



# AGENDA

## STAYTON CITY COUNCIL MEETING

Monday, April 15, 2019

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

**CALL TO ORDER**

**7:00 PM**

**Mayor Porter**

**FLAG SALUTE**

**ROLL CALL/STAFF INTRODUCTIONS**

### **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.

### **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.*

- a. Stayton Public Library Foundation – Deana Freres

### **CONSENT AGENDA**

- a. April 1, 2019 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**

**Zone Map Amendment, 1160 E. Jefferson Street**

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Public Testimony
- g. Questions from the Council
- h. Applicant Summary
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision on Ordinance No. 1030

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Joint Presentation with Planning Commission on Draft Transportation System Plan** **Informational**

- a. Staff Report – Dan Fleishman

**Ordinance No. 1031 Amending Licensing Standards for Mobile Food Units** **Action**

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

**Stayton City Council Rules Update** **Action**

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

**STAFF/COMMISSION REPORTS – None**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

*Recommended time for presentations is 10 minutes.*

*Recommended time for comments from the public is 3 minutes.*

**BUSINESS FROM THE CITY MANAGER**

**BUSINESS FROM THE MAYOR**

**BUSINESS FROM THE COUNCIL**

**FUTURE AGENDA ITEMS – May 6, 2019**

- a. Budget Committee Meeting

**ADJOURN**

## CALENDAR OF EVENTS

### APRIL 2019

|           |          |                        |           |                              |
|-----------|----------|------------------------|-----------|------------------------------|
| Monday    | April 15 | City Council           | 7:00 p.m. | Community Center (north end) |
| Wednesday | April 17 | Library Board          | 6:00 p.m. | E.G. Siegmund Meeting Room   |
| Monday    | April 22 | Main Street Open House | 6:00 p.m. | E.G. Siegmund Meeting Room   |
| Monday    | April 29 | Planning Commission    | 7:00 p.m. | Community Center (north end) |

### MAY 2019

|           |        |                          |                  |                              |
|-----------|--------|--------------------------|------------------|------------------------------|
| Monday    | May 6  | Budget Committee         | 6:00 p.m.        | Community Center (north end) |
| Monday    | May 6  | City Council             | <i>Cancelled</i> |                              |
| Tuesday   | May 7  | Parks & Recreation Board | 6:00 p.m.        | E.G. Siegmund Meeting Room   |
| Monday    | May 13 | Budget Committee         | 6:00 p.m.        | Community Center (north end) |
| Tuesday   | May 14 | Commissioner's Breakfast | 7:30 a.m.        | Covered Bridge Café          |
| Tuesday   | May 14 | Budget Committee         | 6:00 p.m.        | Community Center (north end) |
| Wednesday | May 15 | Budget Committee         | 6:00 p.m.        | Community Center (north end) |
| Wednesday | May 15 | Library Board            | 6:00 p.m.        | E.G. Siegmund Meeting Room   |
| Monday    | May 20 | City Council             | 7:00 p.m.        | Community Center (north end) |
| Tuesday   | May 28 | Planning Commission      | 7:00 p.m.        | Community Center (north end) |
| Tuesday   | May 28 | Public Safety Commission | 6:00 p.m.        | City Hall Conference Room    |

### JUNE 2019

|           |         |                          |           |                              |
|-----------|---------|--------------------------|-----------|------------------------------|
| Monday    | June 3  | City Council             | 7:00 p.m. | Community Center (north end) |
| Tuesday   | June 4  | Parks & Recreation Board | 6:00 p.m. | E.G. Siegmund Meeting Room   |
| Tuesday   | June 11 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café          |
| Monday    | June 17 | City Council             | 7:00 p.m. | Community Center (north end) |
| Wednesday | June 19 | Library Board            | 6:00 p.m. | E.G. Siegmund Meeting Room   |
| Monday    | June 24 | Planning Commission      | 7:00 p.m. | Community Center (north end) |

### JULY 2019

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

### AUGUST 2019

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

**City of Stayton**  
**City Council Meeting Action Minutes**  
**April 1, 2019**

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

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

**Time End:** 9:12 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

| COUNCIL                     | STAYTON STAFF                                     |
|-----------------------------|---|
| Mayor Henry Porter          | Alissa Angelo, Deputy City Recorder               |
| Councilor Paige Hook        | Keith Campbell, City Manager                      |
| Councilor Christopher Molin | Dan Fleishman, Director of Planning & Development |
| Councilor Jordan Ohrt       | Lance Ludwick, Public Works Director              |
| Councilor David Patty       | Janna Moser, Library Director                     |
| Councilor Brian Quigley     | Rich Sebens, Chief of Police                      |

| AGENDA   | ACTIONS  |
|--|--|
| <b>REGULAR MEETING</b>   |  |
| <b>Announcements</b>   |  |
| a. Additions to the Agenda   | None.  |
| b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.      | Mayor Porter declared ex parte contacts with Gene Jones regarding Ordinance No. 1029. Councilor Quigley and Councilor Patty declared ex parte contacts in regard to the Ordinance No. 1019 Committee.                              |
| <b>Presentations / Comments from the Public</b>                            |  |
| a. James McGrory   | Mr. McGrory spoke in opposition of the smoking portion of Ordinance No. 1019.  |
| b. Steve Poisson   | Mr. Poisson spoke in support of the Ordinance No. 1019 Committee recommendations.  |
| c. Samantha Jones  | Ms. Jones spoke in opposition of the smoking portion of Ordinance No. 1019.  |
| d. Nora Anderson   | Ms. Anderson spoke in opposition of the smoking portion of Ordinance No. 1019.   |
| e. Dan Setniker  | Mr. Setniker spoke in opposition of the trail being built by the Rotary Club.  |
| <b>Consent Agenda</b>  |  |
| a. March 18, 2019 City Council Minutes                                     | Motion from Councilor Quigley, seconded by Councilor Hook, to approve the consent agenda as presented. <b>Motion passed 5:0.</b>   |
| b. OLCC – “Limited On-Premises” Application for Roth’s IGA Foodliner, Inc. |  |
| <b>Business from the Mayor</b>   |  |
| a. Child Abuse Prevention Proclamation and Presentation                    | Mayor Porter read the proclamation for Child Abuse Prevention. Kelley Parosa of Liberty House, Ashley Cadotte of the Marion County District Attorney’s Office, and Teri Alexander from Safe Families - Catholic Community Services |

|  |  |
|--|--|
|  | gave a Child Abuse Prevention Month presentation to the Council.   |
| <b>Public Hearing</b>  | None.  |
| <b>Unfinished Business</b><br><b>City Council Goals</b><br>a. Staff Report – City Management Team<br><br>b. Council Deliberation<br><br>c. Council Decision  | <p>Sara Singer Wilson facilitated the City Council Goal Setting Session and reviewed the process she went through with staff to set the final draft of goals.</p> <p>Councilor Hook expressed concern with the Council Goals as written. Councilor Ohrt agreed.</p> <p>Council discussion of whether the goals are too aggressive and the process of revisiting the goals annually or biannually.</p> <p>Discussion of revisiting the goals annually or biannually.</p> <p>Motion from Councilor Patty, seconded by Councilor Quigley, to adopt the 2019-2023 City Council Goals as presented.</p> <p><i>Council Discussion:</i> Discussion of adding Councilor Hook’s request to the City Council Goals document.</p> <p><b>Motion passed 3:2 (Hook, Ohrt).</b></p> |
| <b>Ordinance No. 1029, Amending Land Use Code Establishing Standards for Recreational Vehicle Parks and Campgrounds</b><br>a. Staff Report – Dan Fleishman<br><br>b. Council Deliberation<br><br>c. Council Decision | <p>Mr. Fleishman reviewed the staff report.</p> <p>Councilor Quigley proposed changing the length of stay from 180 days to 90 or 120 days to prevent it from becoming a permanent residence. Council discussion on the changing the length of stay.</p> <p>Motion from Councilor Quigley, seconded by Councilor Patty, to adopt the revised draft Ordinance No. 1029 with an additional revision changing the length of stay from 180 days to 120 days. <b>Motion passed 5:0.</b></p>  |
| <b>New Business</b><br><b>Report of Ordinance No. 1019 Review Committee and Recommended Code Amendments</b><br>a. Staff Report – Dan Fleishman<br><br>b. Council Deliberation<br><br>c. Council Decision             | <p>Mr. Fleishman reviewed the staff report.</p> <p>Council discussion of the Ordinance No. 1019 Committee’s recommendations.</p> <p>Motion from Councilor Quigley, seconded by Councilor</p>   |

|  |  |
|--|--|
| <p><b>Award of Contract for 2019 Regis Street Improvement Project</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Lance Ludwick</li> <li>b. Council Deliberation</li> <li>c. Council Decision</li> </ul> <p><b>Award of Contract for Water Treatment Plant – Slow Sand Filter Resanding Project</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Lance Ludwick</li> <li>b. Council Deliberation</li> <li>c. Council Decision</li> </ul> | <p>Patty, to accept the recommendations of the Ordinance No. 1019 Review Committee.</p> <p><i>Council Discussion:</i> Staff will draft an ordinance and do the appropriate public notices and bring to a future Council meeting.</p> <p><b>Motion passed 5:0.</b></p> <p>Mr. Ludwick reviewed the staff report.</p> <p>Council discussion of the project timeline and bid process.</p> <p>Motion from Councilor Hook, seconded by Councilor Patty, to award the 2019 Regis Street Improvement Project to American Underground LLC in the amount of \$512,235.61.</p> <p><b>Motion passed 5:0.</b></p> <p>Mr. Ludwick reviewed the staff report.</p> <p>Council and staff discussion of funding for this project and the other two filter beds.</p> <p>Motion from Councilor Molin, seconded by Councilor Ohrt, to award the Water Treatment Plant – Slow Sand Filter Resanding Project to Big River Construction in the amount of \$579,900. <b>Motion passed 5:0.</b></p> |
| <b>Staff / Commission Reports</b>  | None.  |
| <b>Presentations / Comments from the Public</b>  | None.  |
| <b>Business from the City Manager</b>  | <p>Ms. Moser reminded everyone the Friends of the Library Book Sale begins on Thursday, April 4<sup>th</sup> and this week is also Food for Fines.</p> <p>Mr. Fleishman shared the Economic Development Strategies Survey is now available through a link on the City’s website.</p>   |
| <b>Business from the Mayor</b>   | None.  |
| <b>Business from the Council</b>   | <p>Councilor Quigley requested staff purchase copies of Robert’s Rules for Dummies for the Council members.</p> <p>Councilor Ohrt inquired about the Rotary Club trail issue raised earlier in the meeting. Mr. Fleishman responded.</p>   |
| <p><b>Future Agenda Items – Monday, April 15, 2019</b></p> <ul style="list-style-type: none"> <li>a. Public Hearing – Zone Map and Code Amendments</li> <li>b. Council Rules</li> <li>c. Transportation System Plan Update Presentation</li> </ul>   |  |

