



# AGENDA

## STAYTON CITY COUNCIL MEETING

### Monday, November 17, 2014

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

**CALL TO ORDER**

**7:00 PM**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL/STAFF INTRODUCTIONS**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

#### **ANNOUNCEMENTS – PLEASE READ CAREFULLY**

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

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

#### **CONSENT AGENDA**

- a. November 3, 2014 City Council 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 other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.***

**PUBLIC HEARING**

**Ordinance No. 975, Amending the Stayton Comprehensive Plan and the Stayton Zoning Map for the Property Located at 274 W. Washington Street**

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Proponents' Testimony
- g. Opponents' Testimony
- h. Governmental Agencies
- i. General Testimony
- j. Questions from the Public
- k. Questions from the Council
- l. Applicant Summary
- m. Staff Summary
- n. Close of Hearing
- o. Council Deliberation
- p. Council Decision on Ordinance No. 975

**UNFINISHED BUSINESS – None**

**NEW BUSINESS – None**

**STAFF/COMMISSION REPORTS**

**Finance Director's Report – Christine Shaffer**

**Informational**

- a. October 2014 Monthly Finance Department Report

**Police Chief's Report – Rich Sebens**

**Informational**

- a. October 2014 Statistical Report

**Public Works Director's Report**

**Informational**

- a. October 2014 Operating Report

**Planning & Development Director's Report – Dan Fleishman**

**Informational**

- a. October 2014 Activities Report

**Library Director's Report – Katinka Bryk**

**Informational**

- a. October 2014 Activities

**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 – December 1, 2014**

- a. SDC Public Hearing
- b. Approval to Dispose of Equipment

**ADJOURN**

## CALENDAR OF EVENTS

### NOVEMBER 2014

Monday	November 17	City Council	7:00 p.m.	Community Center (north end)
Monday	November 24	Planning Commission	7:00 p.m.	Community Center (north end)
Thursday	November 27	<b>CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING</b>		
Friday	November 28			

### DECEMBER 2014

Monday	December 1	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 2	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	December 12	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	December 15	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	December 25	<b>CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS</b>		
Monday	December 29	Planning Commission	7:00 p.m.	Community Center (north end)

### JANUARY 2015

Thursday	January 1	<b>CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY</b>		
Monday	January 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 6	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	January 9	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	January 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	January 19	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. DAY</b>		
Tuesday	January 20	City Council	7:00 p.m.	Community Center (north end)
Wednesday	January 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 26	Planning Commission	7:00 p.m.	Community Center (north end)

### FEBRUARY 2015

Monday	February 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 4	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	February 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	February 14	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	February 17	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING JR. DAY</b>		
Tuesday	February 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	February 24	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton  
City Council Meeting Action Minutes  
November 3, 2014**

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

**Time Start:** 7:00 P.M.

**Time End:** 7:52 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Scott Vigil	Alissa Angelo, Deputy City Recorder
Councilor Emily Gooch	Keith Campbell, City Administrator
Councilor Catherine Hemshorn	Dan Fleishman, Director of Planning & Development
Councilor Jennifer Niegel	Katinka Bryk, Library Director
Councilor Henry Porter	Rich Sebens, Police Chief (excused)
Councilor Brian Quigley	Christine Shaffer, Finance Director
	David Rhoten, City Attorney

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Presentations / Comments from the Public</b>	
a. Bill Martinak, 15556 Coon Hollow Road SE, Stayton	Mr. Martinak spoke about the stop work order issued for Phillips Subdivision. He requested a workshop with City Council.
b. Michelle Hendricks, 1285 Dawn Drive, Stayton	Ms. Hendricks is a realtor selling homes in Phillips Estates. Expressed concern about those in the purchase process and when they will be able to move in to their homes.
c. Don Sturgeon, 5457 Dumore Drive, Aumsville	Expressed concern about the stop work order in Phillips Estate.
d. Mike Erdman, 385 Taylor Street NE, Salem	Representative of the Home Builders Association of Marion and Polk Counties. Expressed concern over the stop work order and requested it be lifted on lots with permits already issued.
e. Jubal Frost, 8950 Royer Road S., Salem	Builder in Phillips Subdivision, expressed concern over the stop work order and how it's affecting his company, and those purchasing homes.  Further discussion, between Council and staff. Mr. Martinak and Mr. Frost also further addressed the Council.  Motion from Councilor Gooch, seconded by Councilor Niegel, to allow the 7 permits issued to be completed without a timeline. <b>Motion passed 4:1 (Porter).</b>
<b>Announcements</b>	
a. Additions to the Agenda	None

b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None
<b>Consent Agenda</b> a. October 20, 2014 City Council Action Minutes b. Resolution No. 919, Authorizing Changes to the Adopted 2014-2015 Budget	Motion from Councilor Niegel, seconded by Councilor Hemshorn, to approve the Consent Agenda. <b>Motion passed 4:0:1 (Gooch abstained).</b>
<b>Public Hearing</b>	None
<b>Unfinished Business</b>	None
<b>New Business</b>	None
<b>Presentations / Comments From the Public</b>	None
<b>Business from the City Administrator</b>	None
<b>Business from the Mayor</b> a. Appointment of Asia Strawn to Library Board	Motion from Councilor Quigley, seconded by Councilor Niegel, to ratify the appointment of Asia Strawn to the Library Board. <b>Motion passed 5:0.</b>
<b>Business from the Council</b>	Councilor Gooch commended those who organized the Halloween event on 3 <sup>rd</sup> Avenue. Mr. Fleishman stated Patty Hill at US Bank organized it this year.  There was also mention of potential pool schedule issues that had been expressed by a community member to Councilor Gooch. Staff will contact the YMCA with this complaint.  Councilor Quigley gave a brief reminder that Council declare ex parte contacts, conflict of interest, bias, etc.
<b>Future Agenda Items – November 17, 2014</b> Land Use Public Hearing	

APPROVED BY THE STAYTON CITY COUNCIL THIS 17<sup>TH</sup> DAY OF NOVEMBER 2014, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_

A. Scott Vigil, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Keith D. Campbell, City Administrator

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_

Alissa Angelo, Deputy City Recorder



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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: November 17, 2014**  
**SUBJECT: Public Hearing on Applications for Comprehensive Plan amendment, Zoning Map amendment, 274 W Washington St**

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**ISSUE**

The issue before the City Council is a public hearing on concurrent applications for a Comprehensive Plan amendment and Zoning Map amendment. These applications were accompanied by an application for preliminary plan approval of a partitioning. The Planning Commission is the decision authority on the partitioning application, but the Comprehensive Plan amendment and Zoning Map amendment must be approved by the City Council. The approval will take the form of an ordinance. Consideration of Ordinance 975 will follow the public hearing.

**BACKGROUND INFORMATION**

Attached are concurrent applications for Comprehensive Plan amendment and Zoning Map amendment for the property located at 274 W Washington St. The property is currently designated Commercial by the Comprehensive Plan. The application requests the designation be changed to Residential. The property is currently zoned Commercial General. The application requests the Zoning Map be changed to Medium Density Residential. A concurrent application for preliminary plan approval to partitioning the parcel into two has been approved by the Planning Commission.

The Comprehensive Plan amendment and the Zoning Map amendment require a public hearing and decision by the City Council. The Planning Commission held a public hearing on these applications at their October meeting and made a recommendation that the City Council approve the applications.

The applications consist of the application forms and supporting narrative, a preliminary partition plat, showing proposed improvements, and a traffic impact assessment. The applicant's narrative attempted to address the approval criteria for a comprehensive plan amendment but appears to have misinterpreted the meaning of some of the criteria. While the applicant did not submit a similar narrative for the zoning map amendment, many of the

criteria are quite similar. The following information is provided to the City Council in an attempt to put relevant information on the record.

Several of the criteria for approval for the Comprehensive Plan amendment and the Zoning Map amendment relate to the policies of the Comprehensive Plan and the balance of land in the various Comprehensive Plan designations and uses. There are not Comprehensive Plan policies that are directly related to the applications. However there are policies that indirectly relate to the matter. Policy HO-4, in the Housing section calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock

The Comprehensive Plan contains a Buildable Lands Inventory that is based on analysis of data from February 2011. At that time, the Plan notes, there were 28 vacant lots zoned Medium Density Residential for a total land area of 10 acres. There were 23 vacant commercial parcels comprising 19 acres of land. Of those, 12 were zoned Commercial General, for a total of 6 acres of land. In February 2011, the entire Roth Estates subdivision had been platted but was vacant. Since the time of the analysis, there have been a number of homes built in the MD zone, primarily in the Roth Estates subdivision. By the Planning and Development Department's analysis of the current situation, there are now 17 vacant lots zoned MD, for a total area of 7.7 acres. There is now one additional vacant parcel zoned Commercial General – the subject property.

The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

There are five statewide planning goals that apply to the subject property, the existing land use designation and the proposed land use designation:

- Goal 9 is to provide adequate opportunities for a variety of economic activities.
- Goal 10 is to provide for the housing needs of the State.
- Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services.
- Goal 12 is to provide and encourage a safe, convenient and economic transportation system.
- Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

You will note in the applicant's narrative statement reference to an "exception" to the statewide goals. The applicant misapplies that term. There is no exception to the statewide planning goals proposed. There is no local provision available for an applicant to take an exception to the statewide planning goals or the local goals or policies. The City Council must find that the proposed change is in compliance with the statewide planning goals and supported by the local goals and policies.

Included in the packet is the review memorandum from the City's transportation engineering consultant regarding review of the applicant's Traffic Impact Analysis. I have not included the

full TIA. It is posted on the City's website and I can provide a copy to any City Council member who would like to review it.

Also included in the packet are five pieces of correspondence that have been received from the public regarding these applications. They have been included in the packet for the City Council's information. However it should be noted that none of the correspondence directly address the approval criteria. All five letters or emails address the potential end use of the applications. However, the applications are silent as to that use and there is nothing in the land use process about the use or the ultimate occupants of the parcels.

## **RECOMMENDATION**

The Planning Commission has recommended that the City Council approve the application. Their Order is attached. Staff recommends the City Council enact Ordinance 974 as presented.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Approve the first consideration of Ordinance 975**

Move to approve Ordinance No 975 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 975 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 975 will be brought before the Council for a second consideration at the December 1, 2014 meeting.

### **2. Approve the Ordinance with modifications**

Move to approve Ordinance No. 975 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 975 will be brought before the Council for a second consideration at its December 1, 2014 meeting.

### **3. Continue the hearing until November 24, 2014.**

I move the City Council continue the public hearing on the applications for Comprehensive Plan amendment and Zoning Map amendment of Bill Martinak (Land Use File #13-09/14) until December 1, 2014.

### **4. Close the hearing but keep the record open for submission of written testimony.**

I move the City Council close the public hearing on the applications for Comprehensive Plan amendment and Zoning Map amendment of Bill Martinak (Land Use File #13-09/14) but maintain the record open to submissions by the applicant until November 24, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on December 8, 2014.

**5. Close the hearing and record, and continue the deliberation to the next meeting.**

I move the City Council continue the deliberation on the applications for Comprehensive Plan amendment and Zoning Map amendment of Bill Martinak (Land Use File #13-09/14) until December 1, 2014.

**6. Deny the applications**

Move that the City Council deny of the applications for Comprehensive Plan amendment and Zoning Map amendment of Bill Martinak (Land Use File #13-09/14) and direct staff to prepare an order as follows and bring the order for City Council approval at the December 1, 2014 meeting.



**CITY OF STAYTON**  
**APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT**

PROPERTY OWNER: JCNW Family LLC  
 Address: 15556 Coon Hollow Rd SE  
 City/State/Zip: Stayton, Or, 97383  
 Phone: (503) 769-3263  
 Email: bill.martinak@emeryandsons.com

APPLICANT: Same as owner  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_  
 Email: \_\_\_\_\_

APPLICANT'S REPRESENTATIVE: Bill Martinak  
 Address: 15556 Coon Hollow Rd SE  
 City/State/Zip: Stayton, Or 97383  
 Phone: (503) 931-5261  
 Email: bill.martinak@emeryandsons.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: <u>Charbonneau Engineering</u>	Name: <u>Westech Engineering</u>
Address: <u>10211 SW Barbur Blvd Ste 200</u>	Address: <u>3841 Fairview Ind Dr.</u>
City/State/Zip: <u>Portland Or 97219</u>	City/State/Zip: <u>Setlem Or 97302</u>
Phone: <u>(503) 293-1118</u>	Phone: <u>(503) 585-2474</u>
Email: <u>Frand@CharbonneauEngineering.com</u>	Email: <u>Sward@Westech-engineer.com</u>

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

owner    applicant    applicant's representative    planning consultant    engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN DESIGNATION: Commercial

PROPOSED COMPREHENSIVE PLAN DESIGNATION: medium density residential

LOCATION:

Street Address: 274 W. Washington St

Assessor's Tax Map and Lot Number(s): 091W 10CNO 5700

Closest Intersecting Streets: Birch & Douglas

SIGNATURE OF APPLICANT: Bill Martinak

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

Land Use File# \_\_\_\_\_

## COMPREHENSIVE PLAN AMENDMENT

A 12 inch waterline exists in Washington Street. An 8 inch Sanitary Sewer Exists in the alley east of the property. An 8 inch Storm Sewer exists in Washington Street.

