



AGENDA STAYTON CITY COUNCIL MEETING

Monday, October 7, 2013

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

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| <p>6:00 p.m. Executive Session (Community Center Meeting Room) pursuant to ORS 192.660.1(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.</p> <p>7:00 p.m. Regular Meeting (Community Center – North End)</p> |
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CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Donation to Park Fund from Car Show Committee by Chair Alan Kingsley
- b. Presentation by Marion County District Attorney Walt Beglau and Executive Director of Mid-Valley Women's Crisis Service Jayne Downing
- c. Proclamation by Mayor Vigil declaring October 2013 as Domestic Violence Awareness Month.

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

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

ANNOUNCEMENTS – PLEASE READ CAREFULLY

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

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

CONSENT AGENDA

- a. September 16, 2013 City Council Action Minutes

Purpose of the Consent Agenda:

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

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

PUBLIC HEARING – None

UNFINISHED BUSINESS

Ordinance No. 958, Amending Stayton Municipal Code Title 10, Chapters 10.04, 10.08, 10.12, 10.16, 10.36, and 10.40 Relating to Vehicles and Traffic **Action**

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

NEW BUSINESS – None

STAFF/COMMISSION REPORTS

Public Works Director’s Report – Dave Kinney

Informational

- a. Resolution No. 903, a Resolution Amending the Wastewater Systems Development Charge (SDC) to add a Mill Creek Sewer Project Reimbursement Fee

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

- a. Wave Broadband Rate Increase

Informational

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Oregon Department of Parks and Recreation Local Government Grant Agreement
- b. Review of City Charter

ADJOURN

CALENDAR OF EVENTS

OCTOBER 2013

Tuesday	October 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 7	City Council Executive Session	6:00 p.m.	Community Center (north end)
Monday	October 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 14	City Council Work Session	6:00 p.m.	Community Center (north end)
Wednesday	October 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Friday	October 18	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	October 21	City Council	7:00 p.m.	Community Center (north end)
Monday	October 28	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2013

Monday	Nov 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	Nov 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	Nov 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	Nov 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Tuesday	Nov 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	Nov 12	Police Advisory Board	6:00 p.m.	City Hall Conference Room
Monday	Nov 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	Nov 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	Nov 25	Planning Commission	7:00 p.m.	Community Center (north end)
Thursday	Nov 28	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING		
Friday	Nov 29			

DECEMBER 2013

Monday	Dec 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	Dec 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	Dec 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	Dec 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	Dec 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	Dec 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	Dec 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS		

**City of Stayton
City Council Meeting Action Minutes
September 16, 2013**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 8:16 P.M.

ATTENDANCE LOG

COUNCIL	STAFF
Mayor Scott Vigil	Alissa Angelo, Deputy City Recorder
Councilor Emily Gooch	Dan Fleishman, Director of Planning & Development
Councilor Catherine Hemshorn (excused)	David Kinney, Public Works Director
Councilor Jennifer Niegel	Louise Meyers, Library Director
Councilor Henry Porter	Rich Sebens, Police Chief (excused)
Councilor Brian Quigley	Christine Shaffer, Finance Director
	David Rhoten, City Attorney (excused)

AGENDA	ACTIONS
REGULAR MEETING	
Presentations / Comments from the Public	
a. Stayton Family Memorial Pool Update by Santiam Family YMCA	Santiam Family YMCA Director Lisa Eckis updated the Council on the management transition of the Pool facility and the status of hiring a manager.
Announcements	
b. Additions to the Agenda	None
c. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None
Consent Agenda	
a. September 3, 2013 City Council Action Minutes	Motion from Councilor Gooch, seconded by Councilor Niegel, to approve the consent agenda. Motion passed 4:0.
b. OLCC Application – Kelly’s Café	
Public Hearings	
Resolution No. 903, amending the Wastewater Systems Development Charge (SDC) to add a Mill Creek Sewer Project Reimbursement Fee	
a. Commencement of Public Hearing	The hearing commenced at 7:09 p.m.
b. Staff Report – David Kinney	Mr. Kinney reviewed the staff report.
c. Questions from Council	Council offered questions
d. Proponents’ Testimony	None
e. Opponents’ Testimony	None

<p>f. General Testimony</p> <p>g. Questions from the Public</p> <p>h. Questions from the Council</p> <p>i. Staff Summary</p> <p>j. Close of Hearing</p>	<p>Bill Martinak, 15556 Coon Hollow Road, Stayton asked about notifications for this proposal. He stated he should have spoke during the opponents' testimony as he is opposed to this additional fee. He feels property owners should have been individually notified.</p> <p>None</p> <p>Discussion of recommendation by the Comprehensive Plan Committee to begin review of the current SDC's. There was concern about notification of vacant property owners that would be affected.</p> <p>Mr. Kinney briefly summarized the Council's choices.</p> <p>Mayor Vigil closed the hearing at 7:34 p.m.</p>
<p>New Business</p> <p>a. Resolution No. 903, Amending the Wastewater Systems Development Charge (SDC) to add a Mill Creek Sewer Project Reimbursement Fee</p>	<p>After some discussion, the Council requested staff provide further information on how Stayton's SDC's compares to other cities.</p> <p>Resolution No. 903 will be brought back with additional information at the next Council meeting. No further notifications will be made to vacant land owners.</p>
<p>Unfinished Business</p> <p>a. Resolution No. 902, Proposed Rate Increase for Solid Waste Management</p>	<p>Brief discussion between the Council and Republic Services General Manager Derek Ruckman about similar rate increase requests in Sublimity and Aumsville.</p> <p>Councilor Quigley requested the franchise agreement be reopened for a Request for Proposal prior to the next renewal. He also would like to see the perpetual renewal removed from the agreement.</p> <p>Motion from Councilor Niegel, seconded by Councilor Quigley, to approve Resolution No. 902, Establishing Rates for Solid Waste Management Services in the City of Stayton. Motion 4:0.</p>
<p>Staff / Commission Reports</p> <p>a. Finance Director's Report – Christine Shaffer</p> <p>b. Police Chief's Report – Rich Sebens</p>	<p>No discussion.</p> <p>Councilor Quigley inquired about the current year</p>

<p>c. Public Works Director's Report – Dave Kinney</p> <p>d. Planning & Development Director's Report – Dan Fleishman</p> <p>e. Library Director's Report – Louise Meyers</p>	<p>Police Activity. Ms. Shaffer will have Chief Sebens update the Council as to whether this number is correct or not.</p> <p>Mr. Kinney briefly reviewed his informational public works update report.</p> <p>No discussion.</p> <p>No discussion.</p>
<p>Presentations / Comments From the Public</p>	<p>None</p>
<p>Business from the City Administrator</p>	<p>Ms. Shaffer briefly updated the Council on the heating and air conditioning system at the Pool facility which was funded by the Santiam Community Endowment.</p> <p>Councilor Quigley expressed concern about filling the management position. Ms. Shaffer plans to speak with Paul Manning of the YMCA about these concerns.</p>
<p>Business from the Mayor</p>	<p>None</p>
<p>Business from the Council</p>	<p>Councilor Gooch updated the Council on the most recent Santiam Regional Transportation Authority Committee meeting.</p> <p>Councilor Quigley inquired about the status of the E. Marion County Justice Court. Ms. Shaffer stated the County had not officially voted on this yet but has indicated the City will need to implement its own Municipal Court. At this time, that is the direction the staff is moving in.</p>
<p>Future Agenda Items</p> <p>a. Ordinance No. 958, Amends Stayton Municipal Code Title 10 Revisions to Stayton Municipal Code Title 10, Chapters 10.04, 10.08, 10.12, and 10.16 Relating to Vehicles and Traffic</p> <p>b. Review of City Charter</p>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 7TH DAY OF OCTOBER 2013, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

Christine Shaffer, Interim 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: An Ordinance Amending the Stayton Municipal Code Title 10 Chapters 10.04, 10.08, 10.12, and 10.16, 10.36, and 10.40 Relating to Vehicles and Traffic

DATE: October 7, 2013

ISSUE:

Whether or not to adopt an ordinance to amend the Stayton Municipal Code (SMC) Title 10 Chapters 10.04, 10.08, 10.12, 10.16, 10.36, and 10.40 Relating to Vehicles and Traffic.

STAFF RECOMMENDATION:

Council approval.

BACKGROUND INFORMATION:

Council requested staff find a solution to the issues related to parking trailers on the street. In updating Title 10 to reflect the parking changes, staff found several other issues that were out of date and needed to be updated. The following updates were made:

- **SMC Title 10, Section 10.04:** Amended to fix out of date or unneeded definitions. The changes made to definitions were done to reflect other uses in the SMC or in the Oregon Revised Statutes (ORS).
- **SMC Title 10, Section 10.08:** This section was amended to update a reference manual used in the Planning and Development Department. It was also amended to allow staff to establish parking zones and install signage when needed.

- **SMC Title 10, Section 10.12:** Amended to simplify and reflect language to assist with parking enforcement. Also, unused sections were removed. Vehicle parking size was changed to reflect newer, larger vehicle styles due to auto manufacturing changes in recent years. The issue of trailers being left on the street for long periods of time was fixed by not allowing unattached trailers to be left on the street. A few exceptions were also included.
- **SMC Title 10, Section 10.16:** This section was updated to bring the SMC into compliance with the ORS. A section was added to allow the City to have vehicles and property removed with notice from the public right of way if the street is temporarily closed for reasons such as maintenance and events.
- **SMC Title 10, Section 10.36:** This section was updated to change the SMC to differentiate the difference between an event and a parade. It also grants the organizer of an event exclusive rights to location where the event is being held. This allows the Stayton Police to trespass and remove persons who are a disruption to the event. The changes also allow for the Chief of Police to require the organizer of the event to have certain items in place before the event is permitted.
- **SMC Title 10, Section 10.40:** This section was updated by moving 10.40.1050 to 10.12.320. The Stayton Truck Route was also added to the code versus having it in the City Master Plan.
- **Additional Changes:** Each section of SMC Title 10 was updated to remove any reference to specific ORS sections because these change from time to time. Specific fee amounts were also removed as they are submitted each year to City Council as part of the Fees Resolution.

FISCAL/RESOURCE IMPACT:

N/A

FACTS AND FINDINGS:

N/A

OPTIONS:

1. Move to enact Ordinance No. 958 relating to Stayton Municipal Code Title 10, sections 10.04, 10.08, 10.12, 10.16, 10.36, and 10.40 as presented.
2. Move to enact Ordinance No. 958 relating to Stayton Municipal Code Title 10, sections 10.04, 10.08, 10.12, 10.16, 10.36, and 10.40 as amended.
3. Modify the proposed Ordinance to be brought back for consideration
4. Reject the proposed Ordinance.

ORDINANCE NO. 958

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 10, CHAPTERS 10.04, 10.08, 10.12, 10.16, 10.36, 10.40 RELATING TO VEHICLES AND TRAFFIC.

WHEREAS, the City of Stayton City Council presently requested staff amend Title 10 to address issues related to parking on the City Streets and while amending Title 10, City staff found numerous housekeeping clarifications that needed to be addressed in the Stayton Municipal Code (“SMC”);

WHEREAS, SMC Title 10.04 General Provisions had several definitions that were outdated and needed to be updated;

WHEREAS, SMC Title 10.08 needed several “housekeeping” language issues revised and the ability for staff to make traffic control changes in regards to parking and signage;

WHEREAS, SMC Title 10.12 Stopping, Standing, and Parking regulates parking on the city streets. The Stayton City Council requested this SMC be revised to address concerns regarding citizens leaving trailers on the street;

WHEREAS, SMC Title 10.12 sets size limits for on street parking. These size limits were out of date for current passenger vehicle sizes;

WHEREAS, SMC Title 10.12 needed several “housekeeping” language issues revised;

WHEREAS, SMC Title 10.16 needed several “housekeeping” language issues resolved and updates to allow vehicles to be removed from the public right of way for maintenance issues and events;

WHEREAS, SMC Title 10.36 needed several “housekeeping” language issues resolved, language to designate events and parades, language giving exclusive rights to the organizer and language to protect the City’s interests;

WHEREAS, SMC Title 10.40 needed several “housekeeping” language issues resolved; and

WHEREAS, it is the City’s desire to amend Title 10.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code 10 Chapter .04, .08, .12, .16, .36, .40 relating to Vehicles and Traffic is amended to read as set forth in Exhibit A., attached hereto as incorporated herein; replacing and superseding the current text of SMC Title 10 Chapter .04, .08, .12, .16, .36, .40.