APPROVED BY THE STAYTON CITY COUNCIL THIS 15<sup>TH</sup> DAY OF APRIL 2019, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

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

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

Henry A. Porter, Mayor

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

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

Keith D. Campbell, City Manager

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

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

Alissa Angelo, Deputy City Recorder



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

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: April 15, 2019**  
**SUBJECT: Zone Map Amendment, 1160 E Jefferson St**  
**120 DAYS ENDS: June 27, 2019**

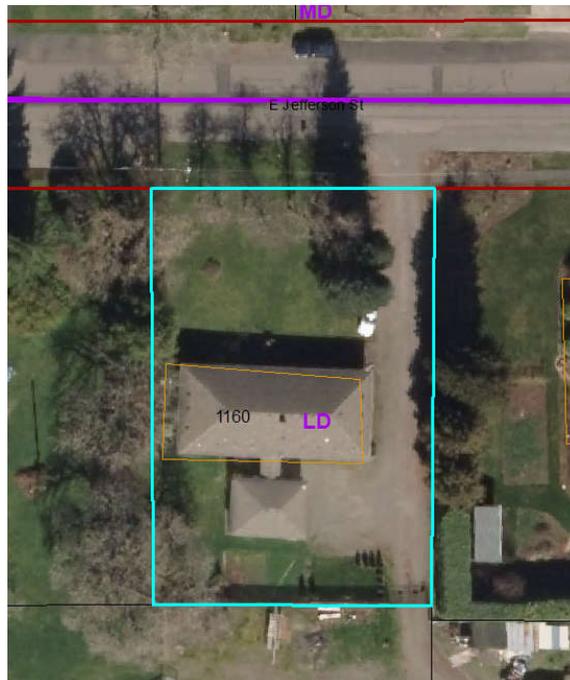
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**ISSUE**

The issue before the City Council is a public hearing on an application to amend the zoning for the property at 1160 E Jefferson St from Low Density Residential to Medium Density Residential. Following the public hearing, the Council will be requested to consider an ordinance to amend the Official Zoning Map.

**BACKGROUND INFORMATION**

The subject property is comprised of a 15,000 square foot lot, located on E Jefferson St. The subject parcel is currently developed with a duplex. An April, 2014 aerial photo of the property is below:



## **ANALYSIS**

This report presents the Planning Staff's summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

The application consists of the application form, the applicant's narrative, and an analysis required by the state's Transportation Planning Rule.

The existing duplex is a legally existing nonconforming use. The applicant is requesting the Zone Map amendment in order to make the use a conforming use. No additional development is anticipated at this time.

## **RECOMMENDATION**

The Planning Commission has recommended approval, as indicated in the attached order.

The staff also recommends approval as reflected in the draft ordinance that is included in the packet.

There may be testimony at the public hearing that requires the draft ordinance be modified to reflect that testimony.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Approve the application and the first consideration of Ordinance 1030**

Move to approve the application of Tadd Humphreys and Scott Humphreys (Land Use File #1-02/19) and Ordinance 1030 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 1030 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 1030 will be brought before the Council for a second consideration at the May 20, 2019 meeting.

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

Move to approve the application of Tadd Humphreys and Scott Humphreys (Land Use File #1-02/19) and Ordinance 1030 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 1030 will be brought before the Council for a second consideration at its May 20, 2019 meeting.

### **3. Deny the application**

Move to deny the application of Tadd Humphreys and Scott Humphreys (Land Use File #1-02/19) and direct staff to prepare a draft Order of Denial for consideration by the City Council.



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

PROPERTY OWNER: Tadd D. Humphreys Scott A. Humphreys  
 Address: 1460 Highland Dr.  
 City/State/Zip: Stayton, OR 97383  
 Phone: (503) 871-2495  
 Email: TaddH@WUI-Com

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

APPLICANT'S REPRESENTATIVE: Same  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: ( ) \_\_\_\_\_ - \_\_\_\_\_  
 Email: \_\_\_\_\_

CONSULTANTS: Please list below planning and engineering consultants.

| PLANNING                 | ENGINEERING              |
|--------------------------|--------------------------|
| Name: _____              | Name: _____              |
| Address: _____           | Address: _____           |
| City/State/Zip: _____    | City/State/Zip: _____    |
| Phone: ( ) _____ - _____ | Phone: ( ) _____ - _____ |
| Email: _____             | Email: _____             |

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: 1160 E Jefferson  
 Assessor's Tax Lot Number and Tax Map Number: 091W11CB04000  
 Closest Intersecting Streets: N 10th Ave

CURRENT ZONE MAP DESIGNATION: Low Density

PROPOSED ZONE MAP DESIGNATION: Medium Density

SIGNATURE OF APPLICANT: Tadd D. Humphreys

DO NOT WRITE BELOW THIS LINE

Application received by: DBF   Date: 2/26/19   Fee Paid: \$ 1500<sup>00</sup>   Receipt No. 10.002931  
 Land Use File# 2-01/19

There will be no increase demand on current facilities in the area due to the fact that the property is already developed.

The proposed zoning applied for is consistent with the property located directly across the street.

We are hoping to change the zoning to remove it from non-conforming use, to what it is being used for, a duplex, which is medium density.

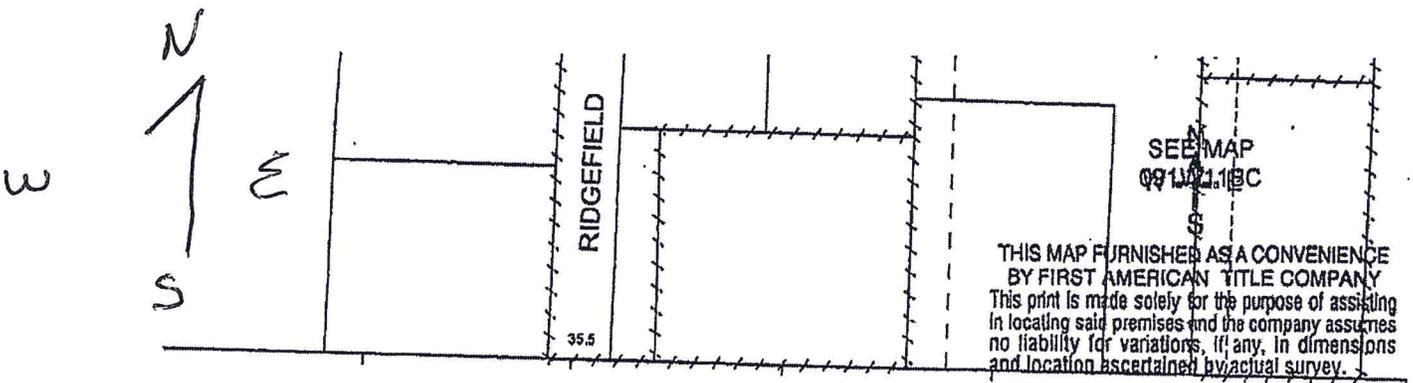
This property was built in the late 1940's as a duplex.

**Exhibit "A"**

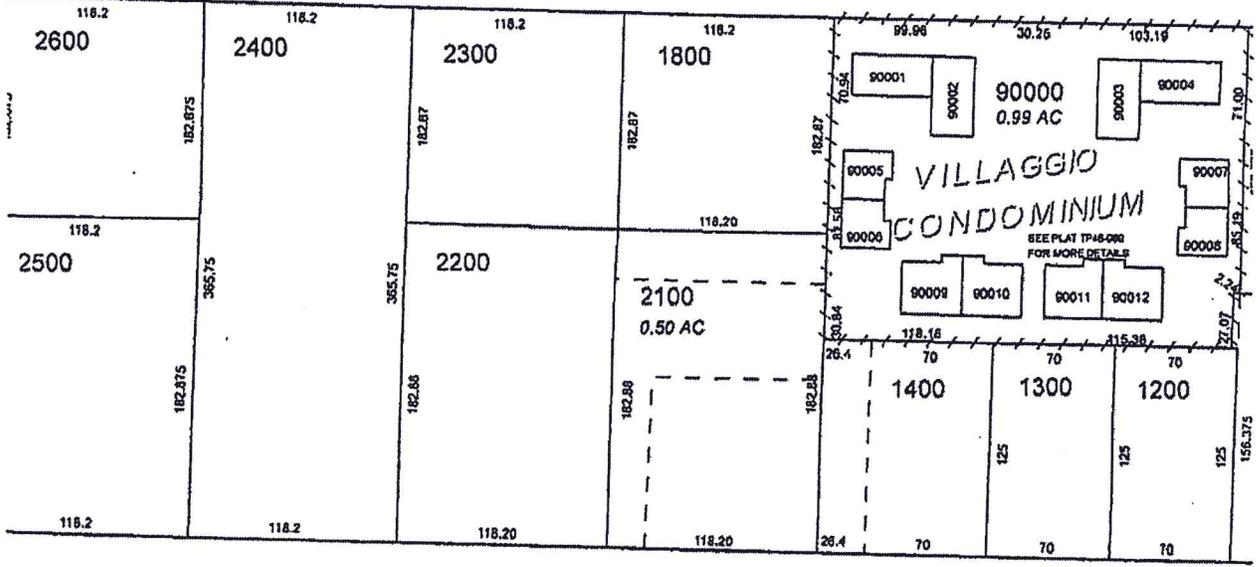
Real property in the County of Marion, State of Oregon, described as follows:

BEGINNING AT THE INTERSECTION OF THE SECTION LINE BETWEEN SECTIONS 10 AND 11 IN TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, AND THE SOUTH LINE OF A COUNTY ROAD WHICH POINT IS 425.04 FEET SOUTH OF THE QUARTER SECTION CORNER BETWEEN SAID SECTIONS 10 AND 11; THENCE RUNNING EASTERLY ALONG THE SOUTH LINE OF SAID COUNTY ROAD 450 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY 150 FEET; THENCE EASTERLY 100 FEET; THENCE NORTHERLY 150 FEET; THENCE WESTERLY 100 FEET TO THE PLACE OF BEGINNING.

