats. The City Council finds that the reduction in the width of the NROD will continue to provide shade to the affected water bodies and protect water bodies from sedimentation and runoff.

WHEREAS, SWCD asserts that the reduction in the width of the NROD would undermine the City's TMDL Implementation plan, because that document cites the 50-foot buffer requirement and relies on it in part to maintain and improve water quality. The City Council finds that the TMDL plan erroneously cites only a 50-foot buffer, when the City had in place at the time the TMDL plan was drafted both a 50-foot and 100-foot buffer. The TMDL plan does not specify the desired width of a buffer, but merely makes reference to the buffer that the City had in place, and therefore TMDL plan and the Comprehensive Plan will continue to be consistent. The proposed reduction in the width of the NROD has been reviewed by the DEQ who has not raised an objection to the change.

WHEREAS, SWCD states that reducing the width of the NROD will diminish park and recreation facility potential, the City Council finds that Section 17.16.060.14 states that the purpose of the NROD is to protect aquifers, the natural riparian area adjacent to the named water bodies. It is not the purpose of the NROD to establish park and recreation facilities or to set aside land for them.

WHEREAS, SWCD claims that reducing the width of the NROD does not comply with statewide planning goals, specifically citing Goal 3 (agricultural lands), Goal 5 (natural resources, scenic and historic area and open spaces), Goal 6 (air, water and land resources), Goal 8 (recreational needs), Goal 11 (public facilities and services), and Goal 12 (transportation), the City Council makes the following findings:

- The Comprehensive Plan is exempted from Goal 3. Once an area has been identified as being within an urban growth boundary, OAR 660-033-0020(1)(c) states that it is not "agricultural land" for purposes of Goal 3. The Comprehensive Plan (page 3) states that it is exempted from Goal 3 because it only affects an urban growth area.
- While the discussion of the NROD and vegetative buffers is in Chapter 3 of the Comprehensive Plan with the types of natural and cultural resources that are addressed by Goal 5, the ditches have not been identified as "Goal 5 resources." The LCDC Administrative Rule regarding the establishment of riparian corridors (660-023-0090) specifically excludes the ditches from the definition of a stream and does not require the City to establish a riparian buffer around them.
- Goal 6 is the statewide planning goal that applies to this issue and the Goal that the DLCD reviewed in making its comments on the draft plan. Upon review of the information regarding the current conditions in the area in which the NROD is being reduced, the DLCD found compliance with Goal 6. The City Council's finding of compliance with Goal 6 is

based on the current conditions found within the area between 25 feet and 50 feet from the ditches. With 60% of the lineal frontage of the area to be impacted by this change, within the urban growth boundary already paved, lawns or buildings, 23% in City parks, and only 17% woods or other vegetation, there is little water quality protection being provided by the existing conditions or by the current width of the NROD. The City Council finds that the reduction in the width will not impact on the ability of the NROD to protect water quality.

- Goal 8 is addressed in the Comprehensive Plan in Chapter 5 and through the adoption of the Parks and Recreation Master Plan. It is not the purpose of the NROD to establish park and recreation facilities or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access and the reduction in the width of the NROD will not impact on the City's ability to establish park and recreation facilities.
- Goal 11 is addressed in the Comprehensive Plan in Chapter 5 and through the adoption of the Water, Waste Water, and Storm Water Master Plans. It is not the purpose of the NROD to assist in public facility creation or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access and the reduction in the width of the NROD will not impact on the City's ability to provide public facilities or services.
- Goal 12 is addressed in the Comprehensive Plan in Chapter 4 and through the adoption of the Transportation System Plan. It is not the purpose of the NROD to establish pedestrian trails or to set aside land for them. The purpose of the NROD is to establish vegetative buffers to maintain water quality. The NROD does not require property owners to create easements or dedicate land to the public for access and the reduction in the width of the NROD will not impact on the City's ability to provide an adequate transportation system.