SECTION 2. Non-emergency. Upon enactment by the Stayton City Council and the Mayor’s signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL this _____ day of _____, 2013.

CITY OF STAYTON

Signed: _____

By: _____
A. Scott Vigil, Mayor

ATTEST

Signed: _____

By: _____
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

CHAPTER 10.04

GENERAL PROVISIONS

SECTIONS

- 10.04.010 ~~Citation~~ Citing Title
- 10.04.020 Definitions
- 10.04.030 Oregon Vehicle Code Adopted: Applicability

10.04.010 CITATION

This ~~Title Ordinance~~ may be cited ~~as~~ and referred to as the City of Stayton Traffic Code.

10.04.020 DEFINITIONS

~~In addition to those definitions contained in the~~ The words and phrases defined and used in the Oregon Revised Statutes are hereby adopted and shall be so defined and used in this code unless defined differently below. ~~and E~~ except where the context clearly indicates a different meaning, the following words or phrases mean:

1. **BUS STOP:** A roadway space designated by sign for use by buses to load or unload passengers.
2. ~~**BUSINESS DISTRICT:** The territory contiguous to a street when fifty (50) percent or more of the frontage thereon for a distance of 600 feet or more on one side or 300 or more on both sides, is occupied by buildings used for business. An area designated as a Commercial Zone pursuant to Section 17.16.020 of th.~~
3. ~~**COSTS:** The expense of removing, storing, and selling an impounded vehicle.~~
4. ~~**HOLIDAY:** New Year's Day, Independence Day, Labor Day, Memorial Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the governing body to be a holiday.~~
5. **LOADING ZONE:** A roadway space designated by sign for loading or unloading passengers or materials during specified hours or specified days.
6. ~~**MOTOR TRUCK:** A motor vehicle that is primarily designed or used for carrying loads other than passengers.~~
8. ~~**MOTOR VEHICLE:** A vehicle that is self-propelled or designed for self-propulsion.~~
9. ~~**OWNER:** When referring to the owner of a vehicle means:~~
 - a. ~~The person who holds the certificate of title and the registration of a vehicle and who is entitled to possession and use of the vehicle; or~~
 - b. ~~If the certificate of title, registration and right to possession and use of a vehicle belong to different persons, the person, other than a security interest holder or lessor, entitled to possess and use the vehicle under a~~

~~security agreement or a lease that has a term of ten (10) or more successive days.~~

~~104.~~ **PARK:** To stand, stop, or to cause or permit to remain stopped any vehicle or combination of vehicles, or any portion thereof, whether occupied or not, on any public street, public off-street, parking facility, or other public right-of-way, including sidewalks, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the vehicle during the actual period of such emergency, or temporary stops for the purpose of and while actually engaged in loading or unloading property or passengers.

~~11. PERSON: A natural person, firm, partnership, association, or corporation.~~

~~125.~~ **PUBLIC PROPERTY:** Includes any property in the city owned by or dedicated to the city, and shall also include areas commonly used for public parking, whether owned by the city or not.

~~136.~~ **STREET:** Alley, highway, roadway, or throughway, ~~as defined in ORS 801.110, 801.305, 801.450, and 801.524,~~ including the entire width of the right-of-way.

~~147.~~ **TAXICAB STAND:** A roadway space designated by sign for taxicab use.

~~158.~~ **TRAFFIC LANE:** That area of the roadway used for a single line of traffic movement.

~~169.~~ **VEHICLE:** Any device in upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means including bicycles. ~~As used in chapters 10.12, 10.16, 10.20, 10.24, and 10.40 of this Title, includes bicycles.~~

10.04.030 OREGON VEHICLE CODE ADOPTED: APPLICABILITY

1. The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute thereunder.
2. If any section or sections of the above described laws are hereafter declared to be invalid, unconstitutional, or unenforceable as regards the city of Stayton or the jurisdiction of the municipal court, it shall not affect any other section of the SMC ~~said code~~.

CHAPTER 10.08

ADMINISTRATION AND ENFORCEMENT

SECTIONS

- 10.08.110 Administration: Council Authority
- 10.08.120 Administration: Police Chief Authority
- 10.08.130 Authority to Direct Traffic: Public Danger
- 10.08.140 Basis of Traffic Regulations and Standards
- 10.08.150 Authority of Police and Fire Officers

10.08.110 ADMINISTRATION: COUNCIL AUTHORITY

1. Subject to state laws, the Council shall exercise all municipal traffic authority for the City, except those powers specifically and expressly delegated herein or by another section of this ~~†~~Title.
2. The powers of the Council shall include, but not be limited to:
 - a. Designation of through streets
 - b. Designation of one-way streets
 - c. Designation of truck routes
 - d. Designation of bicycle routes
 - e. Designation of parking meters, parking zones, and permit zones
 - f. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 - g. Authorization of greater maximum weights or lengths for vehicles using ~~e~~City streets than specified by state law.
 - h. Initiation of proceedings to change speed zones.
 - i. Revision of speed limits in parks.

10.08.120 ADMINISTRATION: POLICE CHIEF AUTHORITY

The City Council may, by resolution, authorize the Chief of Police or ~~his~~ designate to exercise the following duties:

1. ~~Implement~~Enforce ordinances, resolutions, and motions of the Council and the Chief of Police's ~~his~~ own orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* and the Oregon Supplements (~~2003 edition~~).
2. Establish, remove, or alter the following classes of traffic controls:

- a. Crosswalks, safety zones, parking, signage, and traffic lanes.
 - b. Intersection channelization and areas where vehicle drivers shall not make right, left, or u-turns and the time when the prohibition applies.
 - c. Parking areas and time limitations including the form of permissible parking (e.g., parallel or diagonal).
3. Issue oversize or overweight vehicle permits.
 4. Temporarily close or block streets.

10.08.130 AUTHORITY TO DIRECT TRAFFIC: PUBLIC DANGER

Under conditions constituting a danger to the public, the Police Chief or ~~his~~ designate may install temporary traffic control devices (or procedures) deemed ~~by him~~ to be necessary for the public safety.

10.08.140 BASIS OF TRAFFIC REGULATIONS AND STANDARDS

The regulations of the Police Chief or ~~his~~ designate shall be based upon:

1. Traffic engineering principles and traffic investigations.
2. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
3. Other recognized traffic control standards.

10.08.150 AUTHORITY OF POLICE AND FIRE OFFICERS

1. It is the duty of police officers to enforce the provisions of this traffic code.
2. In the event of a fire or other public emergency, officers of the police department and fire district may direct traffic as conditions require, notwithstanding the provisions of this ~~e~~Chapter.
3. In the event a police officer initiates a traffic stop within the Stayton city limits that continues outside the Stayton ~~e~~City ~~L~~imits, the police officer shall, if necessary, dispose of the vehicle as if the vehicle were located within the Stayton ~~e~~City ~~L~~imits.

CHAPTER 10.12

STOPPING, STANDING AND PARKING

SECTIONS

10.12.210	Applicability of Provisions
10.12.220	Parking Spaces: Use Required
10.12.230	Parking Spaces: Use Priority
10.12.240	Prohibited Parking or Standing
10.12.245	Issuance of Residential Parking Permits
10.12.246	Parking in Residential Permit Parking Zones
10.12.247	Parking Permit Violations
10.12.250	Parking Citation: Issuance
10.12.260	Parking Citation: Forfeitures
10.12.270	Parking Citation: Impoundment of Vehicles for Failure to Comply
10.12.280	Parking Citation: Owner Responsibility
10.12.290	Parking Citation: Registered Owner Presumption
10.12.300	Extension of Parking Time
10.12.310	Parking for Certain Purposes Prohibited
10.12.320	<u>Storage of Vehicles on Streets</u> Lights on Parked Vehicles
10.12.330	Obstruction of Firefighting <u>EMERGENCY RESPONSE</u>
10.12.340	Loading Zone Restrictions
10.12.350	Unattended Vehicle: Authorized Key Removal
10.12.360	Buses and Taxis: Business District Restrictions
10.12.370	Buses and Taxis: Restricted Use of Stands by Other Vehicles

10.12.210 APPLICABILITY OF PROVISIONS

The provisions of this title that regulate the parking or standing of vehicles do not apply to:

1. A city, county, state, federal, or public utility vehicle being used for ~~public works maintenance, construction, or repair work~~ official purposes.
2. ~~A vehicle owned by the United States government being used for collection, transportation, or delivery of mail.~~
3. A vehicle of a disabled person in compliance with ~~ORS 801.235 and ORS 811.602 to 811.637~~ Oregon Laws.

10.12.220 PARKING SPACES: USE REQUIRED

Where parking space markings are placed on a street or public lot, no person shall stand or park a vehicle outside of a marked space ~~other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.~~ A vehicle must fit within a parking space designated as “compact” parking space regardless of the vehicle size or shape.

When vehicles are parked or stopped on the public right of way, they must be parked in the direction of travel.

10.12.230 PARKING SPACES: USE PRIORITY

The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park within that space, and no other vehicle operator shall attempt to interfere.

10.12.240 PROHIBITED PARKING OR STANDING

No person shall park or stand:

1. A vehicle in violation of the ~~Oregon Vehicle Code~~ Oregon Revised Statutes or in violation of an official parking limitation sign or device.
2. A vehicle in an alley except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material.
3. A ~~motor truck, truck tractor, vehicle~~ or trailer designed to be towed by a ~~truck tractor, or pull trailer~~ vehicle, on a street or parking strip within the city at any time if the motor truck, truck tractor, trailer, or pull trailer, or any combination thereof, is longer than ~~twenty-three (23)~~ 40 feet, wider than ~~seven~~ 8 feet 6 inches (7) feet, or weighs in excess of ~~four tons (8,000 pounds)~~ 26,000 Gross Vehicle Weight (GVW), or any vehicle that requires an Oregon Commercial Drivers License ("commercial licensed driver") except:
 - a. A motor truck and/or trailer requiring a commercially licensed driver may be parked on a public street for up to 24 hours in the Industrial Park of Stayton (Rogue Ave, Willamette Ave, and Deschutes Dr.)
4. A trailer designed to be pulled by another vehicle that is left unattached from the tow vehicle except:
 - a. When engaged in the delivery or receipt of cargo and when no facilities for the receipt or discharge of the cargo exists except from the street or parking strip; or
 - b. When the person in charge is immediately engaged in the maintenance or repair of public or private property adjacent to a street or parking strip and no off-street parking is reasonably available; or
 - c. When a vehicle is parked in compliance with a camping permit which has been issued pursuant to SMC ~~section 8.12.630 of this code~~.
 - d. A recreational vehicle or trailer, parked in front of the residence of the owner, for a period not to exceed 72 hours for the purpose of preparation of use or clean up after use.
 - e. A utility trailer used for the purpose of a temporary construction/landscape project at the location/address it is parked at for a period not to exceed 72 hours.

45. No person in charge of any ~~motor truck, truck tractor, trailer,~~ vehicle or ~~pull~~-trailer engaged in the delivery or receipt of cargo under the circumstances authorized in subsection ~~43~~ of this section shall park in such a manner that any part thereof shall project or be more than fifteen (15) feet into the street when measured at right angles from the face of the curb nearest to the motor truck, truck tractor, trailer, or pull trailer.