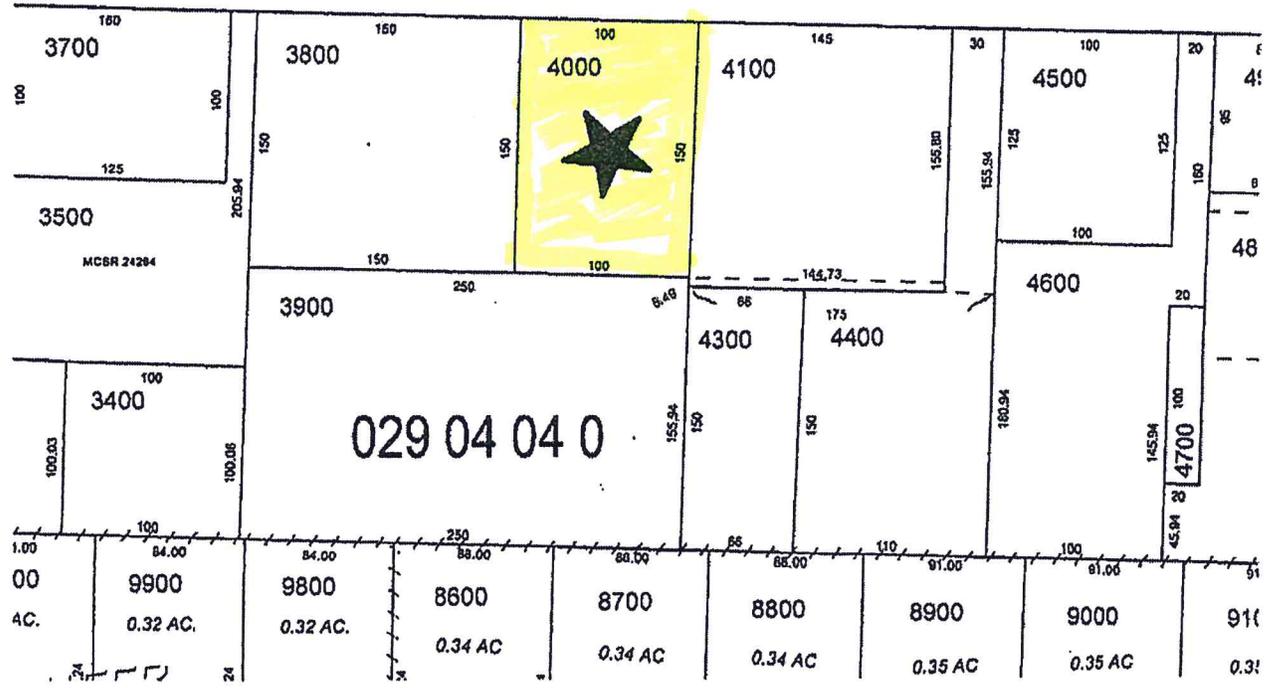
NOTE: This legal description was created prior to January 01, 2008.



E SANTIAM STREET



JEFFERSON





CONSULTING, LLC  
503.805.8115

DATE: February 28, 2019

TO: Dan Fleishman / Planning and Development Director, City of Stayton, OR

FROM: Tegan Enloe, PE / Enloe Consulting, LLC

SUBJECT: Land Use Change Request for 1160 E Jefferson Street



## Executive Summary

The applicant, Tadd Humphries, seeks to rezone his lot at 1160 E Jefferson Street from Low Density Residential to Medium Density Residential. This will correct an existing non-conforming use that resulted when he purchased an existing duplex on the lot in 2018. The applicant does not currently seek to redevelop the parcel, but would instead like to be in conformance with City code.

A land use change from Low Density Residential to Medium Density Residential is expected to have at most an increase of approximately 25 daily trips. This would result in approximately one additional AM peak hour trip and two additional PM peak hour trips. This level of change in trips is not expected to have a significant impact on the surrounding roadways and infrastructure.

## Background

The applicant purchased the lot at 1160 E Jefferson Street in Stayton on September 6<sup>th</sup>, 2018. At the time of purchase, the lot, which is currently zoned as Low Density Residential and only allows single family units, contained a fully built and operational duplex. The presence of the duplex represents an existing non-conforming use. To be consistent with City of Stayton land use, the lot would need to be rezoned to a Medium Density Residential, which allows for development of duplexes, triplexes, and mobile homes<sup>1</sup>. At this time, the applicant does not intend to redevelop the lot in question. His motivation is to create consistency between the existing structure and the land use so in the event something happens to his property, he would be able to replace the existing structure in kind. Under current zoning, if the building is damaged and needs to be replaced, he would be prohibited from doing so because it would not be consistent with the existing land use.

Figure 1 identifies the lot in question, and was provided by the City of Stayton.

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<sup>1</sup> City of Stayton Land Use and Development Code, Section 17.16 on Zoning, Adopted January 2<sup>nd</sup>, 2007, and amended April 18, 2018



Table 1: Trip Generation by Land Use

| Land Use Code  | Use Type                                    | Number of Units | ITE Trip Generation Code* | Appox. Daily Weekday Trips | Appox. AM Peak Hour Trips (7- 9 AM) | Approx. PM Peak Hour Trips (4 – 6PM) |
|--|---|-----------------|---------------------------|----------------------------|-------------------------------------|--------------------------------------|
| Low Density Residential Allowed Uses   | Single Family Residential                   | 2               | Code 210                  | 29                         | 2                                   | 2                                    |
| Medium Density Residential Allowed Uses  | Single Family Residential                   | 4               | Code 210                  | 54                         | 3                                   | 4                                    |
|  | Multifamily Housing**<br>(assumes 2 duplex) | 4               | Code 220                  | 30                         | 2                                   | 3                                    |
|  | Mobile Home Park                            | 4               | Code 240                  | 26                         | 2                                   | 3                                    |
| Notes:<br>* ITE Trip Generation Codes and approximate trips are based on the ITE Trip Generation Manual 10 <sup>th</sup> Edition<br>** Mutlifamily Housing is used to analyze potential duplex/triplex use |   |                 |                           |                            |                                     |                                      |

Out of the possible land uses associated with Medium Density Residential, the one with the potential to produce the most trips is single family residential with four units, the maximum allowed based on the size of the lot and the proposed land use zoning. Under that scenario, the land use change will result in approximately 25 additional daily trips, which includes one additional AM peak hour trip, and two additional PM peak hour trips. This level of change in trips based on a land use change is not expected to have a significant impact on the surrounding roadways and infrastructure.

**Conclusion**

A land use change at 1160 E Jefferson Street from Low Density Residential to Medium Density Residential is expected to have at most an increase of approximately 25 daily trips. This would result in approximately one additional AM peak hour trip and two additional PM peak hour trips. This level of change in trips is not expected to have a significant impact on the surrounding roadways and infrastructure.

**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of )  
The application for ) Official Zoning Map Amendment  
Tadd Humphreys & Scott Humphreys ) File # 2-02/19  
)  
)

**RECOMMENDATION OF APPROVAL**

**I. NATURE OF APPLICATION**

The applicant has submitted an application for an Official Zoning Map amendment from Low Density Residential to Medium Density Residential.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Stayton Planning Commission on March 25, 2019. At that hearing the Planning Commission reviewed Land Use File #2-02/19, application for Official Zoning Map amendment, and it was made part of the record.

**III. FINDINGS OF FACT**

**A. GENERAL FACTS**

1. The owners of the property and the applicants are Tadd Humphreys and Scott Humphreys.
2. The property is shown as tax lot 4000, on Map 91W11CB.
3. The property is located at 1160 E Jefferson St.
4. The property is zoned Low Density Residential (LD).
5. The property is 15,000 square feet in area with 100 feet of frontage on E Jefferson St. The property is currently developed with a duplex, which is a legally existing nonconforming use.
6. The neighboring property to the south is zoned LD and is a vacant parcel. The neighboring property to the west is zoned LD and is developed with a single family dwelling. The neighboring properties to the north, across E Jefferson St, are zoned Medium Density Residential and are developed with single family dwellings. The adjacent property to the east is zoned LD and is developed with a single family dwelling.
7. The proposal is to amend the zoning from Low Density Residential to Medium Density Residential, so that the existing duplex is a conforming use.

**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.

Comments were received from Marion County Building Inspection, indicating they are not affected by the proposal.

#### C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application and notice appeared on the City's website.

#### D. ANALYSIS

Official Zoning Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.180.5.

#### E. 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: The Comprehensive Plan Map designation is Residential.

- 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 an 8-inch water line in E Jefferson St. There is an 8-inch sewer main on the north side of E Jefferson St. There is a 10-inch storm drain line on the south side of E Jefferson St that terminates 175 feet west of the subject property.

- 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 Transportation Planning Rule Analysis, completed by Tegan Enloe, PE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system.

- 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. The Zone Map amendment will make the existing duplex a conforming use.

- 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 subject parcel is developed with a duplex. The proposed Zone Map amendment will not have any impact the supply of vacant land.

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

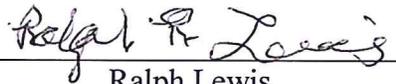
Findings: The applicant provided an analysis required by OAR 660-012-0060.

### III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Section 17.12.180.6.

### IV. ORDER

Based on the conclusion above, the Planning Commission recommends to the City Council that the City Council approve the application for Official Zoning Map amendment.



Ralph Lewis,  
Planning Commission Chairperson



Date



Dan Fleishman,  
Director of Planning and Development



Date

**ORDINANCE NO. 1030**

**AN ORDINANCE CHANGING THE ZONING OF  
THE PROPERTY AT 1160 E JEFFERSON ST**

WHEREAS, Tadd Humphreys and Scott Humphreys are the owners of 1160 E Jefferson St, Stayton, Oregon and have submitted an application for a Zone Map Amendment from Low Density Residential (LD) to Medium Density Residential (MD) as to that property (“subject property”);

WHEREAS, the property can be identified as tax lot 4000, Township 9, Range 1 West of the Willamette Meridian, Section 11CB, Stayton, Oregon;

WHEREAS, the subject property is 15,000 square feet or 0.35 acres in size with 100 feet of frontage on E Jefferson St;

WHEREAS, the subject property is currently developed with a duplex, which has been in existence since the 1940s;

WHEREAS, the subject property is zoned LD;

WHEREAS, the existing duplex is a legally existing nonconforming use in the LD zone

WHEREAS, the neighboring properties to the east is zoned LD and is developed with a single family dwelling. The neighboring property to the south is zoned LD and is an undeveloped parcel. The neighboring property to the west is zoned LD and is developed with a single family dwelling. The adjacent properties to the north, across E Jefferson St, are zoned MD and are developed with a single family dwellings;

WHEREAS, applications for an amendment to the Official 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 March 25, 2019, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the application;

WHEREAS, the City Council held a public hearing on the application on April 15, 2019, and, pursuant to SMC Section 17.12.180.5, makes the following findings regarding each of the approval criteria:

- 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: The Comprehensive Plan Map designation is Residential.