The property is fronted by West Washington Street which is a major east/West city street. The Community Center Park is located one block to the south. According to the Superintendent of the North Santiam Schools creating

One new single family residential will not cause any issues for the area schools.

The proposed change in land use will create the need for one additional 1 inch Water service, one additional 4 inch sewer service and one additional catch Basin for alley drainage. According to the Public Works Director existing Facilities are in place to meet this demand. No new facilities are required.

There will be no need for financing as additional facilities are not needed.

Please see the attached copy of the Transportation Impact Analysis which was prepared by Charbonneau Engineering.

Amendment Request

J.C.N.W. Family, L.L.C.

Application Representative: William Martinak

Address: 274 W. Washington, Stayton 97380; Tax Parcel: 5700

City of Stayton

APPLICATION FOR COMPRESHENSIVE PLAN AMENDMENT

Exhibit B – Narrative Statement

1. How is the amendment consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City? In the case of a Comprehensive Plan Map amendment, how does the requested designation for the site compare with relevant Comprehensive Plan policies and, on balance, more supportive of the Comprehensive Plan as a whole than the old designation?

Answer:

1A. The request for this amendment is two-fold. The existing parcel (tax #: 5700 – address: 274 W. Washington, Stayton 97380) for which we are requesting an amendment is now designated as Commercial. However, the parcel has always functioned as a single family dwelling and has never functioned as commercial property. As you are aware, there are currently over 100 dwelling units located in the CR, CGT, and IL zones (Stayton Comprehensive Plan, Chapter 8, Land Use, Residential Land Use). We are requesting a zoning change to change the parcel in question to MD (Medium Density Residential).

We are further requesting a minor partition to develop the parcel into two single family dwellings rather than one. The Goals and Policies of the Stayton Comprehensive Plan, Land Use Goals and Policies, Goal # 1 states that the City will, *“Provides (sic) for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals.”* As this goal calls for the promotion of a livable community, we feel that the requested amendment is in keeping with the goal as the parcel in question has always functioned as a residential parcel and has, therefore, contributed to the livability of the mixed area in which it is located. Our request to re-zone and allow a minor partition of the parcel will allow it to continue to contribute to the community by providing an additional dwelling unit and eliminate the need for allowing a residential property in a commercial zone. As the Goals and Policies of the Stayton Comprehensive Plan, Policy LU-3, states that *“the availability and quality of public services shall be a criteria for approval of development proposals,”* we believe that this zoning change and minor partition are in keeping with the goals and policies as the development around the parcel is

currently mixed use consisting of retail, residential, and commercial retail. As there are already residential parcels in the area and the parcel in question has always held a residential unit, we believe that the quality and availability of the public services serving the area is already evident. Policy LU-4 provides for residential zones at several densities. This policy includes a medium density zone providing a mix of single family, duplex, and triplex development. The approval of our request (if the zoning change is approved) for a minor partition still falls within the medium density criteria and provides just one more single family dwelling unit in the medium density zone.

Our request for a zoning change and a minor partition is consistent with the statewide planning goals, OAR 660-015-0000(2) Goal 2: Land Use Planning, Part II, Exceptions, which state that, *“A local government may adopt an exception to a goal when: (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal”*. As the applicable goal in this case is Commercial Retail and the parcel has always been used in a residential capacity, the parcel has been physically developed to the extent that it is no longer available for the applicable goal which is Commercial Retail. As the parcel has always been used in a residential capacity, the other homes and businesses around it have filled in and the neighborhood has functioned well with this parcel being used in a residential capacity. Therefore, we feel that, as the neighborhood has been established with this parcel as a residential unit. Adding one more residential unit to the property will just help the surrounding commercial property to flourish. Placing this parcel in the Medium Density Residential zone would put it into the zone for which it has always been used. Additionally, as there are other residential units in the area, placing this parcel into the Medium Density Residential zone and allowing the minor partition would still be in keeping with the mixed use area in which it is located.

1B. The requested designation for the site is in keeping with the Comprehensive Plan policies as, although the site is currently designated as Commercial, the use has always been residential. Therefore, as the Comprehensive Plan has always included this parcel as an exception and allowed it to be used as a residential parcel, the amendment will place the parcel into the zone for which it has always been used. In addition, allowing the minor partition will provide for additional housing while adhering to the definition of Medium Density Residential property. We, therefore, feel that the requested amendment is more supportive of the Comprehensive Plan as a whole than the old designation as the amendment will allow the parcel to be zoned and used as the Plan provides, rather than to be an exception to the Plan as is currently the case.

**2. Why does the current Comprehensive Plan not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation? How is the addition of this property to the inventory of lands for the proposed designated consistent with projected needs for such lands in the Comprehensive Plan?**

Answer:

2A. The current Comprehensive Plan does provide adequate areas in appropriate locations for the uses in the proposed land use designation. However, the current Comprehensive Plan designates the parcel in the proposed land use designation change as an “excepted” Commercial property. The parcel is being

used (and always has been used) as a residential parcel. As the proposed amendment would only place the parcel into the zone for which it is currently being used, thereby not requiring an exception, it would serve to make the zoning map more accurate according to usage.

2B. The requested amendment does not affect proposed uses for future development on undeveloped land. The Comprehensive Plan calls for the City “to accommodate long-range urban population growth” and, therefore, the addition of one additional dwelling unit on a parcel that already has always had one dwelling unit is in keeping with the purpose of the Land Use Development Code (17.08.010).

**3. Explain how the amendment is in compliance with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, how does the proposal comply with the applicable criteria in the LCDC Administrative Rules for the type of exception needed?**

Answer:

3A. The requested amendment is in compliance with the statewide land use goals that apply to the proposed land use division because although the land is currently zoned Commercial, the parcel has always been utilized as a residential parcel and has required an exception per the rules OAR 660-004-0025 (1). As the amendment would place the parcel into the Medium Density Residential zone, the parcel would be utilized per the required zone designation, thereby not requiring an exception allowing a non-conforming use on the subject parcel. The requested amendment would require a zoning map change and a minor partition, thereby continuing to allow the parcel to be used as a residential property and leaving the existing mixed use community undisturbed.

3B. The proposal complies with the LCDC Administrative Rules for the type of exception needed (6660-004-0005) because 660-004-0005, defines an exception as follows, “(1) An “Exception” is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with ORS 197.732 (2), the provisions of this division and, if applicable, the provisions of OAR 660-011-0060, 660-012-0070, 660-014-0030, OR 660-014-0040.” As our request for a zoning map change and a minor partition meets all of the above criteria, we feel that this proposal is in compliance with the LCDC Administrative Rules for the type of exception needed.

Referencing (c) above, the proposal complies with the LCDC Administrative Rules as ORS 197.732, Goal Exceptions (2), which states, (a) *The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;* (b) *The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;”. As the property in question has always been used as a residential property and the neighborhood has developed as a mixed use community, we feel that allowing this parcel to continue to remain a residential property, is in keeping with the continuity of the*

community. The other Administrative Rules referenced above do not apply to this situation as they are relevant to rural land only.

**4. Are existing or anticipated transportation facilities adequate for the uses permitted under the proposed designation? Is the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060)?**

Answer:

4A. We believe that existing transportation facilities are adequate for the uses permitted under the proposed designation as we are requesting a zoning change to place the parcel, which is now zoned Commercial into Medium Density Residential, thereby placing it into the zone for which it has always been used. As the parcel has always held one residential unit (which has had the current transportation facilities available) and has never been used as a commercial property, the zoning change will place the parcel into the proper zone for its use. As for the minor partition, we believe that adding one more single family unit and will not increase the need for any transportation facility changes.

4B. The proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060) as it does not *"significantly affect an existing or planned transportation facility,..."*.

**5. How does the current Comprehensive Plan Map provides (sic) more than the projected need for lands in the existing land use designation?**

Answer:

5. As the current Comprehensive Plan Map is allowing this Commercial parcel to be used as Medium Density Residential property, thereby requiring an exception, it seems logical that the current Comprehensive Plan indicates that there are adequate Commercial parcels available and that the land in question is more efficiently utilized as a Medium Density property. The amendment would just place the parcel into the zone for which it is being used.

**6. Are the public facilities and services necessary to support the uses allowed in the proposed designation available or likely to be available in the near future?**

Answer:

6. As the proposed zoning change and minor partition will place the parcel into the zone for which it has always been used and add just one single family unit, the public facilities and services necessary to support the requested changes are currently available and are already being utilized as intended by the requested amendment.

**7. How will the uses allowed in the proposed designation affect existing or planned uses on adjacent land?**

Answer:

7. As the parcel on which the changes are being requested is currently in the Commercial Zone and is one of the “exception” parcels – being utilized as a Medium Density Residential parcel, the proposed designation will just place the parcel into the zone for which it has always been used. Therefore, there should be no effect on existing or planned uses on adjacent land?

## STATEMENT OF ADDITIONAL FACILITIES / DEMAND

Upon review of the City of Stayton Master Plans for Sewer, Water, and Streets I was unable to view the various appendices that would address the increase in demand that has been calculated for addition of one single family dwelling.

The water pipeline in Washington Street has been upgraded and no further work is anticipated. The worse call scenario for development on the property in relation to services required would be for construction of a car wash. The demand for sewer, water, and traffic facilities would be approximately fifty times higher than for the proposed use after the requested zone change.

## COMPREHENSIVE PLAN AMENDMENT

A 12 inch waterline exists in Washington Street. An 8 inch Sanitary Sewer Exists in the alley east of the property. An 8 inch Storm Sewer exists in Washington Street.

The property is fronted by West Washington Street which is a major east/ West city street. The Community Center Park is located one block to the south. According to the Superintendent of the North Santiam Schools creating One new single family residential will not cause any issues for the area schools.

The proposed change in land use will create the need for one additional 1 inch Water service, one additional 4 inch sewer service and one additional catch Basin for alley drainage.

According to the Public Works Director existing Facilities are in place to meet this demand. No new facilities are required.

There will be no need for financing as additional facilities are not needed.

Please see the attached copy of the Transportation Impact Analysis which was prepared by Charbonneau Engineering.



**CITY OF STAYTON**  
**APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT**

PROPERTY OWNER: Jen W Family LLC  
 Address: 15556 Coon Hollow Rd SE  
 City/State/Zip: Stayton Or 97383  
 Phone: (503) 769-3263  
 Email: bill.martinak@emeryandsons.com

APPLICANT: Same as owner  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: ( ) \_\_\_\_\_ - \_\_\_\_\_  
 Email: \_\_\_\_\_

APPLICANT'S REPRESENTATIVE: Bill Martinak  
 Address: 15556 Coon Hollow Rd SE  
 City/State/Zip: Stayton, Or 97383  
 Phone: (503) 931-5261  
 Email: bill.martinak@emeryandsons.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: <u>Charbonneau Engineering</u>	Name: <u>Westech Engineering</u>
Address: <u>10211 SW Barbur Blvd Ste 210A</u>	Address: <u>3841 Fairview Ind Dr</u>
City/State/Zip: <u>Portland Or 97219</u>	City/State/Zip: <u>Salem Or 97302</u>
Phone: <u>(503) 293-1118</u>	Phone: <u>(503) 585-2474</u>
Email: <u>Frank@CharbonneauEngineering.com</u>	Email: <u>Sward@westech-engineer.com</u>

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner    applicant    applicant's representative    planning consultant    engineer