WHEREAS, SWCD states that there is not a demonstrated need to reduce the width of the NROD, citing the approval criterion found in SMC Section 17.12.170.6.b, the City Council finds this criterion not applicable. The proposed amendment is part of a legislative amendment that is the result of a city-wide review and update of the entire comprehensive plan, not an application to amend the Zone Map to permit a proposed use that would not have been permitted in a specific location. The City Council finds there is no "proposed use" to which to apply this criterion.

WHEREAS, based on the record before it, the Stayton City Council makes the following additional findings:

1. At the April 25, 2012 public information session of the Comprehensive Plan Update Committee, there were a number of objections raised to the existing width of the Natural Resources Overlay District.
2. The Comprehensive Plan Update Committee recommended reducing the width of the NROD to a uniform 25 feet along the Salem Ditch and Stayton Ditch.
3. An analysis of the area between 25 feet from the ditches to 50 feet from the ditches revealed that 60% of the lineal frontage within the urban growth boundary is paved, lawns or buildings, 23% is in City parks, and only 17% is woods or other vegetation.
4. During review of the draft Comprehensive Plan neither the Department of Land Conservation and Development nor the Department of Environmental Protection

maintained objections to reducing the width to 25 feet, determining that the City would continue to comply with Statewide Planning Goal 6.

5. Proposals for the amendment of the Official Zoning Map must meet the following criteria for approval.

a. *The proposed amendment is compatible with the existing provisions of the Comprehensive Plan as measured by:*

1) *If a map amendment:*

- a) *The land area affected by the change*
- b) *Current use(s) in that area*
- c) *The proposed use(s).*

Finding: The proposed map amendment is being enacted concurrently with an amendment to the Comprehensive Plan. The Comprehensive Plan amendment is part of a City-wide review and update of the previous Comprehensive Plan, last amended in 2009. The change to the NROD was removed and made a separate amendment in order to simplify a possible appeal. The Comprehensive Plan, as updated and amended, specifically calls for the NROD to be 25 feet wide along the Salem Ditch and Stayton Ditch.

There are approximately 18,235 lineal feet of stream bank along the Salem Ditch within the city limits. The reduction of the NROD from 50 feet to 25 feet along the Salem Ditch would impact approximately 10.5 acres of land. There is approximately 15,325 feet of stream bank along the Stayton Ditch within the city limits. The reduction of the NROD from 50 feet to 25 feet along the Stayton Ditch would impact approximately 8.8 acres of land.

City staff has documented that within the area between 25 feet and 50 from the ditches, the existing uses in the area to be affected are:

- 16% of the lineal frontage is buildings
- 39% of the lineal frontage is lawn
- 15% of the lineal frontage is paved
- 19% of the lineal frontage is park land
- 7% of the lineal frontage is wooded
- 4% of the lineal frontage is other vegetation

2) *Impact of the proposed amendment on land use and development patterns within the City as measured by:*

* * *

f) *Protection and use of natural resources*

Finding: The proposed map amendment will decrease the width of the buffer along the ditches from 50 feet to 25 feet. As documented by City Staff only 30% of the lineal frontage along the ditches within the city limits is not already developed as building, lawn or pavement. Of this 30%, 19% is park land and will not be developed. The 7% of the lineal frontage that is wooded is part of a large parcel owned by Norpac, Inc. that is used for agriculture and their wastewater

disposal facility and it unlikely that this parcel would be developed into urban uses.

- b. A demonstrated need exists for the amendment based on the lack of available land in the district where the proposed use(s) is allowed*

Finding: This criterion is not applicable. The proposed amendment is part of a legislative amendment that is the result of a city-wide review and update of the entire comprehensive plan, not an application to amend the Zone Map to permit a proposed use that would not have been permitted in a specific location. The City Council finds there is no “proposed use” to which to apply this criterion. Further, the purpose of the NROD is to establish riparian buffers. The only location for a riparian buffer is adjacent to water bodies. There is no other location for a riparian buffer; therefore the demonstrated need would exist if this criterion were to be determined to be applicable.