- 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 an 8-inch water line in E Jefferson St. There is an 8-inch sewer main on the north side of E Jefferson St. There is a 10-inch storm drain line on the south side of E Jefferson St that terminates 175 feet west of the subject property.

- 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 Transportation Planning Rule Analysis, completed by Tegan Enloe, PE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system.

- 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. The Zone Map amendment will make the existing duplex a conforming use.

- 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 subject parcel is developed with a duplex. The proposed Zone Map amendment will not have any impact the supply of vacant land.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060.

- 7) *The physical characteristics of the property proposed for rezoning are appropriate for the proposed zone and the potential uses allowed by the proposed zone will not have an adverse impact on the surrounding land uses.*

Findings: The subject parcel is developed with a duplex, which is a legally existing nonconforming use. The zone map amendment would make the existing use conforming. The potential uses allowed by the proposed zone that are not permitted currently would include duplex and triplex. The parcel is large enough to be partitioned into two parcels in the MD zone, but not in the LD zone. If split, each parcel could be developed with a duplex.

WHEREAS, pursuant to the findings above, the City Council concludes that the application is compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Official Zoning Map amended.** Based on the Findings and Conclusion set forth above, the Official Zoning Map is amended as follows:

Area to be changed from Low Density Residential to Medium Density Residential

Beginning at a point on the centerline of E Jefferson St which is 450 feet east of the north-south centerline of Section 11 of Township 9, Range 1 West of the Willamette Meridian and proceeding south 180 feet to the southwest corner of tax lot 091W11CB04000; thence easterly 100 feet to the southeast corner of tax lot 091W11CB04000; thence northerly 180

feet to the centerline of E Jefferson St; thence westerly 100 feet along the centerline of E Jefferson St to the point of beginning.

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

**Section 3.** 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 15<sup>th</sup> day of April, 2019.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2019

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Signed: \_\_\_\_\_, 2019

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

DRAFT



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

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**Lance Ludwick, Director of Public Works**  
**DATE: April 15, 2019**  
**SUBJECT: Joint Presentation with Planning Commission on Draft**  
**Transportation System Plan**

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**ISSUE**

The issue before the City Council is a second presentation from the City's consultant and review of the draft update of the Transportation System Plan.

**BACKGROUND INFORMATION**

Stayton's current TSP was adopted in 2004. In early 2018 the City contracted with Kittelson and Associates to update the TSP. The consultants have been working with City staff, a Technical Advisory Committee, and a Public Advisory Committee for approximately one year.

In early February there was presentation to the City Council and Planning Commission regarding the status of the project at that time. There have been two public open houses at which issues regarding the transportation system in the City have been discussed.

The Draft of the TSP has now been prepared reflecting the input from the advisory committees and the public at the open house. Prior to initiating the adoption process, which will include public hearings by both the Planning Commission and the City Council, the team from Kittelson Associates will be present this evening with a second presentation. The Planning Commission has been invited to the meeting as well.



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

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**Rich Sebens, Police Chief**  
**DATE: April 15, 2019**  
**SUBJECT: Ordinance 1031 Amending Licensing Standards for Mobile Food Units**

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**ISSUE**

The issue before the City Council is consideration of an ordinance amending the current location restrictions for mobile food units.

**BACKGROUND INFORMATION**

Ordinance 1018 was enacted in May 2018, establishing licensing requirements and standards for the operation of food trucks (formally known as mobile food units) in the City. As enacted food trucks must be located on private property and may not operate on a public street, in addition to the other regulations.

**PROPOSED AMENDMENTS**

As a result of a request from a downtown business, staff has proposed amending the standards to allow a food truck to be parked in the street, under certain circumstances.

The proposed amendments would permit a mobile food unit in a street right of way provided the street is classified as a local street (not an arterial or collector street) but not on N Third Ave. The food truck must be parked in a legal parking space, at least 20 feet from a cross walk at an intersection. The service window must face the curb. The food truck must be adjacent to a sidewalk with a minimum width of six feet.

Notice of the proposed amendment has been provided to all licensed food truck operators.

**RECOMMENDATIONS**

Staff recommends enactment of Ordinance 1031 as presented.

**OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Approve the first consideration of Ordinance 1031**

Move to approve Ordinance 1031 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 1031 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 1031 will be brought before the Council for a second consideration at the May 20, 2019 meeting.

**2. Approve the Ordinance with modifications**

Move to approve Ordinance 1031 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. 1031 will be brought before the Council for a second consideration at its May 20, 2019 meeting.

**3. Retain the Code unchanged**

No motion is necessary.

## ORDINANCE NO. 1031

### AN ORDINANCE AMENDING THE LICENSING REQUIREMENTS FOR MOBILE FOOD UNITS

WHEREAS, the City of Stayton has adopted Title 5 of the Stayton Municipal Code (SMC) Regarding Business Licenses, Permits and Regulations;

WHEREAS, Ordinance 1018 enacted licensing requirements for mobile food units into Title 5;

WHEREAS, the location of mobile food units has the potential to create pedestrian and vehicular traffic safety concerns;

WHEREAS, the City is interested in increasing the opportunities for the location of mobile food units but to assure that they do not present a safety hazard; and

WHEREAS, the Stayton City Council, does find that the amendments in this Ordinance are reasonable regulations to promote the public health, safety and welfare.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Permitted Locations Amended.** Stayton Municipal Code Title 5, Chapter 5.48, Section 5.48.010.3 is hereby amended as follows:

3. Location.
  - (a) Mobile food units may only operate in zones where eating and drinking establishments are allowed as a permitted use or use permitted after site plan review in Section 17.16.070 or in the parking area of a manufacturing business for the purpose of primarily serving the employees of that manufacturing business.
  - (b) Mobile food units ~~shall not operate or be located in a public right of way~~ may operate in a public right of way provided the following standards are met:
    - 1) A mobile food unit may be located in the right of way of a street classified as a local street, but not on N Third Ave;
    - 2) A mobile food unit must be parked at least 20 feet from a cross walk at an intersection;
    - 3) The service window(s) must be facing to the curb, not the travel way;
    - 4) The mobile food unit must be adjacent to a sidewalk that is a minimum of six feet in width; and
    - 5) The mobile food unit must be in a legal parking space.
  - (c) Mobile food units may operate on city-owned property provided the licensee is granted a site specific permit which shall be displayed conspicuously on-site.
  - (~~e~~) A mobile food unit may ~~only~~ operate in an approved parking lot, or other hard surface area, ~~where~~ provided the off-street parking requirements for all uses or activities served by the off-street parking area are met. The unit shall be located such that the queue of customers at an ordering or serving window do not block a public sidewalk. The customer queue shall allow a continuous through pedestrian zone of at least five feet in width along the sidewalk.
  - (~~e~~) The location standards of this section do not apply to mobile food units which operate as a vendor within an approved community event or where a street closure

permit is granted under Chapter 10.36.

**Section 2. Effective Date.** This Ordinance shall become effective on the 30<sup>th</sup> day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 15<sup>th</sup> day of April, 2019.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2019

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Signed: \_\_\_\_\_, 2019

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

DRAFT



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

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Alissa Angelo, Deputy City Recorder  
Keith Campbell, City Manager  
**DATE:** April 15<sup>th</sup>, 2019  
**SUBJECT:** Stayton City Council Rules Update

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**ISSUE**

Should the Governing Body update Resolution No. 809, Rules of the Stayton City Council?

**ENCLOSURE(S)**

- Resolution No. 809
- League of Oregon Cities Model Rules of Procedure for Council Meetings
- League of Oregon Cities Legal Guide to Handling Disruptive People in Public Meetings
- City of Stayton Charter
- City of Tualatin Council Rules
- Proposed Draft of Stayton City Council Rules

**BACKGROUND INFORMATION**

At the January 22<sup>nd</sup>, 2019 City Council meeting, Councilmember Quigley asked to review Resolution No. 809, Rules of the Stayton City Council. On April 1<sup>st</sup>, 2019 the City Council adopted the 2019-2023 Stayton City Council Goals which includes a goal to “Complete update of Council Rules.”

The current City Council Rules were adopted in October of 2007. The best practices and policies of Council Rules have changed significantly since Stayton’s last update. Staff started from scratch using the League of Oregon Cities Model Rules as a baseline for the foundation of best practices. We also chose the City of Tualatin as a benchmark for Council Rules due to their own recent update to their Council rules which were modeled off the League of Oregon Cities Model Rules.

The Council Rules should be mindful and not conflict with the Stayton City Charter. When appropriate, staff has directly copied language from the City Charter and referenced it in the footnotes.

Staff has also included the League of Oregon Cities White Paper on Handling Disruptive People in Public Meetings, which is a guideline for public comment and public discourse in meetings.

### **OPTIONS**

At this time staff is bringing forward a proposed draft of Council Rules. The enclosures include the information and guidelines that should provide a foundation and base of knowledge to create meaningful rules and guidelines for the City Council.

### **STAFF RECOMMENDATION**

Staff wanted to provide the Council time to review and consider the draft rules, and will be bringing this item back for consideration after the Budget Committee meetings. We encourage the Council to provide comments and feedback, and will seek guidance if this should come as an agenda item or if a work session should be called to review the materials in greater detail.

### **MOTION(S)**

No action required at this time.

## RESOLUTION No. 809

### Rules of the Stayton City Council

WHEREAS, Section 13. of the Charter of the City of Stayton requires that the City Council adopt rules for the government of its members and proceedings;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Stayton hereby adopts rules and procedures for the conduct of the Mayor and City Council members and their proceedings as follows:

#### SECTION 1. MEETINGS

- A. Regular Meetings: The City Council shall meet in regular session on the first and third Monday of each month at the Stayton Community Center or other specified location within the City. All regular meetings will begin at 7:00 p.m. unless another time is designated. In the event that the regular session of the City Council falls on a holiday, the meeting shall be held the following day.

If it is known at least one regular meeting in advance that neither the Mayor nor the Council President will be available to preside over a regular City Council meeting, at such prior meeting the City Council may, by majority vote of those Councilors present, select a mutually convenient alternate date which follows, but is as close as possible to, the actual date the meeting would otherwise be held. This paragraph shall not be applicable if time does not permit necessary advance public notice to reschedule any land use hearings that may already be scheduled for the regular meeting date. In such a case an alternate presiding officer shall be selected as outlined in Section 4 of these Rules.