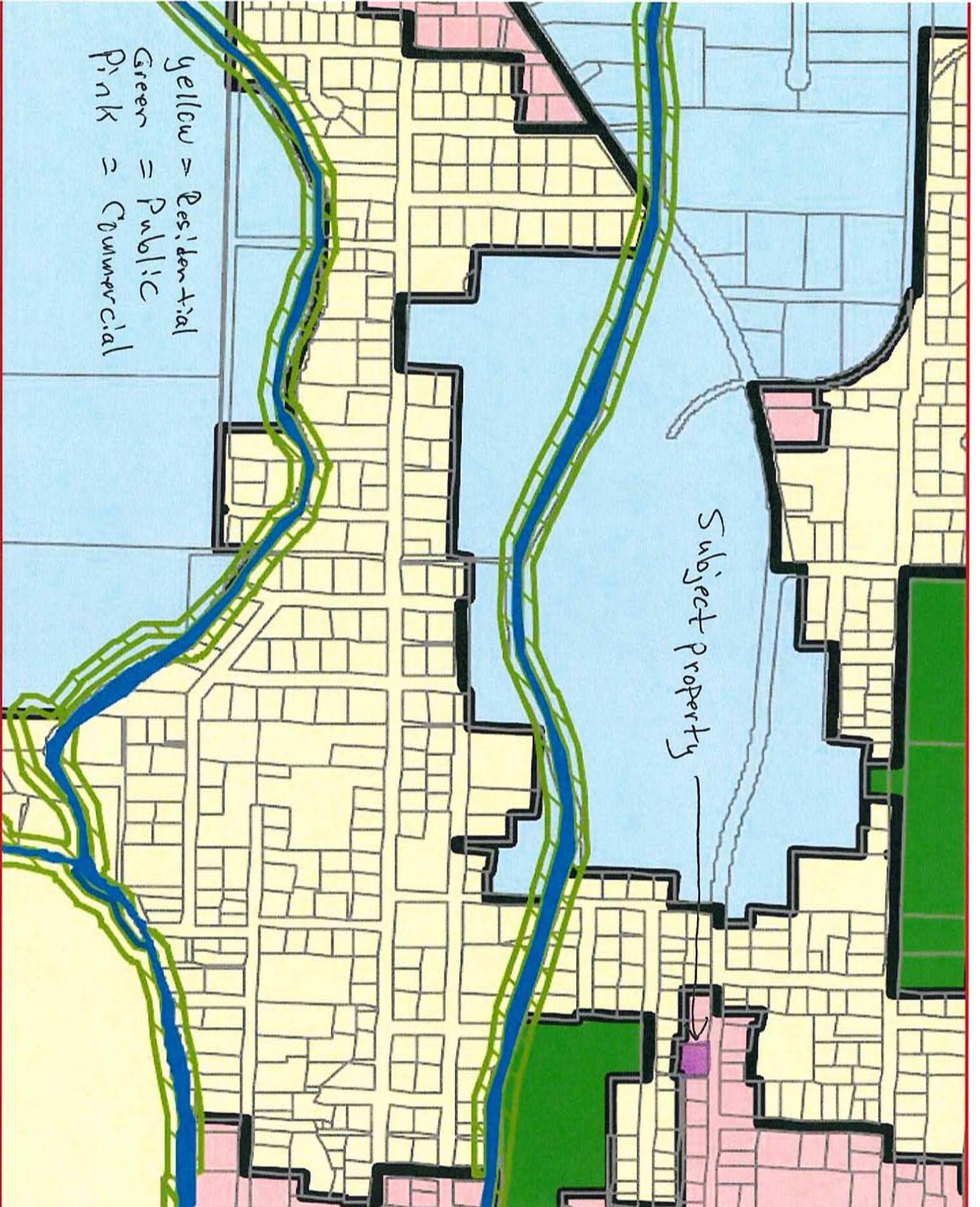
LOCATION:  
 Street Address: 274 W. Washington St  
 Assessor's Tax Lot Number and Tax Map Number: 5700 091W10C140  
 Closest Intersecting Streets: Birch & Douglas

CURRENT ZONE MAP DESIGNATION: Commercial  
 PROPOSED ZONE MAP DESIGNATION: Medium Density Residential

SIGNATURE OF APPLICANT: Bill Martinak

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Land Use File# \_\_\_\_\_



yellow = Residential  
green = Public  
pink = Commercial

Subject Property

**TRAFFIC ANALYSIS REPORT**

**FOR**

**WEST WASHINGTON STREET PROPERTY REZONE**

**WEST WASHINGTON STREET**

**CITY OF STAYTON**

**SUBMITTED BY**



**August 2014**

**Project 14-27**

# TRAFFIC ANALYSIS REPORT

FOR

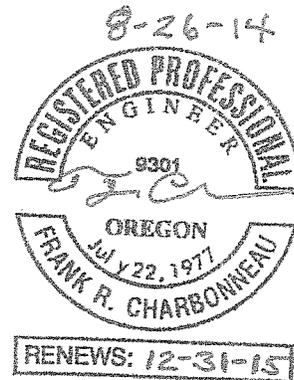
## WEST WASHINGTON STREET PROPERTY REZONE

WEST WASHINGTON STREET

CITY OF STAYTON

Prepared By

CHARBONNEAU Engineering LLC



August 2014

Project 14-27

**MEMORANDUM**

Date: August 25, 2014

To: Bill Martinak, President  
Emery & Sons Construction  
P.O. Box 4109  
3831 Fairview Drive SE  
Salem OR 97302

From: Frank Charbonneau, PE, PTOE

Subject: Traffic Analysis Report FL1481  
**West Washington Street Property Rezone**  
Stayton

This memorandum represents the traffic analysis report for the West Washington Street housing development being planned in Stayton. A total of two housing units will be built on the site. Access to the property will occur on the existing public alley located on the property's east side. The lot is currently vacant and is approximately 15,000 square feet in size. The former property use was a single family home that has now been removed.

As the project application will be processed as a comprehensive plan amendment and a zone map amendment and partition a traffic impact analysis is required under section 17.12.170.5.d.5 of the City's Development Code. This document will serve as the TIA for the application conforming to the work scope specified by the City's traffic consultant (Shaun Quayle, PE of Kittelson & Associates).

The project site is located at 274 West Washington Street and is situated on the south side of the street. The property is currently zoned general commercial and to accommodate the development it will be necessary to implement residential zoning. Figure 'a' in the appendix represents a vicinity map and shows the site location. Figure 'b' is the site plan.

Since the project involves a property rezone it was necessary to document the reasonable worst-case trip generation comparing the existing zoning to the proposed zoning. To satisfy these requirements the number of trips under three development scenarios were determined including for the proposed residential use (two single-family homes), medium density residential (two duplex units), and under the current zoning (4,000 square feet general commercial).

The street frontage along West Washington Street consists primarily of residential development. There are numerous single-family homes occurring to the east and west of the project site with two commercial properties (Stayton Cleaners & Stro's Photography) also fronting the street.

West Washington Street is classified as a minor arterial and includes two travel lanes with parking permitted on both sides. Curbs and sidewalks are present and the travel speed is posted at 25MPH. The street is situated on a flat grade with a tangent alignment. A light pole with luminaire is located near the property site on the north side of West Washington Street.

The 18 foot wide public alley providing access to the project site is unimproved with a gravel surface and extends approximately 100 feet south of West Washington Street where it serves two homes and a storage building. Service vehicles such as garbage trucks currently do not access the

alley and due to the geometric conditions would not be able to maneuver and turn around. This should not be an issue in the future as the proposed homes are close enough (within 120 feet) so that the property owners can place their containers at the curb on West Washington Street as is done by the other residents living along the street.

On the north side of West Washington Street directly across from the alley there is an access to the single-family residence (address #285). The closest adjacent driveway on West Washington Street to the east is located at a distance of 147 feet (residential address #206). To the west the closest access is located approximately 156 feet away (Stayton Cleaners address #320).

Separate driveways on the public alley will be provided to each home according to the development plan. The driveways will be separated by more than 50 feet to meet the City's standard for access spacing (50 feet minimum spacing as per Table 17.26.020.3.h, City Code). The available sight distance north/south along the alley at the property frontage is unrestricted in both directions with a clear sightline to West Washington Street and to the alley's south terminus.

Sight distance at the alley location on West Washington Street was reviewed in the field. The sight distance to the west exceeds 750 feet. The sight distance to the east is obstructed by a shrub located in the intersection's southeast corner and limits the sightline to less than 150 feet. It will be necessary to either remove the shrub or reduce the height to three feet or less in order to mitigate the condition. Based on the posted speed of 25MPH on West Washington Street a minimum of 250 feet of intersection sight distance is required (Table 17.26.020.4.c, City Code).

Accident data for the intersection of West Washington Street at the public alley was requested from Oregon Department of Transportation staff. The crash report confirmed that there have been no reported crashes within the latest five-year analysis period occurring between January 2008 and December 2012. As a result no safety mitigation is necessary in conjunction with the new development. The crash data response from ODOT is included in the report's appendix.

The trip generation for the proposed residential zoning was determined for two single family housing units. For medium density residential the number of trips was calculated based on two duplex units. The trip generation for a commercial use under the current zoning was determined for a 4,000 square foot retail building. Tables 1, 2, and 3 present a summary of the trip generation for each case. The trip calculations are based on the ITE Trip Generation manual, 9<sup>th</sup> edition.

**Table 1 Projected trip generation for Single-Family Residential.**

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Single-Family (#210)</i>	2							
Generation Rate <sup>1</sup>		9.57	0.75	25%	75%	1.01	63%	37%
Site Trips		19	2	1	1	2	1	1

<sup>1</sup> Source: *Trip Generation*, 9th Edition, ITE, 2012, average rates.

**Table 2 Trip generation for Residential Condo/Townhouses/Duplexes.**

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Condo/Townhouse (#230)</i>	4							
Generation Rate <sup>1</sup>		5.81	0.44	17%	83%	0.52	67%	33%
Site Trips		23	2	0	2	2	1	1

<sup>1</sup> Source: *Trip Generation*, 9th Edition, ITE 2012, average rates

**Table 3 Projected trip generation for Shopping Center/Retail.**

ITE Land Use	Units (sq.ft.)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Shopping Center (#820) Generation Rate <sup>1</sup>	4,000	42.94	1.00	61%	39%	3.73	49%	51%
Total Driveway Trips		<b>172</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>15</b>	<b>7</b>	<b>8</b>
Pass-By Rate <sup>2</sup>			0%			34%		
Pass-By Trips			0	0	0	5	2	3
New Site Trips			<b>4</b>	<b>2</b>	<b>2</b>	<b>10</b>	<b>5</b>	<b>5</b>

<sup>1</sup> Source: *Trip Generation*, 9th Edition, ITE, 2012, average rates.

<sup>2</sup> 34% based on *Trip Generation Handbook*, ITE, October 1998.

As presented in Table 1 a development consisting of two homes under the proposed zoning will generate 19 trips per day. A total of two trips will occur in the AM peak hour and a total of two trips will occur in the PM peak hour. For the medium density residential category shown in Table 2 (land use code #230 for residential condominiums/townhouses was applied) there would be 23 trips per day with two trips in each of the peak hours. As a result the medium density (two duplex units) will generate the same number of peak hour trips as for the proposed housing.

In Table 3 a development consisting of a 4,000 square foot retail establishment under the existing zoning will generate 172 trips per day with a total of four trips in the AM peak hour and 10 trips in the PM peak hour. Therefore, the proposed use will generate fewer trips on a daily and peak hour basis than if the site was allowed to develop based on the existing commercial zoning.