- c. The proposed amendment complies with all applicable Statewide Planning Goals and Oregon Administrative Rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.030) if a change in the urban growth boundary is requested.*

Finding: A change in the urban growth boundary is not proposed. The proposed map amendment will continue to comply with Statewide Goal 6 on the protection of water quality. The overwhelming majority of the area to be impacted by the change is already developed as buildings, paving, or lawn or is in park. Only 11% of the impacted area is woods or other vegetation.

- d. The proposed amendment is possible within the existing framework of the Comprehensive Plan (e.g. no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Finding: The proposed amendment only moves the boundary of an existing overlay district.

- e. The amendment is appropriate as measured by at least one of the following criteria:*

- 1) It corrects identified error(s) in the provisions of the Plan.*
- 2) It represents a logical implementation of the Plan*
- 3) It is mandated by changes in federal, state, or local law.*
- 4) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.*

Finding: The Map amendment is a logical implementation to the implementation actions in the Comprehensive Plan under Policy NR-5 as amended. One portion of the amendment does correct an identified error in the Code, in that when the Downtown Commercial Mixed Use Zone was created the area in that zone was not exempted from the NROD. The DCMU Zone was created out of an area previously zoned Downtown Residential Mixed Use. The NROD does not apply within the DRMU and should not apply within the DCMU.

WHEREAS, based on the above findings, the Stayton City Council concludes that adoption of revised Actions to reduce the width of the Natural Resources Overlay District to 25 feet from the Salem Ditch and Stayton Ditch will continue to comply with Statewide Planning Goal 6 and will continue to implement Policy NR-5 to maintain vegetation along streams and rivers as a buffer between urban development and fish habitat and protect water quality;

WHEREAS, based on the above findings, the Stayton City Council concludes that the April 1, 2013 Official Zoning Map should be amended to comply with the revised Actions under Policy NR-5; and

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

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

Section 1. The City of Stayton Comprehensive Plan, as adopted by Ordinance 949 is hereby amended as follows:

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

In Chapter 3, amend the Actions under Policy NR-5 as follows:

ACTION The City will continue to apply regulations for maintenance of vegetation and limiting uses within 100 feet of the North Santiam River, Mill Creek ~~and that portion of Salem Ditch north of Shaff Road.~~

ACTION The City will continue to apply regulations for maintenance of vegetation and limiting uses within 50-25 feet of the Salem Ditch, ~~south of Shaff Road,~~ and the Stayton Ditch.

Section 2. The April 1, 2013 Official Zoning Map, as adopted by Ordinance 949 shall be amended to reduce the width of the Natural Resources Overlay District to 25 feet along the Salem Ditch and Stayton Ditch.

Section 3. Stayton Municipal Code Title 17, Section 17.16.090.1 is hereby amended to revise the boundaries of the Natural Resources Overlay District and restated as follows:

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

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.

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 4th day of March, 2013.

CITY OF STAYTON

Signed: _____, 2013

BY: _____
A. Scott Vigil, Mayor

Signed: _____, 2013

ATTEST: _____
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT



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

TO: Mayor Scott Vigil and Stayton City Council

THRU: David Kinney, Public Works Director

**FROM: Brenda Kuiken, Sewer System Supervisor
Tom Etzel, Public Works Supervisor
Michael Bradley, Public Works Utility Worker**

DATE: March 4, 2013

SUBJECT: Large Vehicle Purchase Recommendation

Issue

There are two issues before the City Council tonight. The first is timing the replacement of three large vehicles and the second is whether or not to replace the street sweeper immediately.

What should the timing be on replacing three large vehicles within the Public Works Department?

1. Street Sweeper
2. Sewer Cleaning Truck
3. Biosolids Truck

Should the City Council award the replacement of the street sweeper to Atlantic Machinery, Inc for \$167,800 (see attachment A)?