10.12.245 ISSUANCE OF RESIDENTIAL PARKING PERMITS

1. A Residential Parking Permit shall be issued by the ~~chief~~ Chief of ~~police~~ Police, or designate, upon application and without charge to the owner or operator of a motor vehicle who resides on property immediately adjacent to a street or other location within a residential permit parking zone.
2. The application for the permit shall contain the name of the owner or operator of the motor vehicle, residential address, and the motor vehicle's make and model. The owner or operator of any motor vehicle applying for a residential parking permit shall have a current and valid Oregon vehicle registration unless it is not legally required. The permit shall be renewed annually upon such conditions and procedures as the ~~e~~ Chief of ~~p~~ Police shall specify.
3. The ~~chief~~ Chief of ~~p~~ Police is authorized to issue temporary residential parking permits to bona fide visitors at residences in designated residential parking zones.

10.12.246 PARKING IN RESIDENTIAL PERMIT PARKING ZONES

1. The holder of a residential parking permit which is properly displayed shall be permitted to stand or park the permitted motor vehicle operated by him in the appropriately designated residential parking zone.
2. While a motor vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible in the vehicle's lower driver's side portion of the front windshield.
3. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit parking zone. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in a parking meter zone or in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than parking in a residential parking permit zone.

10.12.247 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person who represents they are a ~~to represent that that~~ person who is entitled to a residential parking permit when not so entitled to one.
2. Any person who fails, ~~to fail~~ to surrender a residential parking permit when the ~~to which that~~ person is no longer entitled to it;

3. Any person who parks ~~or to park~~ a vehicle displaying ~~such~~ a residential parking permit at any time when that person ~~the holder of such permit~~ is not entitled to it; or;

24. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this title.

10.12.250 PARKING CITATION: ISSUANCE

1. In the event there is reasonable cause to believe that a vehicle is parked in violation of any of the provisions of Sections 10.12.210 through 10.12.370, or applicable state law, a citation (an unsworn written notice) in conformance with ~~ORS 221.333~~ Oregon Law may be issued and the original ~~thereof~~ filed with the ~~parking citation clerk~~, City of Stayton, ~~and the who shall retain the citation as ex officio clerk of and subject to the direction of the municipal court~~ with jurisdiction over municipal ordinance matters.
2. The notice (which may be a copy of the citation issued) provided for above shall either be delivered to the defendant or placed in a conspicuous place on the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure otherwise provided by law in such cases shall be followed. The issuing officer need not have observed the act of parking, but need only have observed that the vehicle appeared to be parked in violation of ~~Stayton Municipal Code~~ SMC or Oregon law.

10.12.260 PARKING CITATION: FORFEITURES

1. **Bail Forfeiture within 30 Days of Violation:** Before midnight of the thirtieth day following the date of the alleged violation, any person charged with a violation of the ~~Stayton traffic code~~ SMC or applicable state statute may, without personal appearance before the ~~municipal~~ judge hearing municipal ordinance matters, make a forfeiture deposit in the amount stated in the 'Fees and Charges' resolution set by City Council for the following offenses: ~~shown on the citation charging such offense, which amount shall be for an alleged violation of Stayton traffic code or applicable state statute, as follows:~~

Overtime Parking	\$10	SMC 10.12.240
Wrong Direction	\$10	ORS 811.570 (1)
Parking within 20' of Crosswalk	\$10	ORS 811.550(17)
Parking within 10' of Fire Hydrant	\$10	ORS 811.550(16)
Parking within 50' of Traffic Control Device	\$10	ORS 811.550(18)
Displaying for Sale	\$10	SMC 10.12. 260 <u>310</u>
Displaying Advertising	\$10	SMC 10.12. 260 <u>310</u>
Loading Zone	\$20	SMC 10.12. 290 <u>340</u>
Parking on Sidewalk	\$20	ORS 811.550(4)
Blocking Driveway	\$20	ORS 811.550(15)
Parking on Bicycle Lane/Path	\$20	ORS 811.550(23), <u>811.550(24)</u>
Parking in Alley	\$20	SMC 10.12.240
No Parking Zone	\$50	SMC 10.12.240
Disabled Person Zone	\$50	ORS 811.615(1)

Parking Within Intersection	\$50	ORS 811.550(5)
Double Parking	\$50	ORS 811.550(3)
Unlawful Vehicle Storage	\$50	SMC 10.40.950
Unlawful Repairing, Servicing	\$50	SMC 10.12.260
Other	\$20	

2. **Bail Forfeiture 31 to 60 days from day of Violation:** After the period set forth in Subsection (1) of this section, and before midnight of the sixtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the designated time, the amount doubles the amount under Subsection (1) of this section ~~for the alleged violation is:~~ For example a \$10.00 fee would become \$20.00.
 - a. ~~— \$10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).~~
 - b. ~~— \$20.00 (Twenty dollars), then the forfeiture shall be \$40.00 (Twenty Forty dollars).~~
 - c. ~~— \$50.00 (Fifty dollars), then the forfeiture shall be \$100.00 (One hundred dollars).~~

3. **Bail Forfeiture 61 days or more from date of Violation:** After the period set forth in Subsection (2) of this section, ~~and before midnight of the thirtieth day following the date of the alleged offense,~~ any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If paid after the set designated time, the amount is four times the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$40.00 and a \$20.00 fee would become \$80.00. ~~If the amount under Subsection (1) of this section for the alleged violation is:~~
 - a. ~~— \$ 10.00 (Ten dollars), then the forfeiture shall be \$40.00 (Forty dollars).~~
 - b. ~~— \$20.00 (Twenty dollars), then the forfeiture shall be \$80.00 (Eighty dollars).~~
 - c. ~~— \$50.00 (Fifty dollars), then the forfeiture shall be \$200.00 (Two hundred dollars).~~

4. **Court's Discretion:** The judge hearing municipal ordinance matters may, in the exercise of ~~his the Court's~~ discretion and where ~~he it is~~ deemed cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.

5. **Effect of Forfeiture Deposit Not Accompanied by Answer:** Whenever a person charged with a violation of ~~Stayton traffic code~~ SMC or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 10.12.260, but does not enter ~~his an~~ answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the municipal judge may, in ~~his the~~

Court's discretion, treat the writing as either an answer of "no contest" or an answer of denial, depending on the tenor of the defendant's statement as to the material facts of the alleged violation, or may require that the defendant enter a specific answer within seven (7) days, failure to enter which shall be deemed an answer of "no contest."

6. **Plea of Defendant:** Any person charged with a violation of ~~Stayton traffic code~~ SMC or applicable state statute shall plead ~~either guilty, not guilty, or no contest to the charge by:~~ according to the options set forth by Oregon Revised Statute as stated on the reverse of the Oregon Uniform Traffic Citation and Complaint form.
 - a. Appearing before the municipal judge and entering ~~his~~ the plea in open court;
 - b. Entering ~~his~~ the plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to ~~Stayton Traffic Code~~ SMC Section 10.12.260;
 - c. Depositing bail without a specific plea as provided in ~~Stayton Traffic Code~~ SMC Section 10.12.260.
7. **Powers of Court Upon 'No Contest' Plea:** Upon entry of a plea of "no contest" as provided in ~~Stayton Traffic Code~~ SMC Section 10.12.260, subsection ~~5b.~~, the Court may consider any oral or written statement given by the defendant, and may, on its own motion and in the interest of justice, order the charge dismissed and any bail returned to the defendant. Unless the Court dismisses the charge, the Court shall enter a judgment of conviction upon a plea of "no contest."

10.12.270 PARKING CITATION: IMPOUNDMENT OF VEHICLES FOR FAILURE TO COMPLY

When a vehicle is found parked in violation of ~~Stayton Traffic Code~~ SMC section 10.12.210 through 10.12.3~~270~~ or applicable state statute and the vehicle has five (5) or more outstanding citations or \$~~1200~~ or more in unpaid fines, any officer charged with the enforcement of this ~~chapter~~ Title pursuant to ~~Stayton Traffic Code~~ SMC Section 10.08.150 may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be impounded pursuant to this section and SMC Section 10.16.400, and an impounded vehicle shall not be released until all outstanding fines and charges are paid.

10.12.280 PARKING CITATION: OWNER RESPONSIBILITY

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

10.12.290 PARKING CITATION: REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charged with a violation of a parking restriction in this title or applicable state law, proof that at the time of the alleged violation the vehicle was registered with the appropriate vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that the defendant was the owner in fact.

10.12.300 EXTENSION OF PARKING TIME

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

10.12.310 PARKING FOR CERTAIN PURPOSES PROHIBITED

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

1. Displaying the vehicle for sale; or,
2. Repairing or servicing the vehicle except while making repairs necessitated by an emergency; or,
3. Displaying temporary advertising from the vehicle; or,
4. Selling merchandise from the vehicle except when authorized by the ~~city~~ City Council.

10.12.320 STORAGE OF VEHICLES ON STREETS ~~LIGHTS ON PARKED VEHICLES~~

~~No lights need be displayed upon a vehicle that is parked in accordance with this traffic code upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.~~

1. Except as otherwise provided in SMC Title 10 and SMC Sections 8.12.620 to 8.12.640 no person shall store or permit to be stored on a street or other public property, a motor vehicle or other personal property for a period in excess of 72 hours. Failure to move a motor vehicle or other personal property for a period of 72 hours constitutes prima facie evidence of storage and may be towed in accordance with this Title.
2. Personal property which is stored in violation of the provisions of this title relating to storage of personal property on streets is subject to removal and disposal in accordance with SMC Sections 2.64.1600 to 2.64.1670.

10.12.330 OBSTRUCTION OF ~~FIREFIGHTING~~ EMERGENCY RESPONSE

1. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.
2. The Stayton Police Department, for the purpose of emergency response may have a vehicle towed to a safe location at the owner's expense if the owner cannot be located in a timely manner. The vehicle would be towed under the provisions of a ORS "Hazardous Vehicle".

10.12.340 LOADING ZONE RESTRICTIONS

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes.

10.12.350 UNATTENDED VEHICLE: AUTHORIZED KEY REMOVAL

The conduct described in Oregon Revised Statutes ~~811.585~~, “Failure to Secure Motor Vehicle,” is an offense against the ~~city~~City, and applies on any premises open to the public. In the event a Stayton Police Officer who finds a vehicle in violation of this Title due to the vehicle not being left in a safe circumstance such as the engine left running and/or with the vehicle unlocked, the ignition keys left in the vehicle, or the brake not set on a manual transmission vehicle, the Officer may take the necessary action to secure the vehicle to render it safe. The Officer may secure the vehicle and take the keys until the owner can be located.

10.12.360 BUSES AND TAXIS: BUSINESS DISTRICT RESTRICTIONS

The operator of a bus or taxicab shall not stand or park ~~the~~such vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

10.12.370 BUSES AND TAXIS: RESTRICTED USE OF STANDS BY OTHER VEHICLES

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

CHAPTER 10.16

TOWING, STORAGE AND IMPOUNDMENT OF VEHICLES

SECTIONS

10.16.400	Impoundment and Disposition of Vehicles: General Regulations
10.16.410	Impoundment and Storage by Private Towing Firm
10.16.420	Post-Towing Notice to Owner
10.16.430	Reasonable Storage Charge
10.16.440	Hearing Procedure
10.16.450	Owner Reclaiming Vehicle
10.16.460	Appraisal of Unclaimed Vehicles
10.16.470	Disposition of Motor Vehicle Valued Greater Than \$750
10.16.480	Disposition of Motor Vehicle Appraised at \$750 or Less <u>Reserved</u>
10.16.490	To Be Held at Expense of Owner

10.16.400 IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

1. In addition to the provisions herein, disposition of vehicles impounded, towed and stored shall be in accordance with Oregon law.
2. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.
3. A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release (See ORS 809.720(3)) or the vehicle is ordered released by a hearings officer (See ORS 809.716). This subsection applies to the following offenses:
 - (a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.
 - (b) Driving while under the influence of intoxicants in violation of ORS 813.010.
 - (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.
 - (d) Driving uninsured in violation of ORS 806.010. ~~(See ORS 809.720)~~
4. Abandoned (ORS 819.100) or hazardous (ORS 819.120) vehicles removed by the City may be towed and stored at the owner's expense
5. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
6. A vehicle abandoned, as defined by state law in relation to abandon vehicles ~~in violation of provisions of state law relating to abandoned vehicles~~ is subject to removal and sale in accordance with provisions of state law.