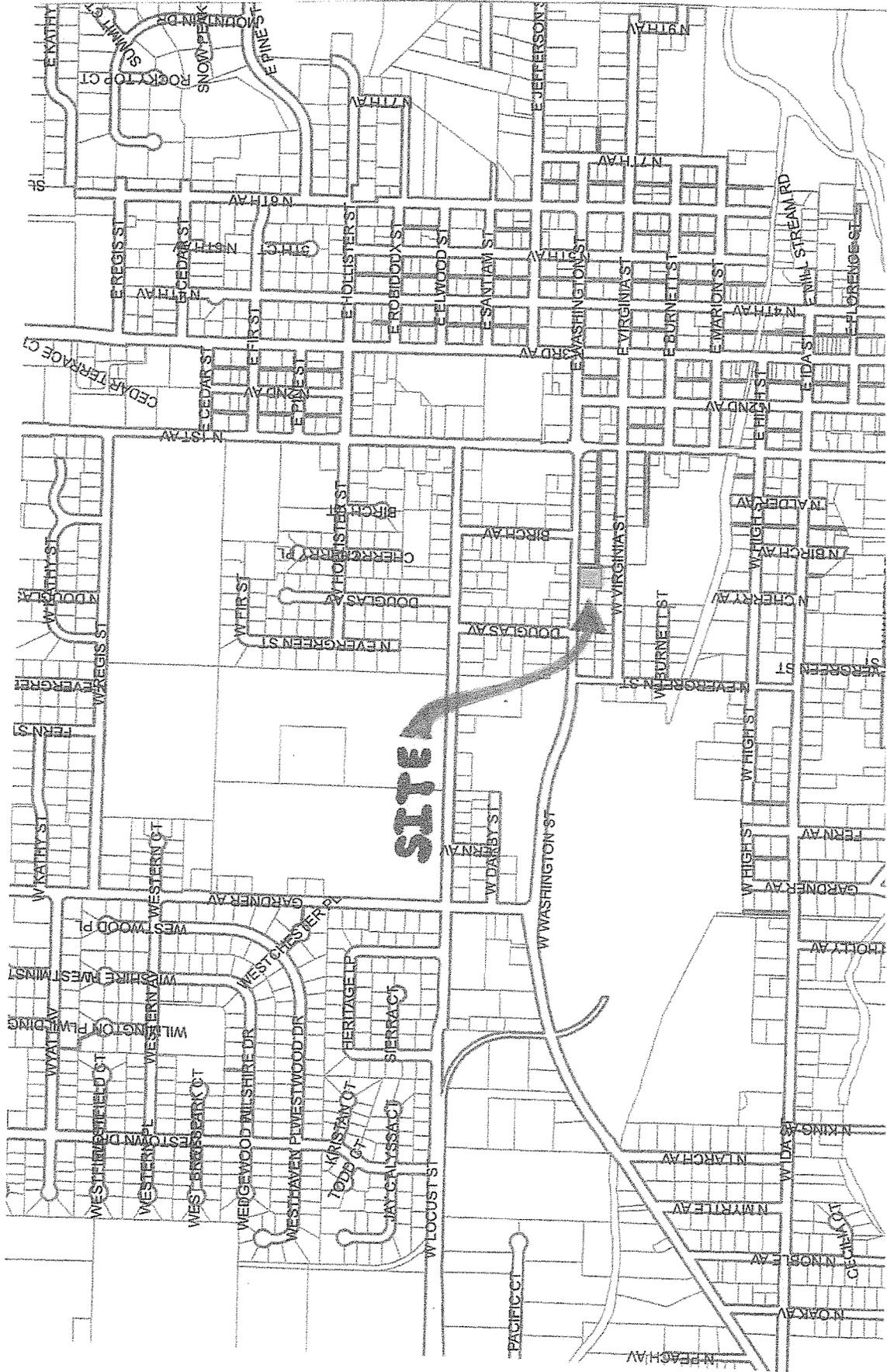
The trip generation analysis confirms that for each of the scenarios the number of new trips will be less than 25 peak hour trips and less than 250 daily trips. It also documents that there will be a net reduction in the trips generated for the proposed use (two single-family homes) as compared to buildout under the existing zoning (4,000 square feet of retail space). These findings confirm that a detailed LOS, capacity, and volume/capacity analyses are not necessary. From the observations conducted during the site visit and review of the crash history research documented by ODOT it has been determined that there are no transportation-related safety or operational concerns at the site or within the adjacent study area. These conditions are expected to continue after the site is developed as proposed.

Based on the traffic analysis results it is recommended that the City of Stayton support the proposed development requiring a rezone from commercial to residential and permit the construction of two single-family homes on the project site.

If you should have any questions, please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email [Frank@CharbonneauEngineer.com](mailto:Frank@CharbonneauEngineer.com).

#### Appendix

- Figure 'a' Vicinity Map
- Figure 'b' Site Plan
- ODOT Crash History Documentation
- Trip Generation Memo dated 8/7/14



NOTES:  
NO SCALE

CHARBONNEAU  
ENGINEERING LLC

PROJECT: 14-27

VICINITY MAP  
WEST WASHINGTON STREET DEVELOPMENT

FIGURE

2

WASHINGTON STREET (MR 32) (50' R/W)

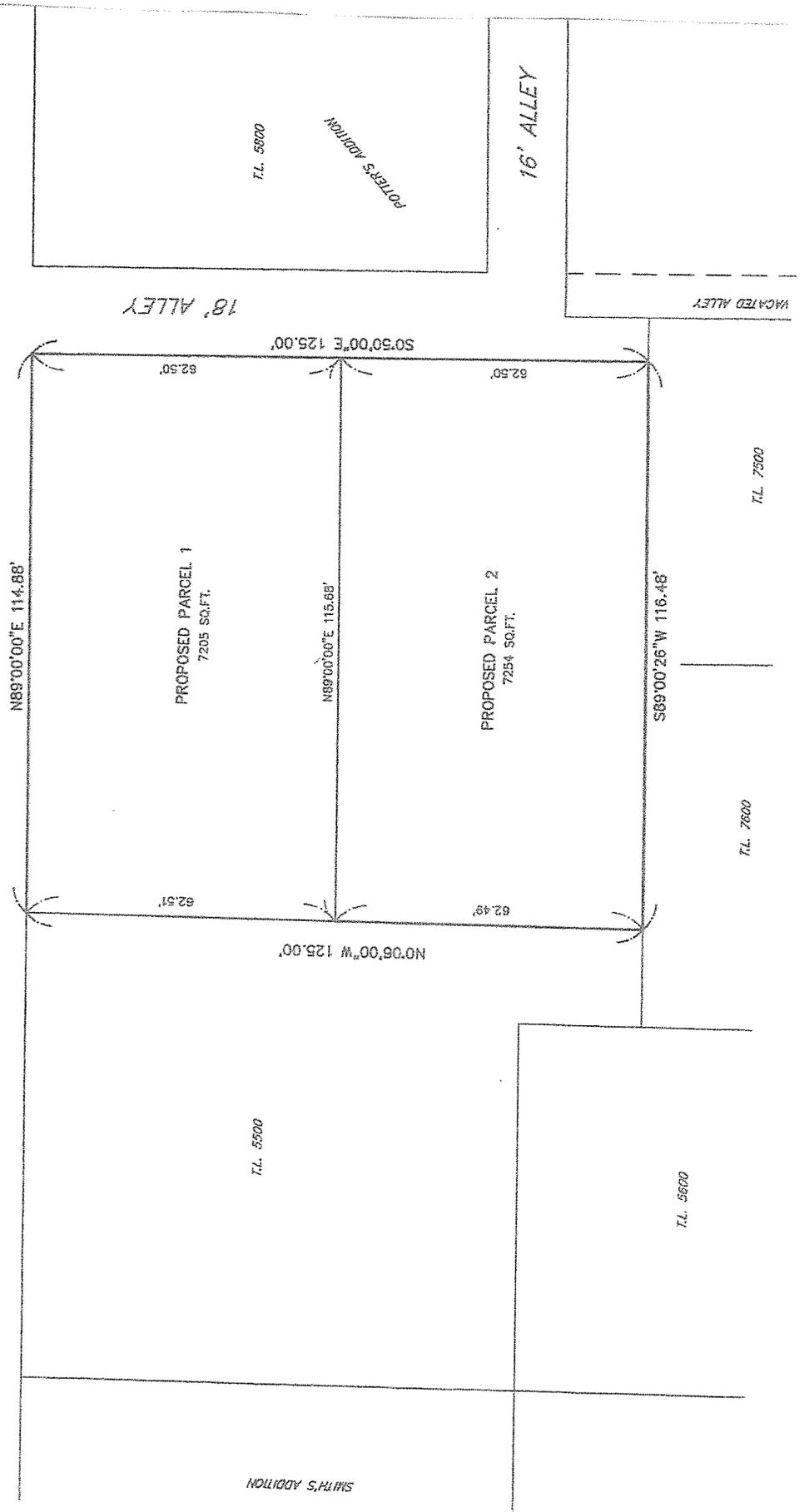


FIGURE  
b

SITE PLAN  
WEST WASHINGTON STREET DEVELOPMENT



NOTES:  
NO SCALE

CHARBONNEAU  
ENGINEERING LLC

PROJECT: 14-27

**Frank Charbonneau**

---

**From:** WARD Kimberlee S [Kimberlee.S.WARD@odot.state.or.us]  
**Sent:** Wednesday, August 20, 2014 3:51 PM  
**To:** 'Frank Charbonneau'  
**Cc:** VOGEL Sylvia M  
**Subject:** RE: Crash Data Request - Washington Street - Stayton -- Req #140259

Hello Frank,

There were no crashes reported for the requested segment of W. Washington St in the city of Stayton during the five year time period of 2008 – 2012.

The attached crash summary report will reflect that finding.

Thank you and hope you have a nice afternoon Frank !

Kim

*Kim Ward*

Crash Reporting Technician  
Crash Analysis and Reporting Unit  
Transportation Data Section  
555 13th Street NE, Suite 2  
Salem, Oregon 97301-4178  
ph: (503) 986-4237  
fax: (503) 986-4249  
mailto: kimberlee.s.ward@odot.state.or.us

---

**From:** Frank Charbonneau [mailto:Frank@CharbonneauEngineer.com]  
**Sent:** Wednesday, August 20, 2014 2:11 PM  
**To:** WARD Kimberlee S  
**Subject:** Crash Data Request - Washington Street - Stayton

Hi Kim -- Here is request for a crash history report on Washington Street in Stayton. An aerial is attached.

Please provide the latest 5 years of data on Washington Street from a point 75 feet west of North Birch Avenue to a point 275 feet west of North Birch Avenue.

Target date is August 27th, if possible.

Thanks.

Frank Charbonneau, PE, PTOE  
Charbonneau Engineering LLC  
503.293.1118

8/21/2014

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Segment of W. Washington Street 75 feet to 275 feet West of Birch Avenue  
 January 2008 through December 31, 2012

COLLISION TYPE	FATAL CRASHES	NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION RELATED	INTER-SECTION OFF-ROAD
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TOTAL

FINAL TOTAL

*Disclaimer: A higher number of crashes may be reported as of 2011 compared to prior years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.*

## MEMORANDUM

Date: August 7, 2014

To: Bill Martinak, President  
Emery & Sons Construction  
P.O. Box 4109  
3831 Fairview Drive SE  
Salem OR 97302

From: Frank Charbonneau, PE, PTOE

Subject: Trip Generation Comparison  
**West Washington Street Property Rezone**  
Stayton FL1474

As requested a trip generation letter has been prepared to document a trip comparison between the existing commercial and proposed residential zoning on the development site in Stayton.

The project site is located at 274 West Washington Street and is situated on the south side of the street. Access to the property will occur at the public alley located on the property's east side. The lot is currently vacant and is approximately 15,000 square feet in size. The former property use was a single family home that has now been removed.

The City's Land Use Development Code (section 17.26.05) describes the conditions under which a TIA or Transportation Assessment Letter is required. At the City's discretion these studies may be waived if the proposed development generates less than 25 peak hour trips and less than 250 daily trips. Additionally the access spacing and sight distance standards must be met per the transportation standards (Section 17.26, Tables 17.26.020.3.h & 17.26.020.4.c, respectively).

The trip generation for the proposed residential zoning was determined for two single family housing units. The trip generation for a commercial use that may be applied in the current zoning was determined for a 4,000 square foot retail building. Tables 1 & 2 on the following page present a summary of the trip generation for each case. The trip calculations are based on the ITE Trip Generation manual, 9<sup>th</sup> edition.

For sight distance purposes the sightline requirement is based on a speed of 25MPH (speed assumed for the alley where access will occur). According to Table 17.26.020.4.c a sight distance of 250 feet is required in both directions. It is essential that this standard be met.

The access spacing standard for a local street is 50 feet according to Table 17.26.020.3.h. This spacing standard is assumed to be the same for the alley where the property access will occur and needs to be met.

**Table 1. Projected trip generation for Single-Family Residential - Proposed Zoning**

ITE Land Use	Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Single-Family (#210)</i>	2							
Generation Rate <sup>1</sup>		9.57	0.75	25%	75%	1.01	63%	37%
Site Trips		19	2	1	1	2	1	1

**Table 2. Projected trip generation for Shopping Center/Retail - Current Zoning**

ITE Land Use	Units (sq.ft.)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Shopping Center (#820)	4,000							
Generation Rate <sup>1</sup>		42.94	1.00	61%	39%	3.73	49%	51%
Total Driveway Trips		172	4	2	2	15	7	8
Pass-By Rate <sup>2</sup>			0%			34%		
Pass-By Trips			0	0	0	5	2	3
New Site Trips			4	2	2	10	5	5

<sup>1</sup> Source: *Trip Generation*, 9th Edition, ITE, 2010, average rates.

<sup>2</sup> 34% based on *Trip Generation Handbook*, ITE, October 1998.

As can be seen from the trip generation tables a development consisting of two homes under the proposed zoning will generate 19 trips per day. A total of two trips will occur in the AM peak hour and a total of two trips will occur in the PM peak hour. A development consisting of a 4,000 square foot retail establishment under the existing zoning will generate 172 trips per day with a total of four trips in the AM peak hour and 10 trips in the PM peak hour. Each of these scenarios will generate less than 25 peak hour trips and less than 250 daily trips negating the need for a TIA.

Providing that the access spacing and sight distance standards are met it is recommended that the City of Stayton waive the requirements for a TIA and Transportation Assessment Letter and support the proposed development requiring a rezone from commercial to residential.