Background

The Public Works Department staff was given the task of evaluating and ranking three large vehicles within the rolling stock fleet for timing of purchase. Based on the current funding level the Public Works Department can only replace one large vehicle per year for the next three years.

As a team we were able to meet, discuss and rank the necessity of replacing each vehicle and thus came up with a purchase strategy to minimize negative effects to the Vehicle Replacement

Fund. This fund is built each year by the transfer of money from the Sewer, Water and Street funds. The Vehicle Replacement Fund is designed to accumulate money over time for purchasing vehicles and other large public works equipment until replacement of these items is needed thus minimizing the need for huge budget swings during those purchase years.

- (1) Street Sweeper: The street sweeper was on the schedule for replacement last year but due to budget constraints the purchase was put on hold for a year.
- (2) Sewer Cleaning Truck: The sewer cleaning truck is on schedule for replacement and is scheduled to be replaced this year. The existing truck was purchased second-hand and its useful life has come to an end.
- (3) Biosolids Truck: The biosolids truck for the Wastewater Treatment Facility (WWTF) has been planned for the past two years. Due to unknowns with the sewer construction project the purchase of this equipment has been placed on hold and we continue to operate the current vehicle.

Description of truck, its use and current problems

Street Sweeper

The street sweeper is used to remove unwanted material from entering catch basins and to keep the streets safe for traffic including bike traffic. It is a 2004 Sterling sweeper and was purchased in 2005 and it has a seven year life span which means that the sweeper is now seven years old and is no longer sweeping at the design capacity. This sweeper runs five days per week from September to January to pick up leaves and other blown down material off the streets, and the rest of the year it runs about eight days per month. In addition to the normal run times the sweeper also runs after a sanding event to remove the grit from vehicle travel lanes and to clean up glass and other debris after car accidents. The sweeper was scheduled for replacement in 2011 but after reviewing the equipment it was decided to complete minor repairs on the machine and then review the sweeper for replacement in the next budget year. The current engine and other moving parts have over 2,000 hours on them which equates to 120,000 miles of wear. There are some issues with the current sweeper that will need to be resolved in order to continue running this machine. The main problems with the sweeper are that the hydraulic hoses are breaking, the sweeping head needs to be replaced and the fan needs to be replaced. If a major overhaul needs to be completed, the machine will need to be taken to Alabama for reconditioning. Either of these options will mean considerable down-time for the sweeper during which we would need to contract the sweeper work (\$2,000 per week) or not have the streets cleaned.

Sewer Cleaning Truck

The sewer cleaning truck is used for a variety of maintenance activities by multiple Public Works crews/employees. This truck is generally shared between the Sewer Collections/Stormwater employee and the Water Distribution crew. It is used to clean storm lines and catch basins, sewer lines, manholes and lift stations, clear blockages in storm and sewer lines, excavate for emergency repairs of water services and water mains and under utilities like water lines,

power, telephone, gas, etc. This truck is a 1999 Vac-Con unit which was purchased used in 2008 in order to conserve money in the vehicle replacement fund, but it has now come to the end of its useful life. With the addition of a Sewer Collections employee the truck has been in constant use over the past several years and now the working components of the truck have over 4,000 hours on them. These hours equate to over 350,000 miles on the main motor. During the work week, the truck is generally out in the field three days each week, in for repair on the fourth day and ready for emergency call-outs on the fifth day. Generally this means that the crew members working on the truck are not able to attend to their assigned duties as they need to get the truck running and available should an emergency arise. This down time has accumulated rapidly over the course of the summer and it is apparent that City staff could spend more time working on their assigned duties if the truck did not need as much repair work done each week.

Biosolids Truck

The biosolids truck hauls biosolids from the Wastewater Treatment Plant (WWTF) to farmer's fields (approved by DEQ) where the biosolids are beneficially land applied and used as fertilizer. The biosolids truck is a 1997 International with a Kuhn-Knight slinger box. It was purchased at the completion of the WWTF construction in 1997, and has been in use during the hauling season ever since. Although the truck has low miles on it (< 50,000 miles), it overheats on the hottest days of the year when the box is full of material, it is pulling a hill and it has run several hours during the day.