Whether due to lack of substantial business, hazardous weather conditions or other legitimate reasons, upon the recommendation of the City Administrator, a regular meeting may be cancelled by the presiding officer (Mayor or Council President) or by an affirmative polling of three or more members of the City Council. Notice of such cancellation shall be provided in the same manner in which the meeting was originally noticed.

- B. Special Meetings: Special meetings of the City Council shall be held when called by the Mayor or when three City Councilors request that the Mayor call a special meeting. Notice of special meetings, including the subject, time, and place of the meeting shall be given to all Councilors then in the City. Public notice of special meetings shall be given to the news media and interested persons and posted at Stayton City Hall twenty-four (24) hours prior to the meeting. In case of an actual emergency, a special meeting may be called and public notice given three (3) hours prior to the meeting.

- C. Work Sessions: Special meetings may be held as work sessions of the City Council to give the Council members an opportunity to discuss issues in an informal discussion setting. No motions shall be made at a work session. Decisions on items considered at a work session must be made at a regular or special Council meeting.
- D. Executive Sessions: Under ORS 192.660 executive sessions of the City Council are permitted on certain matters to give the Council members an opportunity to discuss issues in a closed discussion setting. No motions shall be made at an executive session. Decisions on items considered at an executive session must be made at a regular or special Council meeting. Executive Sessions may be called, either as part of a regular meeting or as a separate meeting, by the Mayor, with a consensus of Councilors, or by mutual concurrence of the City Administrator and City Attorney in the furtherance of the City's business. Executive session may be held only for the following reasons (ORS 192.660 subsections in parentheses):
- (1) To consider the employment of a public officer, employee, staff member or individual agent. (2)(a).
  - (2) To consider dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing. (2)(b).
  - (3) To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (2)(d).
  - (4) To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (2)(e).
  - (5) To consider records that are exempt by law from public inspection. (2)(f).
  - (6) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (2)(g).
  - (7) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (2)(h).
  - (8) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an

open hearing. (2)(i).

(9) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments. (2)(j).

## **SECTION 2. OPEN MEETINGS LAW**

The City Council concurs that an informed public, aware of the deliberations and decisions of the City of Stayton, is of utmost importance to the community. In recognition of this policy, the Council shall comply with the Oregon Open Meetings Law, ORS 192.610 to 192.710.

## **SECTION 3. CONDUCT OF MEETINGS**

The presiding officer shall conduct meetings in accordance with these Rules of Council and the Charter of the City of Stayton. All parliamentary questions which arise, not otherwise provided for, shall be governed by Roberts Rules of Order.

Whenever the presiding officer shall call for a polling of the members of the City Council, the order of polling shall be a random order determined by the individual recording the poll.

## **SECTION 4. QUORUM**

Three members of the City Council shall constitute a quorum. A quorum of the Council is necessary for all Council meetings (e.g. Regular and Special meetings and Executive Sessions), except informational Work Sessions. If a quorum is not present, the City Administrator shall immediately inform the absent members, except those known to be unavailable for the meeting, that their presence is required to enable the City Council to proceed. If the absent member or members do not appear after the notice, the Councilors present shall adjourn until a specific time and place or until the next regular meeting. In the absence of the Mayor and Council President, the remaining members shall collectively call the meeting to order and elect a presiding officer who shall conduct the meeting.

## **SECTION 5. AGENDA**

The City Administrator shall determine the subject matter and prepare an agenda of the business to be presented at a regular Council meeting. The City Council shall consider at the regular meeting only matters that appear on the agenda for that meeting and those additional issues that are introduced by the Mayor, a Councilor, or the City Administrator at the appropriate place in the Order of Business at the meeting. Members of the Stayton City Council are encouraged to provide the City Administrator, in advance of a meeting

and prior to distribution of the meeting's agenda, those issues intended to be raised at that meeting, to be added to the printed agenda.

No item of business may be added to the agenda of a special meeting unless it is added twenty-four (24) hours prior to the meeting with the approval of the Mayor and notice of the new agenda item is given to the public and the news media as required under Section 1. of these rules.

## **SECTION 6. CONSENT AGENDA**

In order to make more efficient use of meeting time, resolutions, requests of minute approval and other items which are routine in nature and for which no debate is expected, shall be placed on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the Mayor or any Council member prior to the time a vote is taken on the consent agenda items.

All remaining items on the consent agenda shall be disposed of in a single motion "to adopt the consent agenda" which shall not be debatable. Adoption of the consent agenda shall be by a roll call vote of all Councilors present. If there are dissenting votes, each item on the consent agenda shall be voted upon separately by a roll call vote.

## **SECTION 7. ORDER OF BUSINESS**

A. Regular Council Meetings: The order of business at regular Council meetings shall be as follows:

- Call to Order
- Flag Salute
- Roll Call/Staff Introductions
- Announcements
- Presentations/Comments from the Public  
(Recommended time for Presentations is 10 minutes. Recommended time for Comments from the Public is 3 minutes).
- Consent Agenda
- Public Hearings
- Unfinished Business
- New Business
- Staff/Commission Reports
- 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 Administrator
- Business from the Mayor
- Business from the Council

- Future Agenda Items
- Executive Session (if scheduled)
- Executive Session Final Action (if necessary)
- Adjournment

- B. Public Hearings - General Matters: The Council may hold public hearings as part of any meeting when it desires to obtain testimony from the public on any question before the Council. When hearings are held as part of a regularly scheduled Council meeting, the public hearing shall be noticed for 7:00 p.m. and proceed promptly when the "Public Hearings" segment of the Order of Business is reached.

The order of business for all public hearings of a general nature shall be as follows:

1. Call to Order
2. Staff Report
3. Proponents (if applicable)
4. Opponents (if applicable)
5. General Testimony
6. Questions
7. Close of the Hearing
8. Deliberation and Decision on the Issue

Public Hearings – Land Use Issues: The order of business of public hearings concerning land use issues shall follow the "City of Stayton Rules of Procedure for Public Hearings on Land Use Issues" as adopted by the Council on February 20, 2007, and as may be hereafter amended from time to time.

- C. Public Testimony: The following rules shall govern general testimony provided to the City Council:

1. Identification of Persons Testifying: Any person appearing before the City shall state his name, give his address, and representative capacity, if any, for the record. Any person submitting written testimony shall sign and date the testimony and provide his/her address.
2. Representation of Applicants: Any applicant shall appear either in person or through a representative at the hearing. Corporations, including governmental bodies, must appear through an attorney (ORS 9.320).
3. Time Limitations: Applicants shall limit presentations on an application to a maximum of ten (10) minutes. All other persons shall limit testimony to three (3) minutes per person. The presiding officer may modify the time limits.

4. Repetitive or Irrelevant Testimony: The presiding officer may limit testimony when it is cumulative, repetitive, irrelevant, or immaterial to the issue being considered.

## SECTION 8. VOTING

A majority of the Councilors present at a meeting shall be necessary to decide any question before the Council. A Council member may vote on any question when serving as presiding officer in the absence of the Mayor, but may not exercise the veto authority of the Mayor.

## SECTION 9. ETHICAL CONSIDERATIONS AND DECLARATIONS

(All declarations shall be made publicly at the commencement of the proceedings)

### A. Conflict of Interest.

Oregon Government Standards and Practices laws define **actual** conflict of interest [ORS 244.020(1)] and **potential** conflict of interest [ORS 244.020(7)]. The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” An **actual** conflict of interest occurs when an official action to be taken would be reasonably certain to result in a financial benefit or detriment. It will occur when an action taken by the official **would** directly and specifically affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated. A **potential** conflict of interest exists when an official takes action that could possibly have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated. Such impact is not certain.

When met with a **potential** conflict of interest, the Mayor or a Councilor must declare the potential conflict and publicly announce the nature of the potential conflict of interest prior to taking any official action, such as discussing, making a motion or voting on the issue giving rise to the conflict.

When met with an **actual** conflict of interest, the Mayor or a Councilor must declare the actual conflict and publicly announce the nature of the actual conflict. The Mayor or a councilor must then refrain from taking **any** official action, such as discussing, making or motion or voting on the issue giving rise to the conflict.

If the vote of a councilor with an **actual** conflict of interest is required in order to obtain the minimum number of votes required for the council to take action, the councilor may vote but may not discuss or otherwise take official action on the matter giving rise to the conflict.

## **B. Ex Parte Contact or Communication.**

Definition: Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested. (*Black's Law Dictionary*).

When the Council sits as a decision making tribunal, the Mayor and the Councilors must participate in a very public way. This means that if an official has information gathered from only one source and outside of the formal hearing process, such communication is considered "Ex Parte Contact/Communication" and must be publicly disclosed to accommodate those who might disagree with the communication by affording an opportunity to respond. The disclosure must take place prior to the commencement of the public proceedings. Once the declaration is made the official proceeds to participate in the proceedings.

The law does not disallow Ex Parte Contact/Communication; the public official just needs to disclose, "on the record," the substance of that contact/conversation to allow those who were not a party to it a chance to rebut.

The necessity of disclosure of an Ex Parte Contact/Communication includes "site visits" and "charrette meetings" [Informal sessions typically dealing with future planning items. Charrette meetings should be avoided].

## **C. Bias.**

Definition: Inclination; bent; prepossession; preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction. **Actual** bias is a state of mind where the public official acting as a decision maker cannot entertain the issue(s) impartially and without prejudice to the substantial rights of the parties involved. (*Black's Law Dictionary*).

Unless there is **actual** bias, the public official decision maker can and should declare the bias, if any, in the public forum in order that the participating decision makers and the public are made aware thereof. Once the declaration of bias is made, the official may proceed to participate in the proceedings. Caution: It is up to the public official to determine whether there is **actual** bias; if so, that individual is precluded from participating in the proceedings.

## **D. Guideline.**

The declarations shall contain a statement of the bias or the content of any interest or contact encountered including who was involved, the time of discovery or happening, and the result, if any, of the interest. The public official shall declare whether or not an

impartial decision on the issue can be made. The Mayor or the presiding officer may allow an opportunity for a rebuttal to the declaration.

## **SECTION 10. DECORUM**

Except by permission of the presiding officer, a Councilor shall address any remarks to the City Council and not to the audience. Upon recognition and permission of the presiding officer, a person in the audience may address the City Council relative to any matter being considered by the City Council at that time. Any person speaking in a Council meeting shall state his or her name and address, limit comments to the issue under discussion, limit remarks to five minutes, and be courteous to the City Council, staff, and audience.