If you should have any questions, please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email [Frank@CharbonneauEngineer.com](mailto:Frank@CharbonneauEngineer.com).

## Dan Fleishman

---

**From:** Shaun Quayle [squayle@kittelson.com]  
**Sent:** Thursday, October 16, 2014 9:57 AM  
**To:** Dan Fleishman  
**Cc:** Anais Malinge  
**Subject:** RE: Request for Review and Comments on Land Use Application

Hi Dan,

Thanks for the opportunity to look through the TIA, which appears to meet our requested scope and requirements for the zone change. One provision we request be added to the conditions of approval relates to maintaining adequate sight distance for any and all site access points on the public roadway system. Something like this would work:

- Maintain site landscaping, signing, and any aboveground utilities to ensure that adequate sight distance is maintained after build out of the proposed site.

Thanks and talk to you soon!

---

**From:** Dan Fleishman [mailto:DFleishman@ci.stayton.or.us]  
**Sent:** Friday, October 10, 2014 12:21 PM  
**To:** Shaun Quayle  
**Subject:** FW: Request for Review and Comments on Land Use Application

Dan Fleishman  
Director of Planning and Development  
362 N Third Avenue  
Stayton, OR 97383  
ph (503) 769-2998  
fax (503) 767-2134

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**From:** Dan Fleishman  
**Sent:** Monday, September 15, 2014 12:32 PM  
**To:** Andy Gardner; Brandon Reich; Brent Stevenson; 'Dan Kizer'; Dave Chamness; David Michaud; Doris Johnston; 'Jack Carriger'; Jay Alley; Jennifer Russell; John Ashley, P.E.; John Eckis; 'John Rasmussen'; Julia Uravich; Michael Meeks; Mike Brash; Richard Catledge; Shaun Quayle; Susan Wright; Warren Jackson  
**Subject:** Request for Review and Comments on Land Use Application

The Stayton Planning Department has received an application for Comprehensive Plan Amendment, Official Zoning Map Amendment, and Partitioning for the property located at 274 W Washington St. The application requests a Comprehensive Plan Map amendment from Commercial to Residential; an Official Zoning Map amendment from Commercial General to Medium Density Residential; and partitioning of the existing parcel into two parcels.

I have attached the application forms submitted by the applicant, the traffic impact assessment, a proposed zoning map showing the change, and the preliminary partition plat, as well as our usual request for comments form.

Let me know if you have any questions.

10/21/2014

Dan Fleishman  
Director of Planning and Development  
362 N Third Avenue  
Stayton, OR 97383  
ph (503) 769-2998  
fax (503) 767-2134

**Dan Fleishman**

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**From:** Gerry [gerry@wvi.com]  
**Sent:** Thursday, October 09, 2014 9:55 PM  
**To:** Dan Fleishman  
**Cc:** Gerry Aboud  
**Subject:** Washington Street Zone Change

Dan,

Please forward this to the Planning Commission via your Staff Report.

Thanks

Gerry

To the Stayton Planning Commission:

I want to have my objection to the zone change request for the West Washington property entered into the record.

The Comprehensive Plan Committee, the Stayton Planning Commission and the Stayton City Council spent over two years reviewing and updating Stayton's Comprehensive Plan beginning in late 2010. There were countless meetings and public hearings during this process.

One of the areas looked at was rezoning many commercial properties to residential, including properties on West Washington. The overall consensus was not to make those changes: to leave the existing designations in place.

Now we have a new property owner wanting that zone change. It seems to me that we would be invalidating all the opinions and the time spent on this subject. What was the point of those discussions and PUBLIC HEARINGS if we now vote to approve this application? What has changed in only four years?

It is my understanding that the lot would be divided into two lots and the Habitat for Humanity will develop them. While they are certainly a credible organization they will harm the City of Stayton and do a major disservice to the residents of Stayton if this particular project is allowed.

All one has to do is go further West on Washington to the two Habitat homes developed just West of the A&W Restaurant. It is similar in scope, but has a third residence adjacent to the two Habitat homes. This mini-development is a disgrace to the community and should have never proceeded. Drive by, or better yet, walk by it and see for yourself.

The new proposal would not only look terrible, it would contribute to a deterioration of our town and subsequently reduce property values. Habitat has done better in this community and they should hold

10/10/2014

themselves to that better standard. After all, they do not live here, the rest of us do.

I would urge you to deny this zone change.

Sincerely,

Gerry Aboud  
836 East Kathy Street  
Stayton, Or 97383  
769 7505

**Dan Fleishman**

---

**From:** Zwolak Donita [donitasews@gmail.com]  
**Sent:** Tuesday, October 14, 2014 3:57 PM  
**To:** Dan Fleishman  
**Subject:** HABITAT FOR HUMANITY MEMBER

HI.....

**I'M WRITING THIS TO YOU TO LET YOU KNOW THAT I FEEL THERE IS NOTHING WRONG WITH THE HOUSES BUILT BY HFH BY THE A & W.....IF THEY ARE MESSY ON THE OUT SIDE IT'S THEIR PROBLEMS NOT HFH.....I THINK THE UPKEEP OF THE MAIN HOUSE IN FRONT IS THE PROBLEM..... IT LOOKS VERY BAD.....ALWAYS SEEMS TO BE A BIG MESS IN FRONT OF THE GARAGE.....AND PART OF THE GUTTER IS MISSING ON THE FRONT SIDE OF THE HOUSE WHERE ANYTHING COULD GET IN THERE TO CAUSE MORE PROBLEMS.  
MOST OWNERS OF HABITAT HOUSES TAKE PRIDE IN THEIR HOUSES AND THANKFUL TO HAVE A NICE HOME.....  
THAT PROPERTY SHOULD NOT MAKE ANY DIFFERENCE WHETHER MORE HOUSES GET BUILT ON WASHINGTON ST. BY HABITAT FH.....  
BEFORE THE HABITAT HOUSES WERE BUILT THAT PROPERTY WAS GETTING MESSY LOOKING.....**

**I LIVED IN THAT HOUSE BESIDE THE A&W ALL MY LIFE UNTIL I LEFT HOME. MY MOTHER PASSED AWAY IN THAT HOUSE IN 1992 AND THEN ABOUT 1994 I THINK, MY DAD COULD NO LONGER LIVE THERE BY HIMSELF SO THE HOUSE WAS PUT UP FOR SALE.....**

**MY DAD KEPT THAT PROPERTY VERY NEAT AND CLEAN.....**

**THANKS FOR LISTENING.....**

**DONITA ZWOLAK**

To : Stayton Planning Commission

Oct. 15, 2014

I would like to voice my approval for the upcoming zone change and minor partition that is on your October agenda. The property located at 274 West Washington St. has sat vacant for a number of years, was in very poor condition, condemned, and been subject to vandalism and other illegal activity. It is currently zoned commercial and is surrounded on 3 sides by single family homes. The request is to convert it to two single family lots, both in zoning and lot size. I feel this is the best use of this property and encouraged you to approve the application before you.

Sincerely,

Randy Cranston

372 SE Church St.

Sublimity, Oregon 97385

## Dan Fleishman

---

**From:** lance puckett [puckett\_45@wvi.com]  
**Sent:** Wednesday, October 15, 2014 1:04 PM  
**To:** Dan Fleishman  
**Subject:** Washington street zone change

To: Dan Fleishman Stayton Planning Commission

Date: October 15, 2014

Subject: Washington Street Zone Change

I would like to add my voice in support for the proposal to re-zone and partition the lot at 274 W Washington St. I strongly feel these changes will be an improvement to the community and will provide future homes for deserving families wishing to own a home of their own. Although this property is zoned for commercial use, it has always been used for residential use. The house recently removed from this residence was built in the 1920's and was condemned and an eyesore. To have two new houses built on this property would improve the safety and beauty of This neighborhood as well as providing homes for two deserving families in need of a safe and decent home.

Sincerely,  
Lance Puckett  
1513 Jay Ct.  
Stayton, Or 97383

## Dan Fleishman

---

**From:** sherry & doug doornink [sherdoranch@smt-net.com]  
**Sent:** Monday, October 20, 2014 2:10 PM  
**To:** Dan Fleishman  
**Cc:** Jerry Ambris; Bill Martinak; Michael Jenkins; Dick Lewis; Jodi Schwindt; Chris Chytka; Dan Ruth Lemke; david Gentry; Donita & Joe Zwolak; Doug & Sherry Doornink; greg johanson; J. A. Skinner; Jim or Mary Kruger; Karla George Lippy; Maria Livermore; Randy Cranston; Mike Jaeger  
**Subject:** Re. Zoning change Hearing for 274 Washington St.  
**Attachments:** Doug & Sherry Doornink.vcf

Hello, Dan,

As you know I am not a Stayton resident, so my comments probably won't be "counted" for the hearing for the proposed zoning change for the 274 Washington Street property. I just had to respond to Mr. Aboud's letter as a concerned citizen of the area.

First: I do appreciate the good work of the Comprehensive Plan Committee, The Stayton Planning Commission, and the Stayton City Council over the last few years, which have recommended to keep the mixed residential/commercial zoning designation in place. That being said, everyone who does business, worships, as I do, and travels through Stayton, is aware of the decline of the downtown business district. In fact, the Stayton/Sublimity Chamber of Commerce is hosting a tour of "empty buildings" in Nov. to encourage businesses, individuals to consider developing businesses to fill these empty buildings. Why, then, are folks set in maintaining a commercial zone for Washington St., which has a preponderance of residences in that area? If one were to look at an aerial map of the Washington St. area, one would find 274 Washington St. surrounded for blocks by established houses.

Second: The new property owner of the 274 Washington Street property is not asking to invalidate the mixed zoning designation of the rest of Washington St., just the existing lot, that, has to include one lot as residential, to replace the derelict house that was removed. It makes no sense at all to bar a second lot, which meets building standards, because it would invalidate the commercial aspect of the zoning. What kind of commercial property could be developed at the back of the lot, as the house replaced was situated on the front of the lot?

Third: I have no idea how Mr. Aboud has decided that a non-profit organization's involvement in the future of the lots will "harm the City of Stayton and do major disservice to the residents of Stayton." This rhetoric is only founded on Mr. Aboud's view of two houses built out of six. He does not mention the conditions, neighbor impacts of the other four houses built in Stayton, or the the ones built in Aumsville and Mill City. For decades, a derelict, soon to be condemned house was the only dwelling on the 274 Washington Street property. It was used by vagrants and was a health hazard for the neighborhood. Providing decent housing for two hard-working families can only enhance the tax roles, area businesses and the surrounding community.

Fourth: How can Mr. Aboud claim that the new proposal "would not only look terrible, it would contribute to a deterioration of our town and subsequently reduce property values" ? Certainly he has a right to his opinion. However, Mr. Aboud is making assumptions about the process that the non-profit has used to select families for houses over ten(10)years ago. Now, the process is consolidated and carefully regulated by the governing board of the non-profit.

Planning Commission members should consider the quality, conditions of the other homes built in Stayton: 381 Santiam Street; 1200 N. 7th; 610 E. Burnett Street; 474 Water Street. The other homes built in nearby communities can be seen at: 1040 SW 4th Avenue, Mill City; 943 Highberger Loop, Aumsville.

As for Mr. Aboud's last point that the non-profit does not live here, that is incorrect. The majority of the local working committee and the hundreds of volunteers who have helped over the years DO live in Stayton, OR.

I strongly urge you to accept the proposal to rezone the 274 Washington Street lot to residential to develop two house lots.

Sincerely Yours

Doug Doornink

10/20/2014

# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
The application for  
Bill Martinak

)  
) Comprehensive Plan Amendment  
) Official Zoning Map Amendment  
) Partitioning  
) File # 13-09/14  
)

## ORDER OF CONDITIONAL APPROVAL

### I. NATURE OF APPLICATION

The applicant has submitted concurrent applications for a Comprehensive Plan Map amendment from Commercial to Residential, an Official Zoning Map amendment from Commercial General to Medium Density Residential, and preliminary plan approval of a partitioning.

### II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on October 27, 2014. At that hearing the Planning Commission reviewed Land Use File #13-09/14, applications for Comprehensive Plan amendment, Official Zoning Map amendment, and partitioning and it was made part of the record. Testimony was provided by the applicant, staff and one member of the public.