WWTF staff has taken the truck to several local truck mechanics to have them evaluate the overheating issue and none of them can recreate the situation in order to assess the problem. The truck was then taken to Brattain International for their expertise with our truck and once again no solution could be determined. While researching for a replacement truck this fall, I found Boyd's Implement Service in Tillamook, Oregon. When explaining to him what our problem is, he suggested that our truck was built with a ½ size radiator and that replacing the radiator could solve our problem. He went on to suggest that a cooling fan could be installed to be run just during the spreading activity to help cool the engine if a bigger radiator doesn't do the trick. Currently the truck is also in need of new tires. Due to the low mileage on the truck, staff would like to try replacing the radiator and tires to see if this will allow the truck to run for another year until WWTF staff determines what the future biosolids hauling needs will be.

Staff Recommendations

It is our recommendation that we stage the purchase of these three vehicles over the course of three budget years:

Current FY 2012-2013	Street Sweeper	\$ 210,000 to \$225,000 (estimate)
2013-2014	Vactor	\$ 330,000 to \$350,000 (estimate)
2014-2015	Biosolids Truck	\$ 325,000 to \$350,000 (estimate)

1. Street Sweeper: We recommend the purchase of the street sweeper now.

2. Vactor Truck: We propose to budget funds for the vactor purchase in the FY 2013-2014 budget. If funds are included in the FY 2013-2014 budget, then the Public Works staff will solicit bids, bring the purchase back to the City Council for approval and then order the vactor sewer cleaning truck in July 2013, with delivery expected in the late summer or early fall.
3. Biosolids Truck: As noted above, we plan to repair the biosolids truck and run it over the hauling season to see if the larger radiator stops the overheating issue. If this does not solve the overheating problem, this truck can be replaced in FY 2014-2015.

Fiscal Impact

The “Vehicle Replacement Fund” is used to set aside money each year to enable the City to purchase vehicles on a regular schedule. The schedule lists every vehicle, replacement cost and the projected year it will be replaced.

Each year, the City transfers money from the water, sewer, streets and general funds to the Vehicle Replacement Fund. This money is set aside for each functional area. The Vehicle Replacement Fund currently has \$1.2 million in assets. Staff estimates the available balances for each public works functional area as follows:

Vehicle Replacement Fund

	Balance Available per Department	Allocation of Costs of these 3 vehicle purchases per Department
Water	\$ 110,000	\$ 105,000
Sewer	\$ 709,000	\$ 600,000
Streets	\$ 281,000	\$ 225,000

Two of the vehicles (Sweeper & Vactor) have been put out to bid by other agencies so the City can benefit from their cost and effort by piggybacking off their contracts. The sewer cleaning truck will cost about \$330,000 and the street sweeper was quoted at \$197,800. The biosolids truck has not been put out for bid so that will increase the City’s effort and cost but the truck is estimated to cost \$350,000.

The sweeper was bid through a competitive bid process by National Joint Powers Association (NJPA) which is a public agency established through Minnesota State Statute in 1978. Oregon statutes § 279A.205 and 279.220 allow the City of Stayton to piggyback off the work that has already been done by NJPA and award the bid to the lowest bidder. In the case of the sweeper the lowest bidder was Atlantic Machinery, Inc. Their bid is as follows:

TOTAL STREET SWEEPER COST:	\$ 197,800.00
TRADE IN VALUE: 2005 Schwarze A7000	<u>(\$ 30,000.00)</u>
TOTAL PRICE AFTER TRADE	\$ 167,800.00

Requested Council Action: Discussion

Before we proceed, the public works department wanted to inform the City Council of the problems with the current vehicles and our plans for the purchases. We request the City Council discuss the issue and either reach a consensus that the staff is moving forward in the right direction or provide other direction.