## **SECTION 11. ORDINANCE ADOPTION**

Ordinances shall be adopted using the following procedures:

- A. Public Notice: The City Administrator will notify the press and the public of proposed ordinances seven (7) days prior to the first reading of the ordinance. This shall effectively be accomplished by making a copy of the proposed ordinance available at City Hall for public inspection.
- B. First Reading: Prior to the first reading of an ordinance, the Council will consider the proposed ordinance, a staff report, and may call for public testimony. By motion, the Council shall direct that the ordinance be read for a first reading. Following the first reading the Council shall, by motion, either approve, modify, or disapprove the ordinance as read.
- C. Second Reading: Prior to the second reading of an ordinance, the City Administrator or designee shall read any amendments to the ordinance in full and shall incorporate the amendments into a written copy of the ordinance after adoption. By motion, the Council shall direct that the ordinance be read for a second reading.
- D. Final Enactment: Following the second reading of an ordinance, the Council shall approve the ordinance as read and direct the Mayor to execute the ordinance as enacted.
- E. Readings by Title Only: Any reading of an ordinance may be by title only if:
  1. The Council unanimously votes that the reading be by title only; or

2. The City Administrator completes all of the following prior to the first reading of the ordinance:
  - a. Provides each Council member with a copy of the ordinance in the Council meeting packet at least three calendar days prior to the first reading; and
  - b. A copy of the proposed ordinance is provided for Council and public inspection at City Hall at least one week prior to the first reading; and
  - c. Written notice of the availability of the ordinance is posted at City Hall and two other public places in the City at least one week prior to the first reading.

F. Two Meeting Consideration: All ordinances will normally be considered at two regularly scheduled meetings of the City Council. Single meeting adoption of an ordinance is permissible if both readings of the ordinance are unanimously approved by all Council members present at the meeting.

G. Veto of an Ordinance: The Mayor may veto an ordinance passed by the Council within seven (7) days of the date of adoption. The Mayor shall state the reasons for a veto in writing at the time of the exercise of the veto, and in advance of the Council's next regularly scheduled meeting, affording Councilors time to consider any action and shall return the ordinance to the Council for consideration at the next meeting.

H. Override of a Veto: At the meeting following a Mayoral veto, the Council may, by majority vote of the Council members present at the meeting, override a Mayoral veto by repassing the ordinance.

## **SECTION 12. ORDINANCE RECORDING**

All ordinances adopted by the City Council shall be executed by the Mayor and the City Administrator within seven (7) days of adoption by the City Council and shall then be filed in City Hall.

## **SECTION 13. MAYOR'S DUTIES**

The Mayor shall have the following duties and responsibilities:

- A. The Mayor shall serve as the presiding officer at all meetings of the City Council;

- B. The Mayor shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business at all meetings;
- C. The Mayor shall not have a vote on questions before the City Council unless a tie vote occurs;
- D. The Mayor shall not have the power to veto any actions passed by the City Council except ordinances;
- E. The Mayor shall sign all bonds, resolutions, ordinances, agreements, real property deeds, contracts or other documents of the City which implement actions of the Council and require execution by the highest elected official.
- F. In the absence of the City Administrator or the Finance Director, the Mayor is authorized to co-sign checks, orders or financial obligations of the City.
- G. The Mayor shall be the Council's liaison with the City Attorney.

**SECTION 14. PRESIDENT OF THE COUNCIL**

A President of the Council shall be elected by the City Council at its first regularly scheduled meeting of each calendar year. The President of the Council shall preside over all Council meetings in the absence of the Mayor. The President of the Council shall serve as acting Mayor whenever the Mayor is unable to perform the duties of the office and shall have the powers of the Mayor while acting in that capacity.

**SECTION 15. APPOINTMENTS**

- A. In the event of a vacancy of an elected position on the City Council, the Mayor shall appoint a person to fill the vacancy. This may include using the following "Process For Elective Position Appointment", through which the Council shall consider ratification of the appointment.

**PROCESS FOR ELECTIVE POSITION APPOINTMENT**

1. Publish request for Applications in mediums of general circulation such as newspapers, broadcast on public access, prepare announcements and post at locations of meeting notice; send announcements to all current committee, commission, board and task force members or community involvement participants; send announcements to previous applicants if known.
2. Applications are to include at least the following: name; address; telephone number; age; years of residency; education; work history; prior

government experience; community service, and a release for background checks if desired.

3. An elected position description will be provided to each applicant identifying at least the following: length of appointment; roles and responsibilities; realistic time commitment requirement; current list of Council members and telephone numbers.
  4. The Mayor and City Council may, by mutual agreement, interview one or more applicants in a work session. Interviews are subject to open meetings law. Each applicant shall be interviewed separately, which may include using a common list of questions prepared in advance.
  5. The Mayor's appointment to fill the vacancy (pursuant to Section 28 of the Stayton Charter) shall be announced at a regular or special Council meeting. The City Council may then schedule a work session for the purpose of interviewing the nominee, if not previously done pursuant to #4 above.
  6. The Council shall vote to ratify or reject the Mayor's appointment at a regularly scheduled Council meeting. If ratified, the Mayor's appointment is confirmed; if rejected, the position shall be deemed to remain vacant.
- B. The Mayor shall appoint one or more Council members to serve as the City's representative to all committees, boards, or agencies outside the City government in which the City has an interest.
- C. The Mayor may appoint one or more Council members to serve as liaisons with all City advisory committees, civic groups and organizations, and intergovernmental agencies or groups of which the City is a member or a participant.
- D. In the event of a mayoral vacancy the Council may do any of the following:
1. The President of the Council assumes the duties of the Mayor under Section 14 of these rules until such time as the position of Mayor is filled;
  2. The President of the Council becomes the acting Mayor, subject to the Council's ratification to become Mayor and as acting Mayor may;
    - a) appoint self as mayor subject to Council ratification;
    - b) appoint another as mayor subject to these rules and to Council ratification.

3. The President of the Council assumes the duties of Mayor and the City Council calls a special election for the election of a Mayor.

**SECTION 16. COMMITTEES**

In addition to the boards and commissions specifically provided for in the Stayton Municipal Code (SMC), as well as the Budget Committee, which is governed by the Oregon Revised Statutes (ORS), the Council may create standing committees and/or ad hoc committees to advise the City Council on topics deemed to merit such committees. Specified boards and committees include:

| <u>Committee</u>             | <u>Voting Members</u>                                 |
|------------------------------|---|
| A. Budget Committee          | 6 Citizen Members<br>5 City Councilors<br>Mayor       |
| B. Library Board             | 5 Citizen Members                                     |
| C. Park and Recreation Board | 7 Citizen Members                                     |
| D. Planning Commission       | 7 Citizen Members<br>(plus 1 non-voting H.S. student) |

The Mayor shall have the power to appoint citizen members to all City boards, committees, and commissions with the approval of a majority vote of Council. The Mayor may appoint a Council member to serve as a non-voting representative to any City board, committee, or commission, (with the exception of the Planning Commission, due to the potential for an individual Council member to be challenged regarding ex parte contacts).

**SECTION 17. EXPENSES**

The Mayor or any City Council member who travels outside the City on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

- A. Travel on official business outside the City by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate then in effect.
- B. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.

- C. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the Finance Director. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
- D. When the elected official's spouse accompanies the elected official to a conference, meeting, or other City function, the City may pay for the cost of registration, materials, meals, and lodging expenses for the spouse upon approval of a majority vote of the Council.
- E. The elected official shall submit a signed standard City expense voucher including copies of all bills, receipts, and/or mileage statements, to the finance officer prior to reimbursement.
- F. An elected official who will be leaving office in January of any year may be reimbursed for attending the League of Oregon Cities annual convention in November of the preceding year only if the elected official is a speaker at the convention, an officer in the League of Oregon Cities, or the Mayor and/or Council has authorized the elected official's attendance.

**SECTION 18. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The City Council encourages educational and training opportunities for the Mayor, Councilors, and committee members in order that services rendered to the City will be more effective. The City Administrator shall assist the Council and Mayor in developing training programs designed to meet immediate city-wide needs and in preparing Councilors and committee members to provide better service to the community.
- B. The City shall either pay for or reimburse an elected official or committee member for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
  - 1. Funds for such expenditures are available in the current budget;
  - 2. The elected official or committee member has made application through the City Administrator prior to registration and has received approval for participation in the training session or educational program;
  - 3. The individual is not receiving reimbursement from any other source.

**SECTION 19. CEREMONIAL EVENTS OR ACTIVITIES**

In the performance of the official duties as Mayor, the Mayor may authorize expenditure of City funds up to an amount of \$200.00 per event/activity for incidental gifts, meals, events, and other ceremonial activities if adequate funds are available in the City budget to cover the expenditures. No expenditure of City funds is allowed for alcoholic beverages. The Mayor shall report any ceremonial or incidental expenditures to the Council on a monthly basis.

**SECTION 20 . POLITICAL ACTIVITY**

- A. No person shall attempt to or shall actually coerce, command, or require a public employee to influence or give money, service, or other items of value to promote or oppose any political committee or to promote or oppose the nomination or election of any candidate, the adoption of a measure, or the recall of a public office holder while the employee is on the job during working hours. This section does not, however, restrict the right of a public employee to express personal political views when not on duty with the City.
  
- B. No elected member of the Stayton City Council shall be appointed as a paid employee of the City. Nothing in this section shall affect the right of a member of the City Council from working for the City as a private contractor or as an employee of a business enterprise conducting business with the City or from performing service for the City.

**SECTION 21. SUSPENSION OF RULES**

Any rule prescribed in this resolution may be suspended by the City Council upon majority vote of the Council members present at the meeting.

**SECTION 22. EFFECTIVE DATE**

These rules shall take effect upon the passage of this Resolution.

**SECTION 23. RESOLUTION REPEALED**

Resolution No. 727, Rules of the Stayton City Council, passed by the Council on the 19<sup>th</sup> day of May, 2003, is hereby repealed in its entirety.

ADOPTED BY THE STAYTON CITY COUNCIL this 15<sup>th</sup> day of October, 2007.

CITY OF STAYTON

Dated: October 19, 2007

By: Virginia L. Honeywell  
Virginia L. Honeywell, Mayor

Dated: October 19, 2007

By: Chris Childs  
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney



**MODEL**

LEAGUE OF OREGON CITIES

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# **Model Rules of Procedure for Council Meetings**

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**MARCH 2017**





# Model Rules of Procedure for Council Meetings

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## **Introduction**

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so. The purpose of this guide is to provide cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

These model rules are intended to provide a starting point for a city council needing to adopt or update its council rules. Although comprehensive, they are not exhaustive, and council members should work together to identify areas in which rules are needed. Similarly, these model rules are not intended to be the definitive statement on what a council should adopt. City councils have a lot of discretion in determining how to conduct their business—and they should not feel constrained to adopt the rules as presented in this model, but rather to exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

## **Disclaimer**

The League's Model Rules of Procedure for Council Meetings are not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local charters or ordinances, city officials drafting rules of procedure for council meetings are advised to seek the advice of their city attorney.