### III. FINDINGS OF FACT

#### A. GENERAL FACTS

1. The owner of the property and the applicant is William Martinak.
2. The property can be described as tax lot 5700, on Map 91W10CA.
3. The property is located at 274 W Washington St.
4. The property is zoned Commercial General (CG).
5. The property is 14,459 square feet in area with approximately 115 feet of frontage on W Washington St and 125 feet of frontage on an alley along the parcel's east side. The property was formerly developed with a single family detached dwelling, but is now vacant.
6. The neighboring properties to the south are zoned Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned CG and is developed as a dry cleaning and laundry service establishment. The neighboring properties to the north, across W Washington St, are zoned CG and are developed with single family dwellings. One of the properties to the north also has a photography studio. The adjacent property to the east, across the alley, is zoned CG and is developed with a single family dwelling.
7. The proposal is to amend the comprehensive plan designation from Commercial to Residential, amend the zoning from Commercial General to Medium Density Residential, and to partition the parcel into two lots.

## B. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Santiam Water Control District, Wave Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division.

Northwest Natural Gas responded without comments. The Stayton Public Works Department responded through the City Engineer. The City Engineer's comments are reflected below.

## C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application and notice appeared in the newspaper and on the City's website. Written comments from five individuals were received before the public hearing. None of the written comments received before the public hearing reflected the approval criteria of the Stayton Municipal Code.

## D. ANALYSIS

Comprehensive Plan amendment applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.180.5. Partitioning applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6, and Section 17.24.050 as well as any applicable provisions of the Development and Improvement Standards of Title 17, Chapter 20. The applicable section of Chapter 20 is Sections 17.20.210 – Back Lots and Flag Lots.

## E. APPROVAL CRITERIA

**Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.** Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

- 1) *The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area is designated Commercial, it is a residential area. Conversion from Commercial designation to Residential designation shall help maintain the residential area. There are no area plans relative to this area. See the findings under compliance with statewide planning goals below.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The adopted Comprehensive Plan notes that there were 28 vacant lots zoned Medium Density Residential in February 2011 for a total land area of 10 acres. The Planning

Department reports that development activity since that time has resulted in a current inventory of 17 vacant lots with a total land area of 7.7 acres. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings: There are five statewide planning goals that apply to the subject property, the existing land use designation and the proposed land use designation:

Goal 9 is to provide adequate opportunities for a variety of economic activities. The proposed amendment would reduce the amount of land designated as commercial. However, this property has historically been used as residential. The neighborhood is mostly residential. The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would increase the opportunities for residential development. The property has historically been used as residential. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The City has an adopted Transportation System Plan. The applicant has submitted a Traffic Impact Analysis (TIA), completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City. There have been only two proposals for new construction of commercial structures in the past eight years.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The site is fully served with sewer, water and storm drainage services. The proposal will have no impact on these services.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Most of the adjacent lands are currently in residential use, with the exception of the parcel to the west, which is a dry cleaning and laundry establishment. The proposed amendment would allow residential development.

**Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria.** Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 12-inch water line on the north side of W Washington St. There is an 8-inch sewer main in the alley to the east of the parcel. There is a 10-inch storm drain line on the north side of W Washington St. with a catch basin on the south side, approximately 15 feet east of the alley. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area has been designated Commercial and zoned Commercial General, it is primarily a residential area and the property has previously been used as a single family residence.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Findings: The Comprehensive Plan notes that there were 12 vacant lots zoned Commercial General comprising 6 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The subject property was not vacant at the time that inventory was completed, having a single family dwelling that has since been demolished. Since the completion of the Comprehensive Plan, the Planning Department reports development activity has resulted in a current inventory of 17 vacant lots zoned Medium Density with a total land area of 7.7 acres. With the exception of the subject property there has been no change in the amount of vacant land zoned Commercial General.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Findings: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 15.

**Section 17.24.040.6 Preliminary Plan Approval Criteria.** Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

- b. *Adequate urban services are available to the property.*

Findings: There is a 12-inch water line on the north side of W Washington St. The City Engineer notes that the location of the nearest fire hydrant will be more than 250 feet from the homes on either of the new lots and has recommended the installation of a fire hydrant. There is an 8-inch sewer main on the south side of W Washington St and in the alley to the east of the parcel. The applicant proposes that the front parcel use the existing sewer service from the previous house and that the rear parcel access the sewer main in the alley. The City Engineer has recommended that prior issuance of a building permit for a new home on the front lot that the existing service lateral be televised to assure that it is in good condition. There is a 10-inch storm drain line on the north side of W Washington St with a catch basin on the south side, approximately 15 feet east of the alley.

- c. *The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.*

Findings: The lots in the area range in size from 4,700 square feet to 69,200 square feet in area. Half of the neighboring lots are less than 8,000 square feet in area.

- d. *All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan.*

Findings: There are no proposed streets. W Washington is designated as a Minor Arterial in the adopted Transportation System Plan. The designated right-of-way width for W Washington Street is 80 feet. The existing right of way is 50 feet wide. The City Engineer has recommended that additional right of way dedication is inappropriate because the area is fully developed. However, the City Engineer has recommended dedication of a 10-foot wide public utility and sidewalk easement along the frontage of W Washington St.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Findings: See the Findings below regarding Section 17.24.050 and 17.26.020.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Findings: The application for partitioning has been accompanied by concurrent applications for Comprehensive Plan amendment and Zoning Map amendment. The proposed zoning is Medium Density Residential (MD). The MD zone requires a minimum lot size of 7,000 with a minimum lot width of 70 feet. The preliminary partition plan shows two lots of 7,205 square feet and 7,254 square feet and 115 foot lot width.

- g. *All applicable standards of Chapter 17.20 are satisfied.*

Findings: See the findings below relative to Section 17.20.210.

- h. *All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Findings: There are no identified wetlands on the site.

- i. *The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a partitioning.*

Findings: As a partition, there is no name.

- j. *Compliance exists with the provisions of ORS 92.090 as amended.*

Findings: The applicable provisions of ORS 92.090 are that a tentative plan for a proposed partition shall not be approved unless the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects; streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon; and the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044. There are no streets proposed as part of the partitioning. The proposed lots exceed the minimum lot size and lot width requirements for the Medium Density Residential zone.

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

Findings: No portion of the partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of Salem Ditch.

**Section 17.24.050 Design Standards for Partition Preliminary Plans.** Pursuant to SMC 17.24.050 the following criteria and objectives must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

1. *STREETS.*

- a. *Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and width as indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.)*
- b. *Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*
- c. *The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*
- d. *Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.*
- e. *Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.*

*In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.*

Findings: No new streets are proposed. The Non-Motorized Plan calls for a signed shared bike route on W Washington St. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for a 6-foot wide property line sidewalk with an 8-foot planting strip along W Washington St. Currently in place is a 4-foot wide, curbside sidewalk in fair condition. The City Engineer has recommended the dedication of a 10-foot wide public utility and sidewalk easement to allow for future replacement of the sidewalk.

The applicant has proposed that both new lots will have driveway access to the existing alley on the east side of the subject property. The alley is currently gravel-surfaced. The applicant has proposed paving the alley and constructing a catch basin in the alley to be connected to the existing catch basin on the south side of W Washington St.

2. *DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Findings: W Washington St is designated a Minor Arterial in the adopted Transportation System Plan. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for W Washington St to have an 80-foot right of way. The existing right of way adjacent to the parcel is 50 feet wide. The City Engineer has recommended that additional right of way dedication is not appropriate because the area is fully developed and there is little likelihood of the street being expanded.

3. *DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Findings: No dead-end streets are proposed.

4. *RESERVE BLOCK.*

- a. *Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.*
- b. *In no case shall a reserve block be platted along a street that is dedicated to the required full width.*

Findings: No reserve blocks are proposed.

5. *STREET WIDTHS.*

- a. *The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*
- b. *In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.*
- c. *When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.*
- d. *The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 -*

*Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.*

*Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.*

*e. Additional Right-of-Way Widths.*

*1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.*

*2) Where bikeways necessitate, additional right-of-way width may be required.*

Findings: No new streets are proposed. W Washington St is designated a Minor Arterial in the adopted Transportation System Plan. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for W Washington St to have an 80-foot right of way. The existing right of way adjacent to the parcel is 50 feet wide. The City Engineer has recommended that additional right of way dedication is not appropriate because the area is fully developed and there is little likelihood of the street being expanded.

**6. SUBDIVISION BLOCKS.**

*a. Block lengths and widths shall be determined by giving consideration to the following factors:*

*1) The distance and alignment of existing blocks and streets.*

*2) Topography.*

*3) Lot size.*

*4) Need for and direction of the flow of through and local traffic.*

*b. Block length and perimeter standards are specified in Section 17.26.1020.5.c.*

*c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Findings: The application is for a partitioning. No blocks will be created.

**7. MID-BLOCK WALKS.** *Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.*

Findings: The application is for a partitioning. No blocks will be created.

**8. LOT SIZE, LOT LINES.**

*a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*

*b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may*

*allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.*

- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.*
- d. Side lot lines shall be as close to right angles to the front street as practicable.*
- e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.*
- f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.*

Findings: The parcel is located in the Medium Density Residential Zone. Minimum lot size is 7,000 square feet, with a minimum lot width of 70 feet. The application proposes two lots of 7,205 and 7,254 square feet in area. Both lots will have a lot width of 115 feet. Lot side lines are approximately perpendicular to the front lot lines. The lot rear lines are approximately the same length as the front lot lines.

9. *PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.*

Findings: There are no public survey monuments near the parcel.

#### 10. SEWAGE DISPOSAL.

- a. All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*
- b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.*

Findings: No sewer extension is proposed.

#### 11. PUBLIC USE AREAS.

- a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.*
- b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.*
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.*

Findings: Dedication of a public recreation area of 5% of the parcel area would not be a useable area. The City now collects parks system development charge fees from new residences.

## 12. WATER SUPPLY.

- a. *All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.*
- b. *In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.*

Findings: There is a 10-inch water main on the north side of W Washington St. Both lots will be provided service from that water main.

## 13. UNDERGROUND UTILITIES.

- a. *All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*
- b. *The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

Findings: The application is for a partitioning.

**Section 17.20.210 Standards for Back Lots.** Pursuant to SMC 17.20.210 the following apply to the creation of back lots:

- a. *The driveway serving a back lot shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. The driveway shall be centered within an access easement.*

Findings: The back lot will have direct driveway access to an alley. No access easement is necessary.

- b. *The easement for access to a back lot shall have a minimum width of 6 feet wider than the driveway throughout its entire length.*

Findings: The back lot will have direct driveway access to an alley. No access easement is necessary.

## III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Section 17.12.170.6, Section 17.12.180.6, Section 17.24.040.6, Section 17.24.050, and Section 17.20.210 except for the following:

Section 17.24.040.6.b which could be met if the existing sanitary sewer service is televised to make sure it is in good condition before it is used, if a fire hydrant is installed on W Washington St, if the water service for Parcel 2 is relocated out of the alley, and if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage;

Section 17.24.040.6.d which could be met if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage

Section 17.24.050.1.a which could be met if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage;

#### **IV. ORDER**

Based on the conclusions above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan amendment and Zoning Map amendment and approves the application for partitioning as shown on a plan entitled "Preliminary Partition Plat" prepared by Barker Surveying, dated July 16, 2014, and the accompanying materials on file in the Planning Department subject to the attached Standard Conditions of Approval for Land Use Applications and the following specific conditions to assure compliance with the criteria for approval:

1. Prior to the approval of the final plat, the following engineered plans showing the required improvements shall be submitted for review and approval (utilities may be combined on a single plan sheet). The improvements shall be designed in accordance with the Public Works Standards or as otherwise approved by the Public Works Director.
  - a. A plan showing the alley improvements, including the stormwater collection and conveyance system.
  - b. A water system plan for the existing and new water service connections. Water meter boxes shall be located in the street right of way. The water service for Parcel 2 shall not be located within the alley. The Final Plat shall show a water line easement across Parcel 1 for the benefit of Parcel 2. The water system plan shall also show a fire hydrant improvement on W Washington St, unless the applicant submits proposed language to be included in the CC&Rs placed on the new lots to require new homes on each lot to be sprinkled.
  - c. A sanitary sewer system plan conforming to Public Works Standards for the existing and new sanitary sewer connections. The existing sanitary service lateral shall be televised and inspected prior to use.
2. Prior to issuance of a certificate of occupancy for a home on either parcel, the alley improvements shall be completed along the alley frontage of that parcel, as approved, including installation of the proposed storm drainage collection and conveyance system and the proposed sanitary sewer service lateral for Parcel 2.
3. The Final Plat shall include a 10-foot wide public utility and sidewalk easement along the frontage of W Washington St.

#### **V. OTHER PERMITS AND RESTRICTIONS**

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

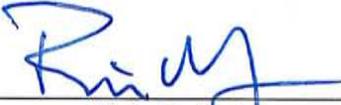
The City of Stayton Land Use review and approval process does not take the place of, or relieve the Applicant of responsibility for, acquiring such other permits, or satisfy any restrictions or conditions

there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

In accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

#### VI. APPEAL DATES

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.