Options:

- 1) Consensus to move forward with the Public Works vehicle purchases.
- 2) Request staff to provide additional information.
- 3) Provide other direction.

Since the cost of each vehicle is more than \$150,000, Chapter 3.04 of the Stayton Code requires the City Council to approve the purchase of each vehicle when a final purchase price or bid is obtained.

Motion(s):

If the Council concurs with the direction the staff is taking:

- 1) Move to award the replacement of the sweeper to Atlantic Machinery Inc for the total price after trade-in of \$167,800.

If the Council wants staff to provide more information on any vehicle or fiscal information

- 2) Move to table the issue for further discussion & direct the staff to provide additional information on _____.

If the Council feels it is not the appropriate time to move forward with vehicle purchases or the staff has not provided sufficient information:

- 3) Either do nothing or move to reject the sweeper proposal at this time.



MEMORANDUM

TO: Mayor Vigil and the Stayton City Council

FROM: Rich Sebens, Chief of Police

SUBJECT: PacifiCorp Foundation Grant

DATE: March 4, 2013

The Police Department has located a grant from PacifiCorp Foundation which is a division of the Pacific Power Company. The grant is for programs that benefit the communities that Pacific Power supplies electric power to. This report is to notify the Council that the Police Department is submitting an application for grant funds of \$5,000 for the Drug K9 program. The application process requires Council approval to apply for the grant. There are no matching funds required for the grant.

OPTIONS AND MOTIONS

1. Authorize the Chief of Police to submit a grant application for \$5,000.

Move to authorize the Chief of Police to submit an application for a grant of \$5,000 to PacifiCorp Foundation.

2. Decline to submit an application.

No action necessary.



MEMORANDUM

TO: Mayor Scott Vigil and Stayton City Councilors

FROM: Christine Shaffer, Finance Director

DATE: March 4, 2013

SUBJECT: Moose Lodge rent reduction request

ISSUE:

The Moose Lodge has been unable to substantially increase fund raising efforts to offset the \$1,000.00 monthly rent on the City's building at 352 E. Florence. The Moose Lodge is requesting forgiveness of rent for January and February and a rent reduction of \$500.00 a month for the next two years.

BACKGROUND INFORMATION:

The Moose Lodge originally entered into a lease agreement with the City in 2007, the agreement began with a base rent of \$200.00 increasing every six months by \$100.00 with a cap at \$500.00.

In 2007 the City used one half of the building on Florence Street for Police records storage. In 2010 when the food bank moved from the City owned building on Ida Street, the City moved the Police records into the building on Ida Street for easier access.

In 2010 the Moose Lodge asked the City Council permission to use the entire building. The City Council amended the lease agreement to rent the entire building and increased the rent to \$800.00 increasing every six months by \$100.00 with a cap of \$1,000.00.

The Moose Lodge is now in fear of dissolving due to financial troubles. The City of Stayton historically has partnered with non-profits and service groups in our community providing free or reduced rents for use of our facilities. The food bank used the Ida Street for many years for free; currently the Peer Court has an office at the Police Department at no cost. The Historical Society rents the Museum building for \$2.00 a month and Senior Services uses the Community Center daily as a senior meal sight for \$500.00 per month.

Currently the Moose Lodge rent goes into the Facilities Development and Maintenance fund, which is a reserve fund used to maintain City facilities and purchase land. The Moose Lodge is responsible for on going maintenance of the building while they are the tenant.

FACTS AND FINDINGS:

Staff feels that having a building occupied rather than vacant is beneficial to the City.

OPTIONS:

1. Approve a six month extension of rent at \$500.00 a month and forgive January and February rent.
2. Do nothing, honor current Lease agreement.

MOTION(S):

For Option 1: Move to approve the amended lease agreement reducing the rent to \$500.00 per month effective March 1, 2013, for the building located at 352 E. Florence Street.