7. A vehicle which is stored in violation of the provisions of this code relating to storage of motor vehicles on streets is subject to removal and sale in accordance with provisions of state law on impoundment and disposition of abandoned vehicles – ORS 819.100 to 819.260.
8. Vehicles removed and impounded pursuant to [SMC](#) Section 10.12.270 shall be taken to a public garage or other suitable place for storage of the vehicle, and kept until released or otherwise disposed of pursuant to this section.
 - a. The owner of the vehicle, or any person authorized by ~~him~~ [the owner](#) to act on ~~his~~ [the owner's](#) behalf, may redeem the vehicle pursuant to the procedures of [SMC](#) Sections 10.16.410 through 10.16.490.
 - b. A motor vehicle so impounded shall be held and, if not lawfully redeemed, shall be disposed of as provided in ORS 819.210 through 819.260. A certificate of sale referenced therein shall contain the following notice:

The City of Stayton makes no warranty as to the condition or title of the above-described vehicle. In the event this sale shall for any reason be invalid, the liability of the ~~city~~ [City](#) is limited to return of the purchase price.

9. In the event the Stayton Police impound a vehicle from outside the Stayton city limits, such impoundment shall be in accordance with Oregon law and the provisions of the Stayton Municipal Code, and the charges assessed shall be pursuant to the Stayton Municipal Code.

10. If the public right of way needs to be closed temporarily for an official purpose such as (but not limited to) street maintenance or an event, the Chief of Police or designee may post the street with a 24 hour notice to remove any vehicles or privately owned property from the right of way. If the vehicles or the privately owned property are not removed within the 24hour period the vehicles and property may be removed by the City at the owners expense per SMC.

10.16.410 IMPOUNDMENT AND STORAGE BY PRIVATE TOWING FIRM

1. In the enforcement and execution of the provisions of [SMC](#) Section 10.16.400, the ~~city~~ [City](#) may contract the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into custody of the ~~city~~ [City](#) for any reason. The [Stayton City](#) ~~e~~Council shall by ~~ordinance~~ [resolution](#) establish a schedule of maximum charges for storage of such motor vehicles, which shall apply to vehicles stored by the ~~city~~ [City](#).
2. Where a private ~~business~~ [towing contractor](#) is used, the following conditions shall apply:
 - a. The ~~city~~ [City](#) shall not be liable for services rendered by a private towing service ~~from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the city~~ [City](#)

~~deducts its expenses,~~ unless the ~~city~~City is the purchaser or owner of the stored or impounded vehicle.

- b. The vehicle shall not be released from the private towing service except upon a receipt, signed by the ~~police~~Police ~~chief~~Chief, ~~proffered by the purchaser.~~
3. A towing service firm which, at the request of the ~~city~~City, takes a vehicle into custody shall have a lien on the vehicle and its contents for the just and reasonable towing charges, may retain possession of the vehicle and its contents until the charges are paid, and may cause the vehicle and its contents to be sold at public auction pursuant to SMC Section 10.16.470 and Oregon Revised Statutes. ~~If the appraised value of the vehicle is \$750 or less, the vehicle and its contents shall be disposed of in the manner provided in Section 10.16.480.~~

10.16.420 POST-TOWING NOTICE TO OWNER

1. If a motor vehicle is taken into the custody of the ~~city~~City, the ~~chief~~Chief of ~~police~~Police shall make reasonable efforts to ascertain the names and addresses of the registered owner and the legal owner, if any, and the person entitled to possession.
2. If the names and addresses of such owners or persons entitled to possession or either of them can be ascertained, the ~~chief~~Chief of ~~police~~Police shall cause notice to be mailed within forty-eight (48) hours of the date of recovery, addressed to the registered owner of the vehicle and a similar letter addressed to the legal owner, if any. Such notice shall include the following information:
 - a. The statute or ~~ordinance code~~ SMC or rule under which the vehicle has been taken into custody or removed;
 - b. The location where the vehicle may be redeemed by the owner or person entitled to possession upon satisfactory proof of ownership or right to possession;
 - c. That a lien has arisen on the vehicle in favor of the person who towed the vehicle for just and reasonable towing and storage charges;
 - d. The amount of any fines or bail which must be paid or posted pursuant to SMC Section 10.12.260;
 - e. The date after which the vehicle will be subject to public sale;
 - f. That a hearing on the validity of the tow and on the creation and amount of the lien may be had if requested within five (5) days of mailing of the notice;
 - g. That the costs of hearing may be assessed against the vehicle owner.
3. Actual notice of a tow may be given personally to the owner or person entitled to possession. Such actual notice must include all the information required under

Subsection 2. of this section. Actual notice may be used in lieu of the mailed notice required by Subsection 2.

10.16.430 REASONABLE STORAGE CHARGE

The maximum charge per day for storage of a motor vehicle towed and stored by the ~~city~~ City in a City owned location is set by "Fees and Charges" Resolution ~~\$15.00~~.

10.16.440 HEARING PROCEDURE

1. Upon written request of the legal owner or the registered owner or any other person who reasonably appears to have an interest in the vehicle, delivered to the ~~municipal~~ court having jurisdiction over municipal ordinance or SMC matters, a hearing shall be held before the ~~municipal~~ judge hearing municipal ordinance or SMC matters. The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified.
2. The hearing shall be set and conducted within two (2) regular court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests. At the hearing the owner may contest:
 - a. The validity of the action of the enforcement officer in taking the vehicle into custody;
 - b. The reasonableness of the charge set for towing and storage of vehicle. Towing and storage charges set by ordinance or by contract entered into pursuant to ordinance are presumed to be reasonable for the purpose of this section;
3. The ~~city~~ City shall have the burden of showing the validity of the taking of the vehicle;
4. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle as provided by SMC Section 10.08.152 by depositing with the ~~city~~ City security in the form of cash in an amount sufficient to cover costs of removing and storage and any fines or bails owed pursuant to SMC Section 10.12.340.
5. If the ~~municipal~~ judge hearing municipal ordinance or SMC matters finds that:
 - a. The action of the city in taking the vehicle into custody was proper, the ~~municipal~~ judge hearing municipal ordinance or SMC matters shall enter an order supporting the removal and may assess costs of the hearing against the person requesting the hearing.
 - b. The action of the enforcement officer in taking the vehicle into custody was invalid, the judge shall:
 - i. Order the vehicle released to the owner;

- ii. Find that the owner is not liable for any towing or storage charges occasioned by the taking;
 - iii. Order the ~~city~~ City to satisfy the towing and storage lien.
6. If the person requesting the hearing does not appear at the scheduled hearing, the ~~municipal~~ judge hearing municipal ordinance or SMC matters may enter an order supporting the removal and assessment of towing and storage costs and apply any security posted against such costs.
 7. The action of the ~~municipal~~ judge hearing municipal ordinance or SMC matters pursuant to this section is final.

10.16.450 OWNER RECLAIMING VEHICLE

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle during normal business hours of the Stayton Police Department Records Office. Monday—Friday between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays. ~~The vehicle may be reclaimed~~ after the vehicle is taken into custody, and before it is sold, upon presentation of satisfactory proof of ownership or right of possession, proof of insurance, a licensed driver to the Stayton Police Department and payment of an impoundment fee and storage charges or posting of security is made as required under this chapter. (Ord. 667, section 1 [part], 1989) If redemption is not made ~~within thirty days~~ after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of ~~the S~~ state L ~~aws.~~

10.16.460 APPRAISAL OF UNCLAIMED VEHICLES

Within ten (10) days of any motor vehicle coming into the custody of the ~~city~~ City for any reason, the ~~chief~~ Chief of ~~police~~ Police shall cause such vehicle to be appraised by a person possessing a valid appraiser certificate under state law.

10.16.470 DISPOSITION OF MOTOR VEHICLE ~~VALUED GREATER THAN \$750~~

Vehicles that have been unclaimed may be disposed of in accordance with the procedures set by Oregon Revised Statutes 819.210 to 819.260.

~~Any motor vehicle appraised at a value greater than \$750.00 under Section 10.16.460 and not redeemed for a period of thirty (30) days after the date of mailing notice pursuant to Section 10.16.430, or the taking of the vehicle into the custody of the city, whichever is later, may be disposed of by the chief of police in accordance with ORS 819.210 to 819.260.~~

10.16.480 RESERVED ~~DISPOSITION OF MOTOR VEHICLE APPRAISED AT \$750 OR LESS~~

~~Any motor vehicle appraised at a value of \$750.00 or less under Section 10.16.470 and which remains unclaimed and unredeemed for a period of thirty (30) days after the date of mailing of notice pursuant to Section 10.16.430 or the taking of the vehicle into custody by the city, whichever is greater, may be disposed of in accordance with ORS 819.210 215 to ORS 819.260. No such vehicle shall be sold or transferred to any person without first requiring such person comply with the provisions of and execute the forms required by ORS 819.220.~~

10.16.490 TO BE HELD AT EXPENSE OF OWNER

Except as provided in [SMC](#) Section 10.16.440(4), unclaimed motor vehicles which come into the custody, actual or constructive, of the ~~city~~ [City](#) for any reason shall be held at the expense of the owner and any costs incurred by the city in finding, transportation, giving of notices, storage, care, and custody of such property shall be paid by the owner or other person lawfully entitled to possession thereof before such property may be released.

CHAPTER 10.36

~~PARADES AND PROCESSIONS~~EVENTS

SECTIONS

- 10.36.910 ~~Parade~~Event Permit Required
- 10.36.920 ~~Parade~~Event Permit: Applications
- 10.36.930 ~~Parade~~Event Permit: Appeals
- 10.36.940 ~~Parade~~Event Permit: Revocation
- 10.36.950 Prohibited Activities During ~~Parades~~Events
- 10.36.960 Funeral Procession: Vehicle Operation
- 10.36.970 Funeral Procession: Driver Requirements

10.36.910 ~~PARADE~~EVENT PERMIT REQUIRED

No person shall organize or participate in an event (including a parade) which may disrupt or interfere with traffic without obtaining a permit from the Chief of Police. A permit shall ~~always~~ be required of

1. ~~a~~Any procession of people and/or vehicles using the public right-of-way in the nature of an event including a parade but generally should and consisting of ten (10) or more persons or five (5) or more vehicles except that this provisions shall not apply to funeral processions at the discretion of the Chief of Police in accordance with SMC Section 10.36.860960; or,
2. A public gathering or event that requires the stoppage of traffic for the gathering to be held.

With the issuance of a permit, the Chief of Police may grant the applicant or event organizer exclusive rights of use to the area designated for the parade or event.

10.36.920 ~~PARADE~~EVENT PERMIT: APPLICATION

1. Application for ~~parade~~an event permits shall be made to the ~~police chief~~Chief of Police at least thirty (30) days prior to the intended date of the ~~event~~parade unless the time is waived by Chief of Police~~him~~.
2. Applications shall include the following information:
 - a. The name and address of the person responsible for the proposed ~~event~~parade.
 - b. The date of the proposed ~~event~~parade.
 - c. The desired route, including assembling points.
 - d. The number of persons, vehicles, and animals which will be participating in the ~~parade~~event.
 - e. The proposed starting and ending times.