  
\_\_\_\_\_  
Rich Hatfield,  
Planning Commission Chairperson

10/31/14  
Date

  
\_\_\_\_\_  
Dan Fleishman,  
Director of Planning and Development

10/31/14  
Date

## Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton Public Works Design Standards, Public Works Standard Construction Specifications, and Public Works Standard Specification Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must

meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.

Individuals who participated in the land use approval process:

Bill Martinak  
1556 Coon Hollow Rd  
Stayton OR 97383

Gerry Aboud  
836 E Kathy St  
Stayton OR 97383

Donita Zwolak  
No address given, comments received by email  
[donitasews@gmail.com](mailto:donitasews@gmail.com)

Randy Cranston  
372 SE Church St  
Sublimity OR 97385

Lance Puckett  
1513 Jay Ct.  
Stayton OR 97383

Doug Doornink  
39713 Stayton Scio Road  
Scio, OR 97374

Michael Jaeger  
1515 Eagle St  
Stayton OR 97383

## ORDINANCE NO. 975

### AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND THE STAYTON ZONING MAP FOR THE PROPERTY LOCATED AT 274 W WASHINGTON STREET

WHEREAS, William Martinak is the owner of 274 W Washington St, Stayton, Oregon and has submitted applications for a Comprehensive Plan amendment from Commercial to Residential and a Zoning Map amendment from Commercial General to Medium Density Residential as to that property (“subject property”);

WHEREAS, the subject property is identified as tax lot 5700, Township 9, Range 1 West of the Willamette Meridian, Section 10CA, Stayton, Oregon;

WHEREAS, the subject property is 14,459 square feet in area with approximately 115 feet of frontage on W Washington St and 125 feet of frontage on an alley along the parcel’s east side. The subject property was formerly developed with a single family detached dwelling, but is now vacant;

WHEREAS, the neighboring properties to the south are zoned Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned CG and is developed as a dry cleaning and laundry service establishment. The neighboring properties to the north, across W Washington St, are zoned CG and are developed with single family dwellings. One of the properties to the north also has a photography studio. The adjacent property to the east, across the alley, is zoned CG and is developed with a single family dwelling.

WHEREAS, applications for an amendment to the Comprehensive Plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.170.6.

WHEREAS, applications for an amendment to the Zoning Map are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.180.5.

WHEREAS, following a public hearing on October 27, 2014, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the applications;

WHEREAS, the Stayton City Council held a public hearing on November 17, 2014, and, pursuant to SMC 17.12.170.6 and SMC 17.12.180.5, makes the following findings regarding each of the approval criteria:

#### **Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.**

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area is designated Commercial, it is a residential area. Conversion from Commercial

designation to Residential designation shall help maintain the residential area. There are no area plans relative to this area. See the findings under compliance with statewide planning goals below.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The adopted Comprehensive Plan notes that there were 28 vacant lots zoned Medium Density Residential in February 2011 for a total land area of 10 acres. The Planning Department reports that development activity since that time has resulted in a current inventory of 17 vacant lots with a total land area of 7.7 acres. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings:

Goal 1 is in regards to citizen involvement. The application is subject to the public hearing standards established in SMC 17.12.090 and 17.12.100 and Oregon Revised Statutes 227.160 to 186. Two public hearings were held on the applications

Goal 2 is in regards to land use planning. The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in May, 2013. DLCD was notified of this application on September 15, 2014. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regards the preservation of agricultural lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 4 is in regards to the preservation of forest lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 5 is in regards to open spaces, scenic and historic areas and natural resources. This property is not designated as open space, scenic, or historic by the Comprehensive Plan.

Goal 6 is in regards air, water and land resources. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 7 is in regard to areas subject to natural disasters and hazards. There are no identified natural hazards on this property

Goal 8 is regards to recreation. The City has a Parks Master Plan that addresses the recreational needs of the community. This property is not identified for any future recreational facilities.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The proposed amendment would reduce the amount of land designated as commercial. However, this property has historically been used as residential. The neighborhood is mostly residential. The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would increase the opportunities for residential development. The property has historically been used as residential. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The City has an adopted Transportation System Plan. The applicant has submitted a Traffic Impact Analysis (TIA), completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the construction of new residences, meeting modern energy codes.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

Goals 15 through 19 are regarding the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively. The City is not located on the Willamette River or on the Oregon Coast.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City. There have been only two proposals for new construction of commercial structures in the past eight years.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The site is fully served with sewer, water and storm drainage services. The proposal will have no impact on these services.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Most of the adjacent lands are currently in residential use, with the exception of the parcel to the west, which is a dry cleaning and laundry establishment. The proposed amendment would allow residential development.

**Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria.** Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 12-inch water line on the north side of W Washington St. There is an 8-inch sewer main in the alley to the east of the parcel. There is a 10-inch storm drain line on the north side of W Washington St. with a catch basin on the south side, approximately 15 feet east of the alley. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area has been designated Commercial and zoned Commercial General, it is primarily a residential area and the property has previously been used as a single family residence.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Findings: The Comprehensive Plan notes that there were 12 vacant lots zoned Commercial General comprising 6 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The subject property was not vacant at the time that inventory was completed, having a single family dwelling that has since been demolished. Since the completion of the Comprehensive Plan, the Planning Department reports development activity has resulted in a current inventory of 17 vacant lots zoned Medium Density with a total land area of 7.7 acres. With the exception of the subject property there has been no change in the amount of vacant land zoned Commercial General.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Findings: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 15, 2014.

WHEREAS, pursuant to the findings above, the City Council concludes that the Comprehensive Plan amendment and Zoning Map amendment are compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Comprehensive Plan Map Changed.** Based on the Findings and Conclusions set forth above, the Stayton Comprehensive Plan Map is amended as follows:

Area to be changed from Commercial to Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.

**Section 2. Zoning Map Changed.** Based on the Findings and Conclusions set forth above, the Stayton Official Zoning Map is amended as follows:

Area to be changed from Commercial General to Medium Density Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.

**Section 3. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

**Section 4.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of November, 2014.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2014

BY: \_\_\_\_\_  
A. Scott Vigil, Mayor

Signed: \_\_\_\_\_, 2014

ATTEST: \_\_\_\_\_  
Keith D. Campbell,  
City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
David A. Rhoten, City Attorney

DRAFT



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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Christine Shaffer, Finance Director**  
**DATE: November 17, 2014**  
**SUBJECT: Monthly Staff Report**

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

Departmental activity:

Utility Billing:	September 2014	October 2014
Number of Bills sent out	2,668	2,644
Delinquent Notices sent out	613	508
Courtesy Delinquent Notices sent to Landlords	180	157
Notified of Impending Shut off & Penalty	170	123
Customers with Interrupted Services Non-Payment	23	25
Services still Disconnected	0	0

Accounts Payable:

Number of Checks Issued	148	143
Total Amount of Checks	\$315,176.78	\$376,863.96

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	40,878.69	1,718,144.00	1,677,265.31	2.4
CHARGES FOR SERVICES	402.00	7,200.00	6,798.00	5.6
GRANTS & CONTRIBUTIONS	.00	1,500.00	1,500.00	.0
FRANCHISE FEES	282,266.65	765,000.00	482,733.35	36.9
LICENSES, PERMITS & FEES	17,300.84	16,000.00	( 1,300.84)	108.1
FINES & FORFEITURES	34,794.42	213,700.00	178,905.58	16.3
INTERGOVERNMENTAL	50,686.51	175,190.00	124,503.49	28.9
INTEREST	1,577.78	500.00	( 1,077.78)	315.6
MISCELLANEOUS/TRANSFERS	104,932.94	392,195.00	287,262.06	26.8
	<u>532,839.83</u>	<u>3,289,429.00</u>	<u>2,756,589.17</u>	<u>16.2</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	94,826.11	465,520.00	370,693.89	20.4
ADMINISTRATION	145,598.49	479,482.00	333,883.51	30.4
POLICE	661,141.94	1,919,675.00	1,258,533.06	34.4
PLANNING	44,340.32	159,818.00	115,477.68	27.7
COMMUNITY CENTER	15,036.80	59,948.00	44,911.20	25.1
PARKS	43,751.99	154,274.00	110,522.01	28.4
MUNICIPAL COURT	19,947.83	186,785.00	166,837.17	10.7
STREET LIGHTING	26,687.35	116,685.00	89,997.65	22.9
	<u>1,051,330.83</u>	<u>3,542,187.00</u>	<u>2,490,856.17</u>	<u>29.7</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

PUBLIC WORKS ADMINISTRATION

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
INTEREST	42.11	100.00	57.89	42.1
MISCELLANEOUS/TRANSFERS	103,298.15	414,000.00	310,701.85	25.0
	<u>103,340.26</u>	<u>414,100.00</u>	<u>310,759.74</u>	<u>25.0</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	105,691.57	445,010.00	339,318.43	23.8
	<u>105,691.57</u>	<u>445,010.00</u>	<u>339,318.43</u>	<u>23.8</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

LIBRARY FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	3,456.14	151,000.00	147,543.86	2.3
CHARGES FOR SERVICES	16,035.67	56,823.00	40,787.33	28.2
GRANTS & CONTRIBUTIONS	.00	25,200.00	25,200.00	.0
LICENSES, PERMITS & FEES	2,958.50	15,500.00	12,541.50	19.1
FINES & FORFEITURES	3,178.15	15,000.00	11,821.85	21.2
INTERGOVERNMENTAL	.00	1,339.00	1,339.00	.0
INTEREST	34.51	400.00	365.49	8.6
MISCELLANEOUS/TRANSFERS	34,875.00	140,500.00	105,625.00	24.8
	<u>60,537.97</u>	<u>405,762.00</u>	<u>345,224.03</u>	<u>14.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	132,604.14	492,839.00	360,234.86	26.9
	<u>132,604.14</u>	<u>492,839.00</u>	<u>360,234.86</u>	<u>26.9</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

WATER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	834,603.27	1,754,000.00	919,396.73	47.6
LICENSES, PERMITS & FEES	12,361.70	30,000.00	17,638.30	41.2
INTEREST	1,270.18	3,500.00	2,229.82	36.3
MISCELLANEOUS/TRANSFERS	2,123.32	11,000.00	8,876.68	19.3
	<u>850,358.47</u>	<u>1,798,500.00</u>	<u>948,141.53</u>	<u>47.3</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	492,697.53	1,925,546.00	1,432,848.47	25.6
	<u>492,697.53</u>	<u>1,925,546.00</u>	<u>1,432,848.47</u>	<u>25.6</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

STORM WATER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICE	70,216.85	237,000.00	166,783.15	29.6
INTEREST	38.17	200.00	161.83	19.1
MISCELLANEOUS/TRANSFERS	.00	278,000.00	278,000.00	.0
	<u>70,255.02</u>	<u>515,200.00</u>	<u>444,944.98</u>	<u>13.6</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	46,776.11	443,730.00	396,953.89	10.5
	<u>46,776.11</u>	<u>443,730.00</u>	<u>396,953.89</u>	<u>10.5</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

SEWER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	966,970.53	3,019,230.00	2,052,259.47	32.0
INTEREST	3,873.49	12,500.00	8,626.51	31.0
MISCELLANEOUS/TRANSFERS	1,022.43	12,500.00	11,477.57	8.2
	<u>971,866.45</u>	<u>3,044,230.00</u>	<u>2,072,363.55</u>	<u>31.9</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	907,469.37	3,627,673.00	2,720,203.63	25.0
	<u>907,469.37</u>	<u>3,627,673.00</u>	<u>2,720,203.63</u>	<u>25.0</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	28,829.75	84,000.00	55,170.25	34.3
INTERGOVERNMENTAL	144,663.63	516,876.00	372,212.37	28.0
INTEREST	495.83	900.00	404.17	55.1
MISCELLANEOUS/TRANSFERS	685.90	50,250.00	49,564.10	1.4
	<u>174,675.11</u>	<u>652,026.00</u>	<u>477,350.89</u>	<u>26.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	86,294.79	800,187.00	713,892.21	10.8
	<u>86,294.79</u>	<u>800,187.00</u>	<u>713,892.21</u>	<u>10.8</u>

CITY OF STAYTON  
 FUND SUMMARY  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2014

SWIMMING POOL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	3,725.90	154,000.00	150,274.10	2.4
GRANTS & CONTRIBUTIONS	25,000.00	25,000.00	.00	100.0
INTEREST	88.77	250.00	161.23	35.5
MISCELLANEOUS/TRANSFERS	3,750.00	15,000.00	11,250.00	25.0
	<u>32,564.67</u>	<u>194,250.00</u>	<u>161,685.33</u>	<u>16.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	192,466.52	312,928.00	120,461.48	61.5
	<u>192,466.52</u>	<u>312,928.00</u>	<u>120,461.48</u>	<u>61.5</u>