For Option 2: No motion necessary.

AMENDMENT TO LEASE AGREEMENT "B"

WHEREAS, pursuant to a Lease Agreement dated September 10, 2007, the City of Stayton, Lessor, leased to the Stayton Loyal Order of Moose, Stayton Lodge #2639, Lessee, the real property and improvements located at 352 E. Florence Street, Stayton, Marion County, Oregon (the "premises");

WHEREAS, Lessor adjustment in rental fees associated with the commercial spaced leased by Stayton Loyal Order of Moose, Stayton Lodge #2639, at 352 E. Florence Street.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree to the above recitals and as follows: Effective March 1, 2013, Lessee shall pay Base Rent per calendar month as follows:

Base rent of \$500.00 monthly through February 2015.

The Lessor agrees to a minimum six (6) month period, after notice to Lessee, within which the Lessee shall vacate the premises.

Except for the terms of this Amendment, all other terms, conditions and obligations of the original Lease Agreement shall remain in full force and effect; all rights and remedies are specifically reserved.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed in duplicate on the day and year written below.

LESSOR: CITY OF STAYTON

Dated: _____, 2013 By: _____
Don Eubank, City Administrator

Dated: _____, 2013 By: _____
Alissa Angelo, Deputy City Recorder

Approved as to Form:

David A. Rhoten, Stayton City Attorney

LESSEE: STAYTON LOYAL ORDER OF MOOSE,
STAYTON LODGE #2639

Dated: _____, 2013 By: _____
Warren Kilby, Deputy Regional Manager

Dated: _____, 2013 By: _____
Thomas Garty, Administrator



**Loyal Order of Moose 2639
PO BOX 28
Stayton, OR 97383
503-769-2639
staytonmoose@aol.com**

February 18, 2013

**To: Don Eubank, City Administrator
Stayton City Council Members
Christine Shaffer, Finance Director**

My name is Warren Kilby. I was the first Governor of the Stayton Loyal Order of Moose and served for three years. I currently hold a position with the Oregon Moose Association. I am writing this at the request of the Board of Directors of the Stayton Moose.

The Stayton Moose rents their lodge from the City of Stayton. For this we thank the city, we could not have accomplished so much in such a short time without this building.

The Loyal Order of Moose is an international organization of men and women dedicated to caring for young and old, bringing communities closer together, and celebrating life. This statement not only describes the mission of our Order, it is the very essence of who we are, what we believe and, what we do. Our caring for kids begins at Mooseheart, a one thousand acre community located 40 miles west of Chicago. This magnificent educational and residential facility for children in need is one of the crowning achievements of the Moose fraternity. It is a complete community, with modern family style homes, its own school, health care and recreational facilities, and the magnificent House of God, where our over 300 foster sons and daughters worship in the faith in which they were raised.

One of the cornerstones of our fraternal operation is community service. Our fraternal units contribute tens of millions of dollars in community service annually. We strive to reach even greater heights in our charitable efforts, which will strengthen our reputation of caring for those in need. We believe that the greater our deeds, the stronger our fraternity.

Perhaps you are not aware of the many things we do for Stayton and surrounding area. We have been recognized many times by both the State Moose Association and Moose International for our excellence in community service. We have given over 1600 volunteer hours to Stayton and the surrounding area in just the last year alone and that does not include the money, food and gifts donated to the community by the Moose. Here are just some of the things the Moose has done for the city and the community.