## CHAPTER 1 – General Governance

### I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by Robert’s Rules of Order, 11<sup>th</sup> Edition.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert’s Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

### II. Quorum. A quorum is required to conduct official city business.

- A. The members of the council are the city councilors and mayor. Fifty-percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.<sup>1</sup>
- D. In the event a quorum is not present, the members of council present shall adjourn the meeting.

### III. Presiding Officer.

- A. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.
- B. In the mayor’s absence the president of the council [*Mayor Pro-Tem*] shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity
- C. If both the mayor and the president of the council [*Mayor Pro-Tem*] are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
  - 1. The city recorder [*council secretary*] shall call the council to order and call the roll of the members.
  - 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.

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<sup>1</sup> When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

**IV. Other Elected and Appointed Officers.<sup>2</sup>**

- A. City Recorder. The city recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.
- B. City Manager [City Administrator]. The city manager [*city administrator*] is required to attend all meetings of the council and is permitted to participate in any discussion; however, the city manager [*city administrator*] has no authority to cast a vote in any decision rendered by the council.
- C. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.

**V. Agendas.** The city manager [*city administrator*] shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

- A. Agendas and informational material for meetings shall be distributed to the council at least three (3) days preceding the meeting.
- B. No council approval shall be required for an agenda of any meeting.
- C. The city manager [*city administrator*] may place routine items and items referred by staff on the agenda without council approval or action.
- D. The city manager [*city administrator*] may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager [*city administrator*] at least one week prior to the meeting.<sup>3</sup>

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<sup>2</sup> Only those offices provided for by charter or ordinance should appear in this section.

<sup>3</sup> As an alternative, the council may wish to vote on whether a councilor's item will be placed on the agenda for a decision or further action.

**VI. Order of Business.** The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:

1. Call to order.
2. Roll call.
3. Announcements/proclamations.
4. Reports of boards, commissions, committees, elected officials and city employees.
5. Public comment on items on the agenda (other than public hearings).
6. Consent agenda.
7. Items removed from the consent agenda.
8. Ordinances and resolutions.
9. Public hearings.
10. Appointments.
11. Public comment on items not on the agenda.
12. Adjournment.

- A. Call to Order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.
- B. Roll Call. The city recorder [*council secretary*] shall conduct a roll call to determine which members of the council are present and which are absent.
  1. The attendance shall be properly reflected in the minutes.
  2. If roll call determines that a quorum is not present, the meeting shall be adjourned.
- C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the council.
- D. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions committees, elected officials and/or city employees.

1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
2. Oral reports to the council should generally not exceed 10 minutes in length.
3. The council may ask questions of the presenter upon conclusion of the report being given.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
2. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 30- minute period.

6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
  7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
  8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. Consent Agenda. In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- G. Ordinances and Resolutions – See [Chapter 3](#)
- H. Public Hearings Generally
1. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
  2. Persons wishing to speak shall sign the “hearing roster” with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. The city recorder [*council secretary*] shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
  - a. Staff presentation (15 minutes total).
  - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
  - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
  - d. Other interested persons (3 minutes per person).
  - e. Questions of staff (No time limit).
  - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the

approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder *[council secretary]* to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
  10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder *[council secretary]* at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
  11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.455(1).
- I. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
  - J. Written Communications to Council.
    1. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

2. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
3. The city manager [*city administrator*] may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

## CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every \_\_\_\_\_ evening, with the exception of designated holidays and/or council recesses.
  - A. Meetings shall begin at \_\_\_\_\_ p.m.
  - B. Meetings shall adjourn at \_\_\_\_\_ p.m., allowing one-hour increment extensions upon a majority vote of the council.
  
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
  - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
  - C. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
  
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
  - A. Notice of the emergency meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
  - C. Emergency meetings are those meetings called with less than 24 hours’ notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager [*city administrator*] or by the city attorney.
- A. Only members of the council, the city manager [*city administrator*] and persons specifically invited by the city manager [*city administrator*] or the council shall be allowed to attend executive sessions.
  - B. Representatives of recognized news media<sup>4</sup> may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- V. Work Sessions.** Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
  - B. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
  - C. Work sessions are to be scheduled by the city manager [*city administrator*].
  - D. The city manager [*city administrator*] is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be cancelled.
- VII. Council Recess.** The council shall be in recess, at a minimum, during the following dates each calendar year:<sup>5</sup>
- A. August 1 – August 31;
  - B. The Monday before Thanksgiving and the Friday after Thanksgiving; and
  - C. December 15 to January 1.
- VIII. Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

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<sup>4</sup> State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

<sup>5</sup> Ensure that any recess is in compliance with the city charter. It is not uncommon for a charter to require that the council meet at least once a month.

- B. Training sessions may be held outside of the city’s jurisdictional limits, provided no deliberations toward a decision are made.
  - C. Interjurisdictional meetings may be held outside of the city’s jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
  - D. No council meeting shall be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- IX. Notice.** The city recorder [*council secretary*] shall provide notice of all meetings in accordance with Oregon’s public meeting law.
- X. Attendance.** Members of the council shall advise the city manager [*city administrator*] if they will be unable to attend any meetings. Under the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

## CHAPTER 3 – Ordinances and Resolutions<sup>6</sup>

- I. **Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- B. Sponsorship. Each ordinance shall note the name of the member(s) of the council introducing or sponsoring the ordinance.
- C. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
  2. Ordinances shall be introduced by a member of the council. Except that, upon the request of the council, an ordinance may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such ordinance upon completion of the introduction.
  3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
    - a. A public hearing on the ordinance be held;
    - b. Refer the ordinance to committee for review and recommendation;
    - c. Refer the ordinance to the city manager [*city administrator*] for further revision;
    - d. Pass the ordinance to a second reading; or
    - e. Reject the ordinance in whole or in part.

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<sup>6</sup> Many city charters prescribe the form and manner in which ordinances are adopted. Although council rules should address the process by which it will adopt resolutions and ordinances, it is important to ensure that the rules comply with the charter. Where the rules and the charter conflict, the charter provision prevails.

2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any ordinance at time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be ready by title only.
5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
7. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of council present.
8. An affirmative vote of at least three members of the council shall be necessary to pass an ordinance.
9. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least three members of the council petition for early consideration.

**II. Resolutions.** All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.
- B. Sponsorship. Each resolution shall note the name of the member(s) of the council introducing or sponsoring the resolution.

C. Preparation and Introduction.

1. All resolutions shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
2. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

D. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
  - a. A public hearing on the resolution be held;
  - b. Pass the resolution to a second reading; or
  - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all resolutions shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any resolution at time of second reading, that resolution shall be removed from the calendar of second reading, and considered separately. Resolutions to be considered separately shall be ready by title only.
5. When the calendar of second reading or a resolution which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.
7. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.

8. An affirmative vote of a majority of the council present shall be necessary to pass a resolution.
9. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

## CHAPTER 4 – Land Use Hearings

### I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager [*city administrator*], planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
  - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  - 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclosure statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
  3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,

unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
  - a. The council shall adopt findings to support its decision.
  - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
  1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – Motions, Debate, Public Comment and Voting<sup>7</sup>

- I. **Motions.** All motions shall be distinctly worded.
  - A. The following rules shall apply to motions:
    1. If a motion does not receive a second, it dies.
    2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
    3. Any motion shall be reduced to writing if requested by a member of the council.
    4. A motion to amend can be made to a motion that is on the floor and has been seconded.
    5. No motion shall be received when a question is under debate except for the following:
      - a. To lay the matter on the table;
      - b. To call for the previous question;
      - c. To postpone;
      - d. To refer; or
      - e. To amend.
    6. A motion may be withdrawn by the mover at any time without the consent of the council.
    7. Amendments are voted on first, then the main motion if voted on as amended.
    8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
    9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
      - a. A call for the question fails without a majority vote.
      - b. Debate on the main subject resumes if the motion fails.
    10. A motion that receives a tie vote fails.

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<sup>7</sup> Many councils adopt Robert's Rules of Order to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.

11. The presiding officer shall repeat the motion prior to a vote.

12. A motion to adjourn cannot be amended.

B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

1. No motion shall be made more than once.

2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.

**II. Debate.** The following rules shall govern the debate of any item being discussed by the council:

A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.

B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

**III. Public Comment.** The public shall be entitled to comment on all matters before the council that require a vote.

A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.

B. Each member of the public is entitled to comment on the matter before the council for five minutes.

C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.

D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.

**IV. Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in [Chapter 4](#) of these Rules.<sup>8</sup>

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<sup>8</sup> City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date.
  - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
  - 2. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy;
    - b. Ordinances relative to local improvements and assessments; and
    - c. Emergency ordinances.

3. All other ordinances shall take effect \_\_\_\_\_ days<sup>9</sup> after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>9</sup> Ordinarily ordinances go into effect 30 days after passage. Check the city charter for effective date of ordinances.

## CHAPTER 6 – Minutes

### I. Generally.

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder [*council secretary*] in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
  - 1. The date, time and place of the meeting;
  - 2. The members present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The results of all votes and the vote of each member by name;
  - 5. The substance of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting

### II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – Appointments

- I. **Appointments of City Staff.** The council appoints and can remove those positions identified in the city’s charter. All appointments require a majority vote of the entire council.
  - A. Reviews. Any person appointed by the council shall be subject to an annual review by the council.
  - B. Removals. All appointed persons may be removed by a majority vote of the entire council.
  - C. Interference. If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
- II. **Appointments of Members to Boards, Commissions and/or Committees.**
  - A. Unless otherwise mandated by state law, the mayor shall appoint the members of any board, commission or committee authorized by the council.
  - B. Unless otherwise prohibited by the council, the mayor shall have the authority to create and appoint subcommittees of committees authorized by the council.
  - C. Removals. All appointed persons may be removed by the mayor.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. **Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  - A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - C. Expressing an opinion contrary to the official position of the council without so saying.
  - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. **Decorum.**
  - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
  - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
  - C. Members of the city staff and all other persons attending meetings shall observe the council’s rules of proceedings and adhere to the same standards of decorum as members of council.
- III. **Statements to the Media and Other Organizations**
  - A. Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
  - B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

## CHAPTER 9 – Interactions with Staff & City Attorney

- I. Staff.** All members of the council shall respect the separation between the council’s role and the city’s manager’s *[city administrator’s]* responsibility by:
- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager *[city administrator]*.
  - B. Refraining from actions that would undermine the authority of the city manager *[city administrator]* or a department head.
  - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager *[city administrator]*.
    - 1. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.
    - 2. Members of the council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
- II. City Attorney.** Council members may make requests to the city attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney’s time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

## CHAPTER 10 – Censure [*and Removal*]<sup>10</sup>

- I. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand [*or removal as provided for in the city charter*].
- II. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

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<sup>10</sup> Some charters allow the council to remove the mayor or councilor from office for certain enumerated reasons following notice and a public hearing. Absent such a charter provision, it's likely that an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

## CHAPTER 11 – Amendment and Repeal

- I. **Amendment.** These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
  - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - B. All amendments to these rules requires a majority vote.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **Repeal.** These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
  - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires a majority vote.
  - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.