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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Rich Sebens, Chief of Police**  
**DATE: November 17, 2014**  
**SUBJECT: October Staff Report**

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Below you will see the stats for the Police Department for the month of October

	<b>October</b>	<b>Year to Date</b>	<b>October</b>	<b>Year to Date</b>
	<b>2014</b>	<b>2014</b>	<b>2013</b>	<b>2013</b>
<b>Police Activity</b>	781	7443	749	9088
<b>Investigated Incidents</b>	347	2576	367	906
<b>Citations/Warning</b>	221	1599	188	2672
<b>Traffic Accidents</b>	3	65	12	77
<b>Juvenile Abuse</b>	5	38	2	28
<b>Arrests</b>	39	637	58	765
<b>Reserve Volunteer Hrs.</b>	183.50	2246	327.25	3852.58
<b>Citizen Volunteer Hrs.</b>	29	232	0	351.75
<b>Peer Court Referrals:</b>	10	45	2	25

**STAYTON POLICE DEPARTMENT  
CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS  
10/1/2014 - 10/31/2014**

	CRIMES			CRIMES CLEARED BY ARREST & EXCEPTION			PERCENT CLEARED			PERSONS ARRESTED		
	10/1/14 to 10/31/14	1/1/14 to 10/31/14	1/1/13 to 10/31/13 % Change Yr to Yr	10/1/14 to 10/31/14	1/1/14 to 10/31/14	1/1/13 to 10/31/13	10/1/14 to 10/31/14	1/1/14 to 10/31/14	1/1/13 to 10/31/13	Juv	Adult	Total
<b>NON-CRIMINAL</b>												
ACCIDENT-INJURY	1	11	7 57.1%									
ACCIDENT-PROPERTY	5	36	41 -12.2%									
ALL OTHER NON-CRIMINAL	253	1,602	2,484 -35.5%									
NON CRIM DOMESTIC DISTURB	12	88	108 -18.5%									
<b>NON-CRIMINAL TOTALS</b>	<b>271</b>	<b>1,737</b>	<b>2,640 -34.2%</b>									
<b>PERSON</b>												
AGGRAVATED ASSAULT	1	16	12 33.3%	1	14	12	100.0%	87.5%	100.0%	1	0	1
KIDNAPPING	0	3	2 50.0%	0	3	2	0.0%	100.0%	100.0%	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0 0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0
OFFENSE AGAINST FAMILY	1	3	5 -40.0%	1	3	5	100.0%	100.0%	100.0%	0	0	0
OTHER ASSAULTS	5	78	60 30.0%	5	69	46	100.0%	88.5%	76.7%	2	1	3
RAPE	1	3	3 0.0%	0	2	1	0.0%	66.7%	33.3%	0	0	0
RESTRAINING ORDER VIOLATION	2	9	6 50.0%	2	6	5	100.0%	66.7%	83.3%	0	2	2
ROBBERY	0	1	3 -66.7%	0	1	3	0.0%	100.0%	100.0%	0	0	0
SEX OFFENSES	1	19	12 58.3%	0	4	4	0.0%	21.1%	33.3%	0	0	0
<b>PERSON TOTALS</b>	<b>11</b>	<b>132</b>	<b>103 28.2%</b>	<b>9</b>	<b>102</b>	<b>78</b>	<b>81.8%</b>	<b>77.3%</b>	<b>75.7%</b>	<b>3</b>	<b>3</b>	<b>6</b>
<b>PROPERTY</b>												
ARSON	0	1	1 0.0%	0	1	1	0.0%	100.0%	100.0%	0	0	0
BURGLARY - BUSINESS	2	8	5 60.0%	0	1	1	0.0%	12.5%	20.0%	0	0	0
BURGLARY - OTHER STRUCTURE	0	5	7 -28.6%	0	0	3	0.0%	0.0%	42.9%	0	0	0
BURGLARY - RESIDENCE	0	39	20 95.0%	0	4	5	0.0%	10.3%	25.0%	0	0	0
COUNTERFEITING/FORGERY	0	6	10 -40.0%	0	1	2	0.0%	16.7%	20.0%	0	1	1
FRAUD	5	52	45 15.6%	2	16	17	40.0%	30.8%	37.8%	2	1	3
LARCENY												
Pickpocket	0	0	1 -100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0
Purse Snatching	0	0	2 -100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0
Shoplifting	8	48	69 -30.4%	4	29	49	50.0%	60.4%	71.0%	3	3	6
Theft from a Motor Vehicle	8	78	35 122.9%	0	2	3	0.0%	2.6%	8.6%	0	0	0
Theft of MV Parts/Accessories	0	7	7 0.0%	0	1	1	0.0%	14.3%	14.3%	0	0	0
Theft of Bicycle	5	30	13 130.8%	0	0	5	0.0%	0.0%	38.5%	0	0	0
Theft from Building	2	20	13 53.8%	2	5	5	100.0%	25.0%	38.5%	0	1	1
All Other Larceny	15	108	110 -1.8%	4	23	26	26.7%	21.3%	23.6%	2	3	5
<b>PROPERTY TOTALS</b>	<b>27</b>	<b>199</b>	<b>140 33.2%</b>	<b>16</b>	<b>102</b>	<b>78</b>	<b>81.8%</b>	<b>77.3%</b>	<b>75.7%</b>	<b>3</b>	<b>3</b>	<b>6</b>
<b>TOTALS</b>	<b>38</b>	<b>931</b>	<b>743 21.3%</b>	<b>25</b>	<b>204</b>	<b>156</b>	<b>65.8%</b>	<b>67.3%</b>	<b>65.7%</b>	<b>6</b>	<b>6</b>	<b>12</b>





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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Jennifer Russell, Administrative Assistant**  
**DATE: November 17, 2014**  
**SUBJECT: Public Works Monthly Operating Report for October**

**KEY ACTIVITIES**

**STATUS**

- **WWTP Facility** Effluent flows: 25.73 million gallons were treated during October. The highest flow was 1.25 million gallons on October 31 and the lowest flow was 0.28 million gallons on October 27. The average flow was 0.83 million gallons. Total rainfall for October was 7.62 inches.
- **WTP** Highest production day was 5,531,000 on the 2nd.
- **Water System** Installed 1 new and replaced 11 meters. Work has begun on Douglas, between Locust and W. Washington, to install a new 8 inch water main and services. At mid block, a fire hydrant has been installed. This month, services will be switched over and patching the pavement cuts. Clean up to the water plant from the windstorm.
- **Streets** Swept 180 curb miles and removed approximately 240 cubic yards of material. On October 27, branch clean-up on streets from wind storm.
- **Parks** Volunteers: Community Service – 0 hours, Volunteer – 16 hours, Lifeskills High School Students – 60 hours . Total = 76 hours.
- **Building Permits**

<b><u>Permit Type</u></b>	<b><u>Issued</u></b>	<b><u>SDC's Paid</u></b>
New Single Family Dwelling	2	\$24,320.00
Residential Building Addition/Alter/Other	1	0
Commercial Building Addition/Alter/Other	3	0
Electrical	4	0
Mechanical	0	0
Plumbing	1	0
<b>TOTAL</b>	<b>11</b>	<b>\$24,320.00</b>

*One (1) Residential SDC = \$11,490.00 + \$670.00 for Mill Creek SDC*



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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Dan Fleishman, Planning and Development Director**  
**DATE: November 17, 2014**  
**SUBJECT: Report of Activities for October, 2014**

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**Enforcement Activity Highlights**

The City hired a contractor to remove a portion of the concrete block wall on Gardner Ave that was leaning over the sidewalk. The City had been making an effort to get the property owner to remove the dangerous portion of the wall for several years.

**Planning & Development Activity Summary**

Reviewed 2 building permit applications

Working with Public Works Department staff, improvements to the Geographic Information System continued



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

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Katinka Bryk- Library Director**  
**DATE: November 17, 2014**  
**SUBJECT: October Library report**

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The library's first ever Job Fair had attendance of 12 companies and over 75 job seekers. Many thanks to the Friends of the Stayton Library for providing baked goods for our attendees. Also, the Friends generously paid for nine new chairs for the adult internet computers. The six Nexus 7 Android tablets they purchased are now available to check out for in library use.

Lisa Krigbaum, our outreach storyteller, received a \$300 grant for program materials from the Figaro's H.E.L.P. program. She has also begun storytime with the children of Wolf Ridge apartments, collaborating with the manager there to provide outreach to those who are not enrolled in licensed daycare or Headstart. This is a part of the outreach program we see a need to grow, and are working with the Stayton Public Library Foundation on grants to that end.

The Teens were treated to a showing of the hit movie *The Fault in our Stars*. Halloween was enjoyed with entertaining dress up and the game session every Wednesday, Loiter in the Library, now includes ping pong.

Staff training for the migration from Millennium to Sirsi/Dynix library software is going well. The library will be open during the transition. Patrons may check items out with their card in hand. There will be no placing of holds, and the staff will not be able to check in any materials for the week of Dec 8-11. It'll be interesting!

Our author series will begin on December 4<sup>th</sup> with bestselling Portland mystery writer Philip Margolin, as he reads from his new book, *Woman with a Gun*.

2014-2015 Monthly Library Statistics														
	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2013-14 FY	2014-15 YTD
<b>TOTAL CHECKOUTS</b>	12,392	9,879	9,097	10,402									136,454	41,770

OTHER CIRCULATION SERVICES														
Self check out	2,646	2,313	2,126	2,468									<i>Not Tracked</i>	9,553
Holds filled	718	686	695	620									<i>Not Tracked</i>	2,719
Check-ins	11,787	9,649	8,652	9,283									<i>Not Tracked</i>	39,371
Library2Go (ebooks +)	634	671	698	658									6,378	2,661

INCOME RECEIVED														
Non-resident cards	\$773.00	\$455.00	\$232.00	\$485.00									\$9,921.00	\$1,945.00
Fines: overdue & lost books	\$719.00	\$218.00	\$453.00	\$979.26									\$16,612.37	\$2,369.26
Room fees	\$0.00	\$0.00	\$0.00	\$462.50									\$4,129.50	\$462.50
												<b>TOTAL</b>	<b>\$30,662.87</b>	<b>\$4,776.76</b>

REFERENCE QUESTIONS														
In-Person, by phone and computer help	769	611	355	391									8,042	2,126

<b>NEW PATRON CARDS</b>	109	70	83	112									240	374
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<b>INTERNET USE</b>	1,584	1,424	1,235	1,483									18,625	5,726
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PROGRAM ATTENDANCE														
Children/teens	349	178	264	399									4,743	1,190
Adults	169	49	158	206									2,575	582
Outreach	0	n/a	n/a	487									6,405	487
												<b>TOTAL</b>	<b>13,723</b>	<b>2,259</b>

<b>MEETING ROOM ATTENDANCE</b>	1,017	573	673	920									10,942	3,183
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<b>PATRON VISITS</b>	8,588	7,660	6,212	8,059									88,449	30,519
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**2013-2014 Comparison**

	<b>October 2014</b>	<b>October 2013</b>
<b>TOTAL CHECKOUTS</b>	10,402	14,011
<b>OTHER CIRCULATION SERVICES</b>		
Self check out	2,468	
Holds filled	320	
Check-ins	9,283	
Library2Go (ebooks +)	658	553
<b>INCOME RECEIVED</b>		
Non-resident cards	\$485.00	\$720.00
Fines: overdue & lost books	\$979.26	\$857.00
Room fees	\$462.50	\$348.00
<b>REFERENCE QUESTIONS</b>		
In-Person, by phone and computer help	391	619
<b>NEW PATRON CARDS</b>	112	
<b>INTERNET USE</b>	1,483	1,700
<b>PROGRAM ATTENDANCE</b>		
Children/teens	399	365
Adults	206	177
Outreach	487	887
<b>MEETING ROOM ATTENDANCE</b>	920	907
<b>PATRON VISITS</b>	8,059	7,727



October 31, 2014

City of Stayton  
Attention: Don Eubank  
362 N 3<sup>rd</sup> Ave.  
Stayton OR 97383

RE: WaveDivision Holdings, 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 services starting December 1<sup>st</sup>, 2014.

The monthly rates for the following services will be adjusted: Basic Cable service, and any packages including that service, will increase by \$3.83. These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is due to annual programming cost increases from TV networks owned by A&E Networks, AMC Networks, Discovery Communications, Disney/ESPN, FOX Broadcasting Company, NBCUniversal, Scripps Networks Interactive, Turner Broadcasting System, Viacom, regional sports programmers, and independent channel providers.

Additionally, in the coming months, 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,

Cyndi Wikstrom  
Senior Vice President of Operations  
Washington-Oregon