We put on the 4th of July parade. We have a very large BBQ and we have cooked for the city employees' picnic on more than one occasion. We cooked at the library dedication, we cooked at the Santiam Park dedication, we cooked for the highway dedication, we cooked at the Police Safety Day, we cooked for teacher in-service-day, we donated 60 stuffed animals to 5 different emergency services to be given as needed to children in crisis, we donated supplies to the library summer program, we pick up trash on E. Santiam for the Adopt-a-Road program, we check and straighten out the Christmas tree lights for the city tree, we donate school supplies to the schools and hundreds of pounds of food to the food bank, we build for Habitat-for-Humanity, we had several volunteers at the Special Olympics in Stayton, at Christmas we donate several whole turkey dinner baskets to those less fortunate, we cut split and deliver wood to the elderly and disabled, we ring the bell for the Salvation Army. We donate our time to Make-a-Wish walk-a-thon, the Harvest Festival, Oregon Fish and Wildlife free fishing day, and Lourdes Charter School. We have raised funds for non-member's children's medical needs. We have raised funds to send area aspiring athletes to sports camps and competitions. We collect cell phones, bake cookies, and send care packages to our troops overseas, and more.

We are honored to have the facility and to be able to serve our city. I am very proud of the accomplishments of the Stayton Moose. In only eight years we have grown to over 250 members. Good people, men and women, young and old, working and retired. Our members have spent thousands of their own dollars and worked long and hard to turn what were basically empty rooms into what is now a very nice lodge. We built the kitchen ourselves, with donated appliances. Our tables and chairs were donated by other lodges. We rewired, plumbed and all around made it into what it is today. At every meeting we open our Bible, say a little prayer for the 300 foster kids, pass the hat and send the money back to Mooseheart. Our dues also go to Moose International. Moose International does not support us, we support them.

Our by-laws do not permit us to go outside the Moose to raise money with few exceptions; so most everything we do for the community comes either from our volunteer efforts or our pockets. We pay no one. Even our service workers are volunteers.

We are, however, experiencing hard times. The purpose of this letter is to formerly request a rent reduction for the Stayton Moose Lodge building. Like many people In the United States we have fallen on hard times. Our rent is currently \$1000 a month. We propose a rent forgiveness for January and February 2013 and a reduction of \$500 a month for the next two years. This would enable the lodge to rebuild its finances and enable us to continue in serving the local people and the City of Stayton. Without your help we will no doubt fail and dissolve. Although the rent reduction is imperative we are doing more in an attempt to increase our income. We have a core group that is composed of wonderful giving and hardworking volunteers. These members are working even harder to organize functions such as the crab feed we held last week. However, participation was down from last year. Included is a copy of a letter generated by our Lodge Governor to all members requesting participation. As you read this letter you may sense the desperation. We love the Moose and we love this city. Please consider this request.

Fraternally,
Warren Kilby,
Deputy Regional Manager, Oregon Moose Association,
Past Governor Loyal Order of Moose, Stayton Lodge 2639



*Staff / Commission
Reports*



City of Stayton

Planning and Development Department

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

Office location: 311 N. Third Avenue

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

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members

FROM: Dan Fleishman, Planning and Development Director

DATE: March 4, 2013

SUBJECT: Land Use Training

Informational Only

With several new members, the Planning Commission has scheduled a training session for Monday, March 11, starting at 7:00 pm, in the Council Chambers at the Community Center. The agenda will cover the basic statutory framework of land use planning, the difference between legislative and quasi-judicial proceedings, dealing with conflicts of interest, bias, and ex-parte contact, the decision making process, as well as a few other topics.

As the City Council plays an important role in the land use process, you are also invited to attend. Please let me know if you are planning on attending, so that I can be prepared with an adequate number of hand-outs.

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

Date: 3-4-13

File No. _____

CITY OF STAYTON REQUEST FOR RECOGNITION

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

Your name (please print): LARRY EMERY

Address: 7671 PUDDING CREEK DR. SE. SPRING OR 97317
Street City State Zip

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

Speaking in support of _____; in opposition to _____; general testimony

Comments: _____

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

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

Date: 3-4-13

File No. _____

CITY OF STAYTON REQUEST FOR RECOGNITION

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

Your name (please print): Steve Frank

Address: 1515 E Jefferson St Stayton 97383
Street City State Zip

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

Speaking in support of _____; in opposition to _____; general testimony _____

Comments: General Testimony
retail store, NROD, legislature

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

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