- f. The application shall be signed by the person designated as chair~~man~~/organizer.
 - g. The chair/organizer must provide a certificate of insurance liability listing the City of Stayton as insured for the amount recommended by the City of Stayton's insurance carrier.
3. The ~~e~~Chief of ~~p~~Police shall issue an ~~an~~ parade-event permit incorporating the terms set out in subsection 2, parts c. to ~~ef.~~, conditioned on the applicant's written agreement to comply with terms of the permit unless the ~~e~~Chief of ~~p~~Police finds that:
- a. The time, route, and size of the ~~parade-event~~ will disrupt the movement of other traffic to an unreasonable extent.
 - b. The ~~parade-event~~ is of a size or nature that requires the diversion of so great a number of law enforcement officers to properly police the line of movement and contiguous areas that allowing the ~~paradeevent~~ would deny reasonable law enforcement protection to the jurisdiction.
 - c. The ~~parade-event~~ will interfere with another ~~eventparade~~ or other activity for which a permit has been issued.
 - d. The event will cause a public safety issue that can not be resolved.
 - ~~e.~~ Information contained in the application is found to be false or a material detail is omitted.
 - ~~f.~~ The applicant refuses to agree to abide by or comply with all conditions of the permit.
4. If one or more of the conditions listed in Subsection 3., other than Subpart ~~ef.~~, exists, the ~~e~~Chief of ~~p~~Police may include provisions in the permit that are necessary to alleviate the conditions, including but not limited to:
- a. Requiring an alternate date/time;
 - b. Requiring an alternate route/location;
 - c. Restricting the size of the ~~eventparade~~.
 - d. Require traffic control signage.
 - e. Require traffic control people/flaggers.
 - f. Require law enforcement or security presence at the expense of the chair/organizer
5. The Chief of Police~~police chief~~ shall notify the applicant of ~~his~~the decision within fourteen (14) days of receipt of the application.

6. If the ~~Chief of Police~~~~police chief~~ proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal ~~his~~~~the~~ decision to the ~~e~~Council.

10.36.930 ~~PARADE~~EVENT PERMIT: APPEALS

1. An applicant may appeal the decision of the ~~police chief~~Chief of Police by filing a written request of appeal with the ~~e~~City ~~a~~Administrator within seven (7) days after the ~~Chief of Police~~~~police chief~~ has proposed alternatives or refused to issue a permit.
2. The ~~e~~Council shall schedule a hearing date which shall not be later than the second regular sessions following the filing of the written appeal with the ~~e~~City ~~a~~Administrator, and shall notify the applicant of the date and time ~~that he may to~~ appear either in person or by a representative.
3. Any determination by the ~~e~~Council shall be final.

10.36.940 ~~PARADE~~EVENT PERMIT: REVOCATION

The ~~e~~Chief of ~~p~~Police may revoke an ~~event~~ ~~parade~~ permit if circumstances clearly show that the ~~parade~~event can no longer be conducted consistent with public safety.

10.36.950 PROHIBITED ACTIVITIES DURING EVENTS~~PARADES~~

1. No person shall unreasonably interfere with a ~~parade~~event or an ~~event~~~~parade~~ participant.
2. No person shall operate a vehicle or conduct any other activity that is not part of ~~a~~the event~~parade~~ between the vehicles or persons comprising ~~a~~the event~~parade~~.

10.36.960 FUNERAL PROCESSION: VEHICLE OPERATION

1. The size and nature of the funeral procession may require an event permit at the discretion of the Chief of Police.
2. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- ~~23.~~ The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- ~~34.~~ All motor vehicles in the procession shall be operated with their headlights turned on.
- ~~45.~~ No person shall unreasonably interfere with a funeral procession.
- ~~56.~~ No person shall operate a vehicle that is not part of the procession between the vehicles of a funeral procession.

10.36.970

FUNERAL PROCESSION: DRIVER REQUIREMENTS

Except when approaching a left turn, each driver in a funeral procession shall drive along the right hand traffic lane and shall follow the vehicle ahead as closely as is practicable and safe.

CHAPTER 10.40

MISCELLANEOUS REGULATIONS

SECTIONS

10.40.1010	Crossing Private Property
10.40.1020	Passenger Restrictions
10.40.1030	Skateboards, Skis, Toboggans, and Sleds: Use Restrictions
10.40.1040	Damaging Sidewalks and Curbs
10.40.1050	Storage of Vehicles on Streets Reserved
10.40.1060	Truck Routes

10.40.1010 CROSSING PRIVATE PROPERTY

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

10.40.1020 PASSENGER RESTRICTIONS

1. No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of duty or to a person riding within a truck body in space intended for merchandise.
2. No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

10.40.1030 SKATEBOARDS, SKIS, TOBOGGANS, AND SLEDS: USE RESTRICTIONS

No person shall use the streets for traveling on roller-skates, skateboards, skis, toboggans, sleds, or similar devices except where authorized by the chief of police.

10.40.1040 DAMAGING SIDEWALKS AND CURBS

1. The operator of a motor vehicle shall not drive [or park](#) upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
2. No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
3. No person shall remove a portion of a curb or move a motor vehicle or device moved by motor vehicle upon a curb or sidewalk without first obtaining authorization and posting a bond if required by ordinance. A person who causes damage shall be held responsible for the cost of repair.

~~10.40.1050 STORAGE OF VEHICLES ON STREETS~~

- ~~1. Except as otherwise provided in Sections 8.12.610 to 8.12.640 no person shall store or permit to be stored on a street or other public property, a motor vehicle or other personal property for a period in excess of 48 hours. Failure to move a motor vehicle or other personal property for a period of 48 hours constitutes prima facie evidence of storage.~~
- ~~2. Personal property which is stored in violation of the provisions of this title relating to storage of personal property on streets is subject to removal and disposal in accordance with Sections 2.64.1600 to 2.64.1660 of this code.~~

10.40.1060 TRUCK ROUTES

No person shall operate a vehicle which weighs in excess of fifteen tons (30,000 pounds) gross weight on any street except:

1. When the vehicle is immediately engaged in the maintenance or repair of public or private property, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
2. When the vehicle is being used for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
3. When operating a vehicle on a street or a section thereof designated ~~by resolution of the Stayton City Council as~~ a truck route in the adopted Stayton Transportation System Plan.

NOTE: Figure 10.40.1060.1, on the following page shows the Truck Routes as designated in the 2004 Stayton Transportation System Plan.



City of Stayton Truck Routes





CITY OF STAYTON
MEMORANDUM

TO: Mayor A. Scott Vigil and the Stayton City Council

THRU: Christine Shaffer, Interim City Administrator

FROM: David W. Kinney, Public Works Director

DATE: October 7, 2013

SUBJECT: Resolution No. 903 – A Resolution Amending the Wastewater Systems Development Charge (SDC) to add a Mill Creek Sewer Project Reimbursement Fee

ISSUE

The issue before the City Council is whether or not to adopt a Resolution amending the Wastewater Systems Development Charges (SDC) to add a Mill Creek Sewer Project Reimbursement Fee. This item will be placed on the October 21st City Council agenda for action.

ENCLOSURES

1. September 16, 2013 Staff Report
2. Resolution No. 903 – Mill Creek Sewer Project Reimbursement Fee
3. 2013 SDC Survey Results for 50+/- Oregon Cities (League of Oregon Cities)

DISCUSSION

The City Council held a public hearing on September 16, 2013 to consider the proposed resolution. The Council tabled the issue to the October 7th meeting and requested staff provide data on SDC charges in other Oregon cities. Enclosed is updated information including a table comparing SDC fees in various Oregon cities. This item will be placed on the October 21st City Council agenda for action. At the September 16th public hearing the City Council asked questions and raised several concerns:

1. **Notice of the Proposed SDC Increase:**
 - a. Homebuilders' Association Notice: Notice was provided to the Salem Homebuilders Association 60 days in advance of the public hearing. They contacted the public

works department to get a copy of the proposed SDC fee increase and the City's methodology. No testimony was submitted.

- b. News Media: On September 11th the *Stayton Mail* published a front page article advertising the public hearing and summarizing the proposed increase.
- c. Notice to Property Owners: No notice was sent to individual property owners in the affected area.

2. What is the effective date of the Resolution? Can it be changed?

The proposed Resolution 903 will be effective when signed by the Mayor. The Council may set an effective date by modifying Section 5 of the resolution.

3. Stayton SDC Comparison with Other Oregon Cities

2013 League of Oregon Cities SDC Survey: The League of Oregon Cities completed a survey of SDC charges for Oregon cities. The survey results show that Stayton's SDC's are in the mid to high-range of SDC charges for similar size communities in the State of Oregon and Mid-Willamette Valley. The following table provides a comparison of Stayton's SDC charges compared to nearby, similar size or larger mid-Willamette Valley cities.

<i>City</i>	<i>2013 Total SDC Charges (per SFR home)</i>
Stayton	\$11,065
<i>Linn-Benton County</i>	
Albany	\$8,535
Corvallis	\$12,364
Lebanon	\$5,796
Sweet Home	\$1,839
<i>Marion County</i>	
Aumsville	\$16,632
Keizer	\$3,210
Salem	\$13,193
Silverton	\$19,406
Woodburn	\$11,000 - \$13,000**
<i>Polk County</i>	
Dallas	\$12,347
Independence	\$11,813
Monmouth	\$6,536
<i>Yamhill County</i>	
Newberg	\$16,740

** SDCs vary depending on dwelling size, location, etc.

The Public Works staff has compiled the attached spreadsheet summarizing SDC fees for 50+/- Oregon cities.

4. **What happens if the Mill Creek Sewer Reimbursement SDC fees are not charged or are not collected?**

The City will continue to pay the annual debt service for the project out of the existing sewer rates. The City pays \$ 188,746 annually for debt service.

5. **How much of current monthly sewer charge is used to pay the Mill Creek Sewer debt service?**

The currently monthly sewer user charge is \$55.74 per single family home. Of this amount, \$ 3.60 per month is assigned for the Mill Creek Sewer debt service.

6. **Competitiveness of Stayton's SDCs and are they disincentives for development?**

Councilor Quigley questioned whether or not Stayton's SDCs are competitive with other Mid-Willamette Valley communities and if an increase in the Stayton wastewater SDC will serve as a disincentive to new development. As seen by the table Stayton's SDC charges are competitive.

Over the past 20 years I have had numerous conversations with developers / homebuilders about the use of SDC's as a financing mechanism for public improvements caused by growth.

- a. *Other Capital Funding Sources:* With the decline in the use of voter approved General Obligation bonds, cities now rely on Revenue Bonds (backed by user charges), federal/state grants and loans, and SDCs to generate money for large capital improvements. Few cities are able to finance large capital projects on a pay as you go basis.
- b. *Use of SDC Charges:* SDC charges are used heavily by communities with high growth rates because they place responsibility for expanding critical city facilities on the new development which generates the demand for the expansion in those public facilities.
- c. *Criticism of SDC Charges by the Development Community.* Developers understand cities must upgrade water, sewer, storm sewers and transportation systems to serve new growth. However, they prefer cities use traditional financing because it spreads costs among all users (new and old) and enables the developer to lower their development costs and guarantees a profit margin. The SDC charge that is most heavily criticized is the "Transportation SDC" which is based on the estimated traffic generated by a new development. It rises sharply if a new building has high traffic volumes (banks, fast food, gas stations, etc.). The second issue raised by the development

community is that the total SDC charge should be competitive with SDC charges in nearby communities.

- d. *SDC Funds as Matching Funds for Grants:* Cities use SDC funds as seed money as a match for projects that are grant eligible. In most cases, the Water Fund, Sewer Fund or Street Fund will not have cash readily available to serve as a grant match. SDC Funds are held in Reserve funds and can be easily committed by the City to build a project that will benefit growth areas. The City can commit SDC funds to the share of a larger project that will benefit growth. Example: The City of Stayton used SDC funds to finance the purchase of the 10th Avenue detention basin property. In the City's application for an Immediate Opportunity Fund grant from ODOT, we were able to demonstrate matching contributions of the land acquisition, Santiam Hospital cash contribution and Street Fund \$\$.

OPTION(S)

1. Adopt the Mill Creek Sewer Project Reimbursement SDC Resolution.
2. Adopt and amend Section 5 of Resolution 903 to set a different effective date.

Proposed Language:

Section 5. EFFECTIVE DATE. This Resolution shall become effective on the _____ day of _____, 2013.

3. Table and direct staff to modify the resolution to reduce the Mill Creek Sewer Project reimbursement fee.
4. Take no action and do not adopt the resolution.

MOTIONS

1. Approval as Proposed: Offer a motion to Adopt Resolution No. 903 to implement a Mill Creek Sewer Project Reimbursement SDC Fee.
2. Approval with Effective Date: Offer a motion to Amend Section 5 to establish an Effective Date on _____, 2013 and to adopt Resolution 903 as amended.
3. Table: Offer a motion to table consideration of Resolution 903 and direct staff to provide additional information on the following issues: _____.
4. Reject the Proposal: No motion is necessary



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

TO: Mayor A. Scott Vigil and the Stayton City Council

THRU: Christine Shaffer, Interim City Administrator

FROM: David W. Kinney, Public Works Director

DATE: September 16, 2013

SUBJECT: Resolution No. 903 – A Resolution Amending the Wastewater Systems Development Charge (SDC) to add a Mill Creek Sewer Project Reimbursement Fee

ISSUE

The issue before the City Council is whether or not to adopt a Resolution amending the Wastewater Systems Development Charges (SDC) to add a Mill Creek Sewer Project Reimbursement Fee.

STAFF RECOMMENDATION

The City Council will hold a public hearing at the September 16th City Council meeting to consider the proposed Mill Creek Sewer Project Reimbursement SDC and adopt then adopt the Resolution. Unless there are significant issues raised at the hearing, the Public Works/Planning staff recommends adoption of the resolution.

BACKGROUND INFORMATION

ORS 223.300 et seq. and SMC Chapter 13.12 provide the legislative authority for the City of Stayton to adopt and collect Systems Development Charges (SDCs) from new developments in the City.

Before a city can adopt or update an SDC, it must complete an analysis of capital improvements already constructed and projected capital improvements to be constructed and adoption of a methodology explaining how the SDCs are calculated. The Stayton City Council has adopted the

City of Stayton Wastewater Master Plan (Keller Associates, 2006) which includes a list of completed and proposed capital improvements which affect SDCs

SMC Chapter 13.12.220 (2) requires that SDC charges be set by separate Resolution of the Stayton City Council following a public hearing. Notices of the hearing must be provided to interested parties at least 90 days prior to the hearing and the methodology must be available for review at least 60 days prior to the hearing. In June 2013, the City notified the Marion-Polk Homebuilders Association 90 days prior to the hearing date that the City proposes to adopt the reimbursement fee. The resolution, methodology and this staff report were available in the City Recorder's office and on the City's website on July 15, 2013.

In 2007 the City adopted Wastewater Systems Development Charge (SDC). The Wastewater SDC includes both an "improvement fee" and a "reimbursement fee". The SDC fee is collected at the time building permits are issued. This proposal does not change the basic Wastewater SDC.

Mill Creek Sewer Project:

At the time the Wastewater SDC update was completed in 2007, the City was in the midst of a sewer improvement project to construct the Mill Creek Sewer Project. The project included three components:

1. Mill Creek Sewer Pump Station
2. A sewer force main from the Mill Creek Pump Station to the wastewater treatment facilities
3. A gravity flow sewer collection main to serve the City of Sublimity and the north end of the Stayton Urban Growth Boundary (UGB).

The project was financed with a \$4,382,000 loan from the Oregon Department of Environmental Quality (DEQ) Clean Water State Revolving Loan Fund (SRF) Program. The project was completed and closed out in early 2008. The final cost was \$4,534,237. The balance of the project costs were paid for from the City of Stayton Sewer Fund and the Sewer SDC Fund.

The proposed SDC amendment sets a new Mill Creek Sewer Project Reimbursement Fee that will be collected from new development inside the Stayton UGB that flows into the Mill Creek Sewer Pump Station.

Mill Creek Sewer Project Area – SDC Reimbursement Fee

The methodology indicates that 53% of the project cost will benefit new developments (growth) that will connect to the system. Table 4 from the Methodology Report shows the calculations for the reimbursement fee for the Mill Creek Sewer Project based on the project serving an estimated 2,362 new EDU's. The maximum reimbursement fee for a single family home which may be charged is \$670. Non-residential uses will be charged the Mill Creek SDC based on meter size. Multi-family residential uses will be charged at 80% of the single family dwelling SDC rate.

The City staff proposes to charge \$670.00 per EDU.

Table 4

**Mill Creek Sewer Project
Reimbursement Fee for the City of Stayton**

Construction Cost –	
Proportionate share benefiting new growth	\$1,581,402
Estimated EDU's in Mill Creek Sewer Project Service Area	2362
Cost Per EDU	\$ 670.00
Mill Creek Sewer Reimbursement Fee	\$ 670.00

FISCAL IMPACT

If the proposed SDC amendments are approved then the City may generate up to \$1.5 million in SDC reimbursement fees over the next 20 years, if the entire UGB is developed at the projected densities. Realistically, the City will see a fraction of this revenue as individual properties are developed. This money may be used to reimburse the Sewer Fund for debt service costs on the Mill Creek Sewer Project or reserved in the Sewer SDC fund for use on other eligible capital improvement projects.

However, if the Mill Creek Sewer Project SDC reimbursement fee is not approved then current sewer rate payers will pay for all debt service from sewer rates and other sewer capital improvements will be financed from increased sewer rates, General Obligation Bonds, Revenue Bonds, Local Improvement Districts, etc.

OPTION(S)

1. Adopt the Mill Creek Sewer Project Reimbursement SDC Resolution.
2. Direct staff to modify the resolution based on testimony received at the public hearing.
3. Take no action and do not adopt the resolution.

RESOLUTION NO. 903

**A RESOLUTION AMENDING THE CITY OF STAYTON'S
SYSTEM DEVELOPMENT CHARGES FOR WASTEWATER.**

WHEREAS, the City of Stayton Systems Development Charge (SDC) Code (Stayton Municipal Code (SMC) Chapter 13.12), provides for the establishing of SDCs upon completion of an analysis of capital improvements already constructed and projected capital improvements to be constructed and adoption of a methodology explaining how the SDCs are calculated;

WHEREAS, the SMC Chapter 13.12.220 (2) specifies that such charges shall be set by separate Resolution of the Stayton City Council following a public hearing;

WHEREAS, the Oregon Revised Statutes (ORS) provide the framework for establishing an SDC, and for notification and public hearing of the City of Stayton's intent to impose SDCs;

WHEREAS, the Stayton City Council has adopted the *City of Stayton Wastewater Master Plan* (Keller Associates, 2006) which includes a list of completed and proposed capital improvements which affect SDCs;

WHEREAS, the City adopted Resolution 792 in February 2007 enacting a Wastewater Systems Development Charge; and

WHEREAS, in 2008, the City completed construction of the Mill Creek Pump Station, Force Main and Collection System improvements; and

WHEREAS, Resolution 792 did not include either an SDC improvement fee or an SDC reimbursement fee for the Mill Creek Sewer Project; and

WHEREAS, the City concludes it is appropriate to charge a reimbursement SDC to the properties that directly benefit from the Mill Creek sewer improvements; and

WHEREAS, the City has prepared the enclosed methodology and schedule of SDCs by meter size and by housing unit; and,

WHEREAS, the Stayton City Council provided written notice to interested parties and held a public hearing on September 16, 2013 to consider public testimony on the proposal; and,

WHEREAS, the Stayton City Council has determined that the methodology and rates hereinafter specified and established are just, reasonable and necessary.

NOW THEREFORE, BE IT RESOLVED that:

SECTION 1: AMENDMENT AND UPDATING OF SYSTEM DEVELOPMENT CHARGES

In accordance with SMC Chapter 13.12, this Resolution establishes the methodology and provides the basis for a wastewater reimbursement SDC for the Mill Creek sewer project.

SECTION 2: SCOPE

The SDCs established by this Resolution are separate from, and in addition to, any other applicable taxes, fees, assessments, or charges, including but not limited to SDCs, which are required by the City of Stayton or represent a condition of a land use or development approval.

SECTION 3: METHODOGY

The methodology for the wastewater reimbursement SDC for the Mill Creek sewer project is described in the attached Exhibit “A” and, by this reference, hereby made a part of this Resolution.

SECTION 4: FEE

The City amends and updates its SDCs as follows:

A “**Mill Creek Sewer Reimbursement SDC**” shall be assessed based upon the water meter(s) size installed at the development except for multiple housing units connected to a shared water meter. The Mill Creek Sewer Reimbursement SDC will be imposed on those properties that connect to the City’s sewer collection system and flow into the Mill Creek Pump Station. For multi-family housing on a shared water meter, the Mill Creek Sewer Reimbursement SDC shall be the greater of the number of housing units multiplied by \$536 or the SDC for the meter size.

The Mill Creek Sewer Reimbursement SDC collected in accordance with Chapter 13.12 of the Stayton Municipal Code shall be:

Meter Size	Mill Creek Sewer SDC Reimbursement Fee
¾	\$ 670
1	\$ 1,118
1 ½	\$ 2,229
2	\$ 3,569
3	\$ 7,144
4	\$ 11,161
6	\$ 22,315
8	\$ 35,705
Multiple family dwellings using a single meter	\$ 536

SECTION 5: EFFECTIVE DATE

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

SECTION 6: REVIEW

This Resolution may be reviewed annually on or before December 1 and the rates amended as appropriate.

ADOPTED BY THE STAYTON CITY COUNCIL this ___ day of _____, 2013.

Signed: _____, 2013.

CITY OF STAYTON

By: _____
A. Scott Vigil, Mayor

Signed: _____, 2013.

Attest: _____
Christine Shaffer, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

Exhibit “A”

City of Stayton, Oregon Mill Creek Sewer Project SDC

Methodology for Establishment of a Reimbursement Fee for the Mill Creek Sewer Project

July 2013

Stayton Wastewater Master Plan and Wastewater SDC:

The City of Stayton adopted the *City of Stayton Wastewater Master Plan* (Keller Associates, 2006) to serve as the capital improvement planning study for the City of Stayton wastewater treatment and collection system. As part of the preparation of the Wastewater Master Plan, Keller Associates subcontracted with Economic & Financial Analysis, a financial consulting firm to update the City’s wastewater systems development charge (SDC). In February 2007, the City Council adopted Resolution 792 updating the City’s Wastewater SDC.

Mill Creek Sewer Project:

At the time the Wastewater SDC update was completed in 2007, the City was in the midst of a sewer improvement project to construct the Mill Creek Sewer Project. The project included three components:

1. Mill Creek Sewer Pump Station
2. A sewer force main from the Mill Creek Pump Station to the wastewater treatment facilities
3. A gravity flow sewer collection main to serve the City of Sublimity and the north end of the Stayton Urban Growth Boundary (UGB).

The project was financed with a \$4,382,000 loan from the Oregon Department of Environmental Quality (DEQ) Clean Water State Revolving Loan Fund (SRF) Program. The project was completed and closed out in early 2008. The final cost was \$4,534,237. The balance of the project costs were paid for from the City of Stayton Sewer Fund and the Sewer SDC Fund.

The Mill Creek project provides a sewer collection system which serves the City of Sublimity and the northern portion of Stayton’s Urban Growth Area. Therefore the costs of the project are shared by the cities of Stayton and Sublimity.

The Mill Creek project was broken up into two separate design elements, Phase 1 and Phase 1A, in order to isolate project components and distinguish the benefits provided to each city.

Phase 1: The Phase 1 project includes the Mill Creek Pump Station, a force main from the Mill Creek Pump Station to the wastewater treatment facilities and a portion of the gravity collection system that flows from the connection to the Sublimity system to the Mill Creek Pump Station. This project benefits the City of Sublimity and properties in the northern portion of Stayton's UGB. Therefore, the costs of Phase 1 are shared by the cities of Stayton and Sublimity.

The City of Sublimity agreed to pay a proportionate share of the project costs for the Phase 1 Area of the project because it directly benefits the City of Sublimity and its customers. Keller Associates determined that existing and future development in Sublimity will utilize 44% of the capacity of the improvements. The Sublimity share of \$1,476,200 is approximately 44% of the Phase 1 project costs. Under terms of the Stayton-Sublimity Sewer Agreement, Stayton bills the City of Sublimity a monthly charge for Sublimity's proportionate share of the debt service costs.

Phase 1A: The Phase 1A project includes the sewer collection system that serves the northern section of the Stayton UGB. This sewer collection system benefits properties entirely within Stayton's UGB. Keller Associates determined that 100% of the Phase 1A project costs benefit existing sewer users and future development inside the Stayton UGB.

Methodology for the Mill Creek Reimbursement SDC

The Mill Creek Reimbursement SDC is designed to meet the requirements of Oregon statutes (ORS 223.297 to 223.314) and to comply with the Chapter 13.12 of the Stayton Municipal Code. The City's water SDC update and wastewater SDC update in 2007 describe these statutory requirements.

The Mill Creek Reimbursement SDC is calculated to reimburse the City for a proportionate share of the costs incurred for the design and construction of the Mill Creek Sewer Project that will directly benefit new growth and development which has not connected to the system and is inside the Stayton Urban Growth Boundary (UGB). The fee is based on the original cost of the Mill Creek Sewer Project that was paid for by the City using the DEQ SRF loan and city funds. No portion of the project was paid for with federal or state grants.

I. Mill Creek Sewer Project Service Area inside Stayton UGB

The proposed Mill Creek Reimbursement SDC applies only to new development within the Stayton UGB that will be directly connected to the sewer collection system that flows to the Mill Creek Pump Station.

The Mill Creek Sewer Project serves approximately 1,013 acres inside the Stayton UGB, as shown on Exhibit "A". The Stayton service area includes (1) properties inside the city limits which have existing development connected to the sewer system, (2) vacant undeveloped properties inside the city and outside the city limits, (3) partially developed lands inside and outside the Stayton city limits that have buildings which are not connected to the sewer system, (4) partially developed lands inside and outside the Stayton city limits that have vacant land and the potential for redevelopment or additional development; and (5)

public or undeveloped lands that are not likely to be developed (e.g. public school open space, and wetlands).

II. 2007 Wastewater SDC (Mill Creek Project excluded from SDC Calculations)

The City established its Wastewater SDC in 2007. The Wastewater SDC includes both a reimbursement fee and improvement fee. The *Wastewater System Development Charge Update* (Economic & Financial Analysis, January 29, 2007) was used as the basis for setting the Wastewater SDC. The City reviewed the report and verified that the Mill Creek Project was not included in the Wastewater SDC calculations¹. The proposed Mill Creek Sewer Reimbursement SDC does not duplicate any existing SDC charges.

III. Mill Creek Sewer Project Capacity and Flow Reserved for Growth

Keller Associates was asked to evaluate sewer flows from existing users in Stayton and Sublimity, estimate future sewer flows and establish the design capacity of the Mill Creek Sewer Project.

Prior to construction of the Mill Creek Sewer Project Keller Associates established the design capacities for the Mill Creek Pump Station and Phase 1 collection system. At that time Keller Associates estimated Sublimity's 2007 sewer flows from existing development and future flows from new growth will use 44% of the system's design capacity. Keller Associates also estimated Stayton's sewer flows from existing development and future flows within the Mill Creek Sewer Project service area will use 56% of the design capacity. Keller's analysis at the time of design concluded 53% of Stayton share of the Phase 1 improvements was reserved for growth and 49.5% of the Phase 1A collection system was reserved for growth.

In 2013, the City's Planning Department and Keller Associates reviewed the original design assumptions and information on the project provided by the City. Several factors and pieces of information were considered, including:

1. Actual construction costs of the Mill Creek Sewer Project versus 2005 budget estimates.
2. Number of housing units (33) connected to the Mill Creek Sewer from 2007 to 2013.
3. A review of available buildable acres by zoning district using 2013 zoning maps.
4. A review of original design assumptions, design capacity and future flows within the Mill Creek Sewer Project Service Area.

The City's and Keller's 2013 review found that the original design assumptions for the Mill Creek Pump Station, existing flows and future flow capacities did not change. Keller also recommended an allocation of Phase 1 and Phase 1A costs based on actual construction costs. The 2013 update concludes 52.9% of the Stayton share of the Phase 1 improvements is reserved for growth and 49.5% of the Phase 1A collection system is reserved for growth in Stayton.

¹ Stayton Wastewater SDC Resolution 792, *Wastewater System Development Charge Update* (Economic & Financial Analysis (January 29, 2007). See Table 5 – "List of Capital Improvements, Capacity and Allocation to Growth": The Mill Creek Sewer Project is listed as "Funded - \$4,482,000", but is not included in the improvement fee calculations. See Appendix -- "List of Capital Assets, Depreciation and Book Value for the City of Stayton Wastewater System.": The Mill Creek Project is not listed as an existing capital asset. These assets were used to calculate the Wastewater Reimbursement Fee.

Table 1 provides a summary of Keller’s and the City’s conclusions.

Table 1
**Mill Creek Sewer Project
 Flow Reserved for Growth**

Project Component	PHASE 1		PHASE 1A
	Mill Creek Pump Station & Force Main	Mill Creek Gravity Sewer	Stayton UGB Gravity Sewer
Capacity (gpm)	3,250	4,415	1,843
Flow Reserved for Sublimity (44% of Capacity)	1,430	1,943	0
Flow Reserved for Stayton (56% of Capacity)	1,820	2,472	1,843
Existing Stayton Peak Hour Flow (gpm)	(930)	(930)	(930)
Flow Reserved for Stayton Growth	890	1,542	913
% Flow Reserved for Stayton Growth	48.9%	62.4%	49.5%
% Flow Reserved for Stayton Growth (Weighted Average) for Phase 1		52.9%	

IV. Construction Cost Assessed to Growth

The actual construction cost of the Mill Creek Sewer Project was \$4,534,237. Of this amount, \$1,581,402 (35%) can be assigned to future growth in Stayton. Table 2 reviews the construction costs for the project and the share of Phase 1 and Phase 1A which can be allocated to growth within Stayton’s UGB.

Table 2
**Mill Creek Sewer Project
 Actual Costs of Project and Allocation of Costs to Growth**

	Phase 1	Phase 1A	TOTALS
Construction	\$3,116,223	\$915,927	\$4,032,150
Engineering	204,533	125,220	329,753
Land Acquisition & Easements	121,788	50,545	172,333
Total Project Cost	\$3,442,545	\$1,091,692	\$4,534,237
Less Sublimity Share (Phase 1 only)	(1,476,200)		(1,476,200)
Stayton Share of Project Costs	\$1,966,345	\$1,091,692	\$3,058,037
% of Stayton’s Share Reserved for Growth	52.9%	49.5%	
Project Cost to be Used for SDC Reimbursement Fee	\$1,040,591	\$540,811	\$1,581,402

V. Land Use Analysis and Estimated Growth in Mill Creek Sewer Project Area

The City of Stayton Planning Department calculated the number of equivalent dwelling units which can be developed inside the Mill Creek Sewer Project service area inside the Stayton UGB. This area is shown on Exhibit “A”. The City looked at each tax parcel in the service area and determined whether the parcel was vacant, fully developed, or had redevelopment potential. The number of potential new units on each parcel was calculated based on the land use designation, the number of buildable acres, and then multiplying the parcel acreage by the number of equivalent dwelling units which can be developed when the property is annexed and developed under existing zoning/subdivision regulations. For land outside the city limits, it was assumed that it would be zoned Low Density Residential when annexed.

Table 3
Estimated EDUs in Mill Creek Project Area

Land Use	# of Acres	Net Units Per Acre	Equivalent Dwelling Units (EDU)
Single Family Residential- vacant*	324	4.20	1,244
Single Family Residential- redevelopment**	289	3.60	1,040
Multi-Family Residential	4	13.0	52
Commercial***	17	1.17	20
Public****	32		6
TOTALS	667		2,362

- * The 324 acres includes 25 acres of wetland. The wetlands are not available for development. The remaining 299 acres of vacant land are considered buildable. The City of Stayton Planning staff analyzed the development/redevelopment potential of lots on a parcel-by-parcel basis to determine the number of housing units which could be added on each parcel if the parcels were developed at a density 4.2 units per acre. Due to odd-shaped parcels and rounding, this analysis resulted in the determination that 1,244 housing units may be built on the 299 acres.
- ** The 289 acres includes parcels with existing structures. The City of Stayton Planning staff analyzed the development/redevelopment potential of lots on a parcel-by-parcel basis to determine the number of housing units which could be added on each parcel if the parcels were subdivided and/or redeveloped at a density 4.2 units per acre, after subtracting 20,000 sq. ft. for the existing home on parcels that have existing homes. This resulted in an overall density of 3.6 units per acre on the 289 acres and the addition of 1,040 units.
- *** Commercial sites were evaluated on a parcel-by-parcel basis. There are 5 small lots zoned for commercial use which the City estimates will have 1.0 EDU each. Two larger parcels are zoned Interchanged Development and have been planned for the development of a hotel/motel (10 EDU) and a family restaurant (5 EDU).
- **** Additional development in the P zone based on assumption that existing uses on the Stayton Middle School and Foothills Church parcels will each increase by 50%.

VI. Mill Creek Sewer Project Area – SDC Reimbursement Fee

Table 4 shows the calculations for the reimbursement fee for the Mill Creek Sewer Project based on the project serving an estimated 2,362 new EDU’s. The maximum reimbursement fee which may be charged is \$670. The City proposes to charge \$670.00 per EDU.

Table 4

**Mill Creek Sewer Project
Reimbursement Fee for the City of Stayton**

Construction Cost –	
Proportionate share benefiting new growth	\$1,581,402
Estimated EDU’s in	
Mill Creek Sewer Project Service Area	2362
Cost Per EDU	\$ 670.00
Mill Creek Sewer Reimbursement Fee	\$ 670.00

Non-residential uses will be charged the Mill Creek SDC based on meter size. Multi-family residential uses will be charged at 80% of the single family dwelling SDC rate. The methodology for the Wastewater SDC includes the following discussion of demand by water meter size:

“The average household produces 675 gallons of sewage per day. Stayton’s sewer system is designed to meet peak daily sewage flows. These flows are currently estimated at 442 gallons per capita per day (see page 3-11 Table 3.6, [City of Stayton Wastewater] Collection Facilities Planning Study, February 2006). The wastewater SDC is based on future development contributing only 250 gallons per capita per day [gpcd] (ibid., Table 3.6), about 43 percent less than the current flow. The 250 gpcd is based on “ . . . a future I/I allowance of 100 gpcd was agreed upon [by the City and DEQ] as appropriate for the Stayton/Sublimity area given the nature of the climate, high water table, and geography of the study area” (ibid., page 3-10, subsection 3.4.2¶ 4). Most single-family households upon which the 675 gallons of usage is based use a ¾-inch water meter. . .”

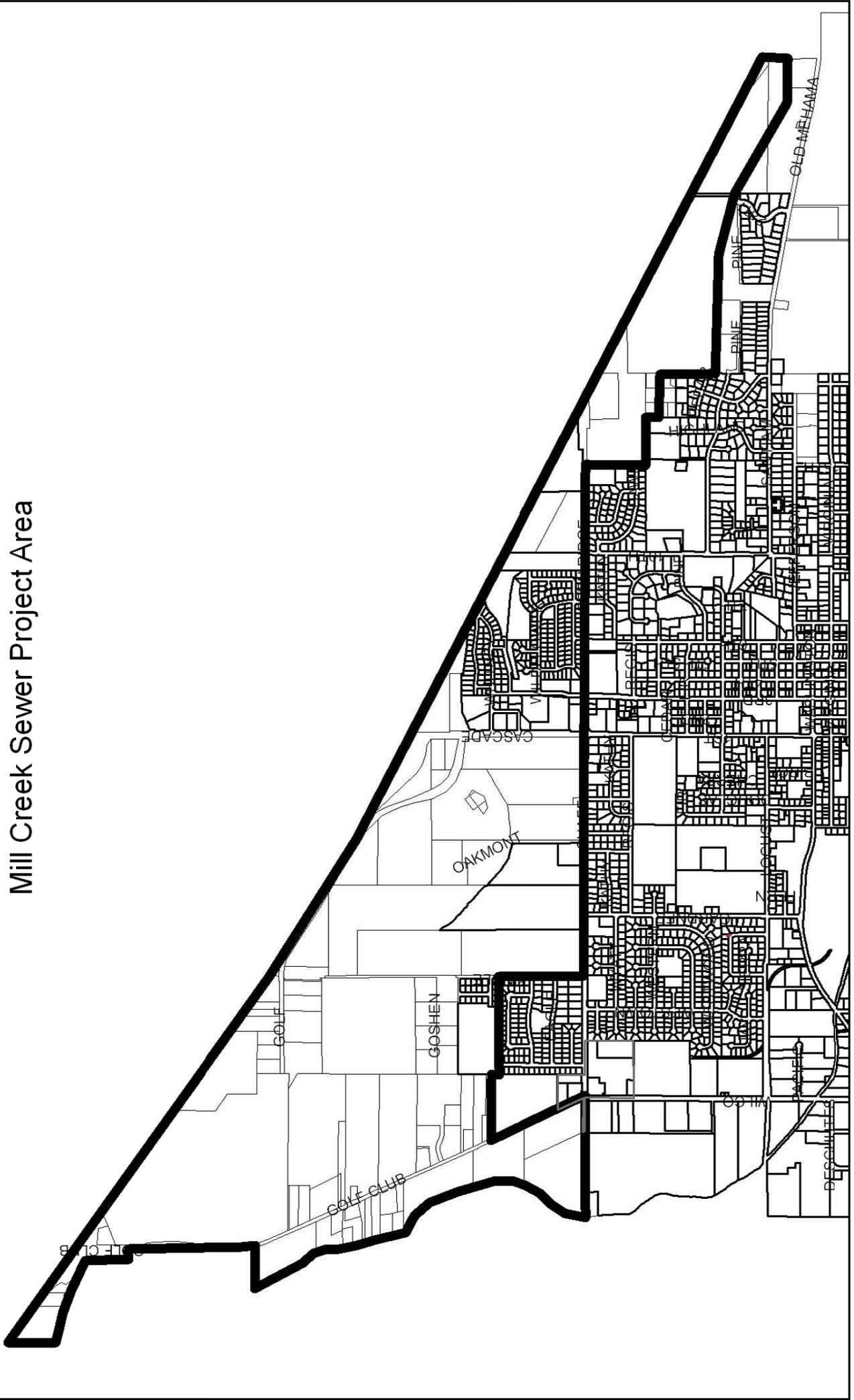
As meter sizes increases for residential and non-residential customers, the amount of sewage flow also increases. Similar to the water SDC, the wastewater SDC varies by meter size based on the capacity of the meter with one exception. The exception is multi-family households in which several housing units are connected to a single meter, usually larger than ¾-inch. For these uses, the reimbursement fee is based on the number of housing units multiplied by . . . 80% of the reimbursement fee for a ¾-inch meter. Multi-family households use less water and produce 20% less sewage than a single-family house.”

Table 5 summarizes the reimbursement fee by meter size and for multi-family dwellings.

Table 5
Mill Creek Project Sewer SDC by Meter Size

Meter Size	Equivalent $\frac{3}{4}$ Meters	Mill Creek Sewer SDC Reimbursement Fee
$\frac{3}{4}$	1.00	\$ 670
1	1.67	\$ 1,118
1 $\frac{1}{2}$	3.33	\$ 2,229
2	5.33	\$ 3,569
3	10.67	\$ 7,144
4	16.67	\$ 11,161
6	33.33	\$ 22,315
8	53.33	\$ 35,705
Multiple family dwellings using a single meter, per dwelling unit	80%	\$ 536

Exhibit A Mill Creek Sewer Project Area



1 inch equals 2,000 feet

Systems Development Charges

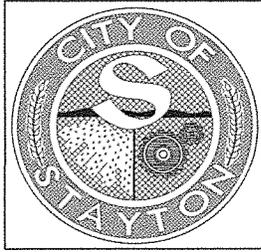
**Comparison of SDC Charges for Oregon Cities
Compiled from 2013 League of Oregon Cities Survey Data**

	City	Water	Sewer	Storm	Transport.	Parks	Total	2010 Pop.
1	Ontario	\$0	\$0		\$1,288		\$1,288	11,366
2	Pendleton				\$1,050	\$276	\$1,326	16,612
3	Sweet Home	\$1,215	\$624				\$1,839	8,925
4	Tillamook	\$1,290	\$1,225				\$2,515	4,935
5	Clatskanie	\$1,250	\$1,500				\$2,750	1,737
6	Keizer	\$880			\$1,170	\$1,160	\$3,210	36,478
7	Turner	\$2,057	\$1,803		\$479	\$895	\$5,234	1,854
8	Coquille	\$1,901	\$2,951	\$228	\$280	\$289	\$5,649	3,866
9	Lebanon	\$1,250	\$3,248	\$160	\$437	\$701	\$5,796	15,518
10	Monmouth	\$1,498	\$2,918	\$0	\$394	\$1,726	\$6,536	9,534
11	Sisters	\$2,053	\$2,968		\$1,016	\$613	\$6,650	2,038
12	Coburg	\$3,312			\$728	\$2,835	\$6,875	1,737
13	Fairview	\$2,698	\$2,401	\$395		\$1,522	\$7,016	8,920
14	Sandy	\$1,943	\$1,834		\$1,943	\$2,336	\$8,056	9,570
15	Albany	\$2,123	\$2,519		\$2,148	\$1,745	\$8,535	50,158
16	Roseburg	\$2,052	\$2,082	\$940	\$2,954	\$550	\$8,578	21,181
17	Cottage Grove	\$3,792	\$766	\$694	\$1,680	\$1,901	\$8,833	9,686
18	Prineville	\$2,477	\$4,089		\$2,601		\$9,167	9,253
19	Milwaukie	\$1,559	\$893	\$1,184	\$1,676	\$3,895	\$9,207	20,291
20	Brownsville	\$2,095	\$5,160	\$1,970			\$9,225	1,668
21	Newport	\$1,632	\$3,425	\$739	\$959	\$2,516	\$9,271	9,989
22	Wood Village	\$1,524	\$7,794				\$9,318	3,878
23	Medford	\$948	\$1,212	\$574	\$3,664	\$3,433	\$9,831	74,907
24	Eugene	\$3,312	\$576	\$557	\$1,792	\$3,757	\$9,994	156,185
25	Junction City	\$1,100	\$6,849		\$1,116	\$1,090	\$10,155	5,392
26	Florence	\$3,557	\$4,456	\$2,050	\$865		\$10,928	
27	Lincoln City	\$2,741	\$5,724	\$0	\$643	\$1,850	\$10,958	7,930
28	Woodburn	varies	varies	varies	varies	varies	\$11,000-\$13,000	
29	Stayton	\$2,670	\$3,528		\$2,562	\$2,305	\$11,065	7,644
30	Pacific City Joint Water & Sanitary District	\$6,027	\$5,747				\$11,774	
31	Independence	\$2,445	\$3,573	\$823	\$3,231	\$1,741	\$11,813	
32	Creswell	\$5,277	\$4,746		\$627	\$1,539	\$12,189	5,031
33	Dallas	\$3,940	\$4,027	\$932	\$1,167	\$2,281	\$12,347	
34	Corvallis	\$1,122	\$3,492	\$82	\$2,471	\$5,197	\$12,364	54,462
35	Ashland	\$4,264	\$4,264	\$760	\$2,044	\$1,041	\$12,372	20,078
36	North Plains	\$4,298	\$3,200	\$500	\$518	\$3,910	\$12,426	1,947
37	Madras	\$1,157	\$6,557	\$64	\$3,208	\$1,639	\$12,625	6,046
38	Tigard	\$500	\$3,100	\$500	\$3,440	\$5,215	\$12,755	48,035

Systems Development Charges

Comparison of SDC Charges for Oregon Cities Compiled from 2013 League of Oregon Cities Survey Data

	City	Water	Sewer	Storm	Transport.	Parks	Total	2010 Pop.
39	Salem	\$3,907	\$3,093	\$494	\$1,954	\$3,745	\$13,193	156,455
40	Veneta	\$1,937	\$6,264	\$168	\$2,024	\$2,888	\$13,281	4,561
41	Troutdale	\$1,326	\$4,426	\$852		\$7,137	\$13,741	15,962
42	Redmond	\$2,407	\$3,366	\$2,301	\$3,876	\$2,672	\$14,622	26,215
43	Oregon City	\$4,495	\$3,732	\$650	\$2,606	\$3,422	\$14,905	31,859
44	Springfield	\$3,312	\$5,470	\$1,887	\$1,278	\$3,499	\$15,446	59,403
45	Canby	\$5,933	\$2,337	\$100	\$2,440	\$4,725	\$15,535	15,829
46	Brookings	\$2,222	\$9,646	\$959	\$1,210	\$1,578	\$15,615	6,336
47	West Linn	\$4,628	\$2,633	\$456	\$4,897	\$3,030	\$15,644	25,109
48	Forest Grove	\$4,000	\$1,240	\$500	\$3,600	\$6,888	\$16,228	21,083
49	Aumsville	\$3,979	\$5,291	\$1,050	\$3,701	\$2,611	\$16,632	3,584
50	Gresham	\$4,153	\$5,056	\$824	\$2,795	\$3,837	\$16,665	105,594
51	Newberg	\$5,837	\$5,666	\$311	\$2,909	\$2,017	\$16,740	22,300
52	Bend	\$4,520	\$2,840		\$4,574	\$5,050	\$16,984	76,639
53	Hillsboro	\$6,146	\$3,100	\$500	\$3,600	\$4,083	\$17,429	91,611
54	Tualatin	\$3,397	\$4,665	\$275	\$6,665	\$3,892	\$18,894	26,054
55	Silverton	\$5,043	\$4,731	\$2,070	\$3,057	\$4,505	\$19,406	9,222
56	Beaverton	\$4,953	\$4,665	\$945	\$6,665	\$5,247	\$22,475	89,803
57	Wilsonville	\$7,002	\$4,233	\$780	\$6,340	\$4,602	\$22,957	19,509
58	Lake Oswego	\$6,763	\$2,463	\$135	\$4,195	\$11,650	\$25,206	36,619



MEMORANDUM

TO: Scott Vigil and Stayton City Councilors

FROM: Christine Shaffer, Finance Director

DATE: October 7, 2013

SUBJECT: Informational- Wave Broadband rate increase

Please see the notice From WAVE Broadband regarding a rate increase that will take effect November 1, 2013. FCC regulations and our Franchise Agreement require a 30 day written notice of any rate increase.



RECEIVED
SEP 27 2013
CITY OF STAYTON

September 27, 2013

Stayton City Hall
362 N. 3rd Ave.
Stayton, OR 97383

RE: WaveDivision IV, LLC ("Wave Broadband"); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the City of Stayton. Wave Broadband will be adjusting the retail price of some of its video and equipment services starting November 1, 2013.

The monthly rates for the following services will be adjusted: Local Broadcast Cable service will increase by \$1.00; Basic Cable service, and any packages including that service, will increase by \$4.00; Digital Favorites tier, and any packages including that tier, will increase by \$0.50; Digital Variety tier, and any packages including that tier, will increase by \$0.25; Digital Sports tier, and any packages including that tier, will increase by \$0.25; Digital Video Recording service will increase by \$1.00; WireGuard/Service Protection Plan will increase by \$1.04. These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is a result of increased video programming license fees this year and the coming year, and the cost associated with launching advanced video services and adding new high-demand sports programming. Wave Broadband is only passing on a small portion of these additional costs to our customers. Additionally, the local TV Stations' fee will be adjusted to reflect the increasing fee local broadcast stations charge Wave for the right to carry their signals.

At Wave Broadband, we work hard to establish the best channel selection for our customers and communities while balancing rapidly increasing programming costs. We will continue to invest in our network to bring customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,

Karen Hurlburt-Daniher
Vice President of Operations

669 Ray J Glatt Circle PO Box 568 Woodburn OR 97071-9600 Tel 866.928.3123 Fax 503.982.4804