LEAGUE OF OREGON CITIES

WHITE PAPER

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# Legal Guide to Handling Disruptive People in Public Meetings

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citycounty insurance services  
cisoregon.org

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CIS (Citycounty Insurance Services)



## Introduction

Almost every local government official will be in a public meeting at some point in his or her career and experience the near or total derailment of the meeting by a disruptive member of the public. Whether it's the person who refuses to relinquish his or her position at the podium during public comment or the audience member who repeatedly shouts his or her dismay about a comment being made by a recognized speaker, such disruptions can be annoying, and in some cases so severe that officials are unable to conduct the public's business.

These types of situations can be challenging, as the governing body attempts to find a way to deal with the disruption without escalating the situation, or worse, inviting a lawsuit.

Sometimes, the governing body simply ignores the disruption. In other situations, it may be necessary to end the meeting and resume at a later date, hoping a period of cooling off will prevent a disruption when the meeting is resumed. If those efforts don't work, public officials are often left wondering if they can legally remove the person, and if so, whether they can prohibit the person from returning to future meetings. Public officials also refer to the removal of a person from a public meeting or their suspension from future meetings as "trespassing a person." The purpose of this guide is to explore those latter options for dealing with disruptive behavior.

This guide begins with an overview of public meetings law and whether and when the public has a right to speak at public meetings. The guide then turns to the constitutional issues on what types of speech are protected, and the issues that are involved in removing someone from a council meeting. Finally, the guide summarizes the relevant case law in this area and concludes with some practical advice for addressing members of the public who are disruptive to a city council meeting.

## Public Attendance Versus Public Participation

Although Oregon's public meetings law requires governmental meetings to be open to the public, it is not a law that requires the government to allow the public to participate in its meetings. In relevant part, ORS 192.630(1) states that "all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting." Oregon's attorney general has explicitly said that the "right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment."<sup>1</sup>

Although Oregon's public meetings law does not require governments to allow public participation, it is often required by other state laws or local ordinances. For example, state law requires a city to hold a public hearing before adopting its budget. State law also requires city councils to hold public hearings when making certain land use decisions. In addition, many cities have adopted rules of procedure for their city council meetings that allow the public to speak on certain matters of public concern at a council meeting.

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<sup>1</sup> *Public Records and Meeting Manual*, Public Meetings Page 151 (2014).

## Controlling Public Participation

When state or local rules allow the public to speak, any restrictions that a city desires to impose must fall within constitutional parameters.

### A. Constitutional Amendment Protections Provided to Public Meetings

In the United States, the First Amendment ensures that “debate on public issues should be uninhibited, robust, and wide-open.”<sup>2</sup> “Citizens have an enormous first amendment interest in directing speech about public issues to those who govern their city.”<sup>3</sup> However, cities are not required to “grant access to all who wish to exercise their right to free speech on every type of government property, at any time, without regard to the disruption caused by the speaker’s activities. Even in a democracy, the government need not tolerate actual disruptions of government business.”<sup>4</sup>

In recognition of the fact that public meetings are a highly important place for the public to share concerns with their governing leaders, and equally recognizing the importance of a governing body’s need to actually govern, a city council meeting (or other public meeting) is considered to be a limited public forum. In general, a limited public forum is a forum created by the government for expressive activity, wherein the activity can be moderately limited through time, place and manner restrictions, with the caveat that the restrictions are viewpoint neutral.

Article I, Section 8 of the Oregon Constitution also protects the free speech rights of the public. Although the Oregon courts have not decided a case involving free speech and public meetings, they have made clear that any content-based restriction is unconstitutional under the Oregon Constitution. Consequently, where the law allows the public to speak, the council must take extreme caution to not take action that limits what the person is allowed to say.

### B. Time, Place and Manner Restrictions

Under the federal constitution, it is clear that city councils may impose content neutral time, place and manner restrictions. Time, place and manner restrictions are simply that: a rule regulating the specific time in which a person may speak, the location from which a person can speak, and the manner in which the speech can be made. For example, a city council may choose to limit public comment to certain points in a proceeding and (subject to any state law) limit the amount of time a person may speak. For example, a rule that “the public may provide testimony only during that time noted as ‘Public Comment’ on the agenda, with said testimony being provided from the designated podium, and shall be limited to no more than three minutes per speaker” has been upheld by the Oregon Court of Appeals and the Ninth Circuit Court of Appeals.

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<sup>2</sup> *Walsh v Enge*, 154 F Supp 1113, 1119 (D Oregon 2015) (quoting, *N.Y. Times Co. v Sullivan*, 376 US 254, 270, 84 S Ct 710, 11 L Ed2d 686 (1964)).

<sup>3</sup> *White v City of Norwalk*, 900 F2d 141, 1425 (9<sup>th</sup> Cir 1990).

<sup>4</sup> *Walsh* at 1119.

The more difficult part for governing bodies in controlling people’s speech during public meetings is ensuring that the control measures imposed are both viewpoint neutral and enforced consistently and equally to all speakers. A measure which “serves purposes unrelated to the content of expression and only incidentally burdens some speakers, messages, or viewpoints” is considered viewpoint neutral.<sup>5</sup> For example, the court has noted that requiring a member of the public to limit his or her testimony to the topic presently being discussed by the overall governing body is an acceptable viewpoint neutral regulation.

### C. Removing Disruptive People from Public Meetings

Disruptive people can be removed from public meetings (public officials often refer to this removal as “trespassing”). However, the person must actually be disrupting the meeting. The Ninth Circuit has specifically stated, “Actual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, *nunc pro tunc* disruption, or imaginary disruption.”<sup>6</sup> A *nunc pro tunc* disruption is one where the speech could cause a disruption after the fact.

To that end, individuals who refuse to sit down when their allotted speaking time has ended can be removed from the public meeting. Persons who interrupt a meeting’s proceeding by repeatedly shouting out and yelling can also be removed. Even individuals located in a different room than an actual public meeting who are protesting so loudly that it interferes with the meeting can be removed from the area. On the other hand, a person who rolls his or her eyes, repeatedly sighs, shakes their head or guffaws is probably not actually interrupting the meeting. A person who is merely a distraction is not necessarily an actual disruption, and thus, should be ignored.

Because the requirement is that an actual disruption of the proceedings occur, it is not appropriate to remove a person because of some type of symbolic expression that does not interrupt or halt the meeting itself. For example, the Ninth Circuit found that while a person giving a Nazi salute may be offensive, giving the salute did not interfere with or interrupt the public meeting itself. And because the actual meeting was not interfered with by the salute, the removal of the person giving the salute from the meeting amounted to “viewpoint discrimination” by the governing body. Having a person removed from a public meeting because his view on a matter is offensive to some or all of the other people in attendance at the meeting is not legally permissible.

The Nazi salute case is one to be particularly cognizant of because it is applicable to audience members. The federal courts recognize that audience members in limited public forums (like city council meetings) are “subject to the same constitutional rules that apply to those addressing the chamber.”<sup>7</sup> In practice, this means that audience members who wear clothing that may generally be described as offensive, who make what is commonly thought of as crude or

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<sup>5</sup> *Alpha Delta Chi-Delta Chapter v Reed*, 648 F3d 790, 800 (9<sup>th</sup> Cir 2011) (quoting, in part, *Ward v Rock Against Racism*, 491 US 781, 791, 109 S Ct 2746, 105 L Ed2d 661 (1989)).

<sup>6</sup> *Norse v City of Santa Cruz*, 629 F3d 966, 976 (9<sup>th</sup> Cir 2010).

<sup>7</sup> *Reza v Pearce*, 806 F3d 497, 505 (9<sup>th</sup> Cir 2015).

inappropriate hand gestures, and in some instances (absent a rule or ordinance prohibiting otherwise) passively hold signs or symbols that some find distasteful, may only be removed from the public meeting if those actions truly impede the public body's ability to conduct the meeting.

#### D. Suspending Disruptive Persons from Future Public Meetings

It is not uncommon for a person desiring to make their point to cause several disruptions at the same meeting or over a series of meetings. The constant disruption of public meetings by the same person, despite repeated warnings and removals, often leads public officials to consider suspending the person from future public meetings (otherwise known as issuing a trespass order). While the temptation to bar a disruptive person from future meetings is great, the legal ability to do so is questionable.

Two relatively recent federal court opinions held that prohibiting a disruptive person from attending future meetings, and from entering the entirety of a government facility, is not permitted under the First Amendment to the U.S. Constitution. The federal district court for Oregon specifically held in *Enge v. City of Portland* that a government may not “prospectively exclude individuals from future public meetings merely because they have been disruptive in the past.” In a separate decision, *Reza v. Pearce*, the Ninth Circuit Court of Appeals ruled that “imposing a complete ban” on a person’s entry into a government building “clearly exceeds the bounds of reasonableness” established under First Amendment jurisprudence. Both decisions are explained below more fully.

##### 1. *Enge v. City of Portland*

In the *Enge* case, the city of Portland’s municipal code permitted the city to indefinitely suspend a person from city hall and the city council’s chambers if the person disrupted a city council meeting. During a city council meeting, Mr. Walsh raised his voice and interrupted the meeting to the point that he was asked to leave by the mayor. After the meeting concluded, Mr. Walsh received a notice of exclusion from the city which prohibited him from attending any city council meeting or appearing in city hall for a period of 60 days.

The Oregon District Court found that the Portland ordinance violated the First Amendment to the U.S. Constitution. In its decision, the court noted that if Portland’s ordinance was permitted to stand, it could “lead to officials shutting the government’s doors to those whose viewpoints the government finds annoying, distasteful, or unpopular. Permanent or even lengthy exclusions for past disruptive behavior conduct could become a convenient guise for censoring criticism directed toward the powerful. The First Amendment’s guarantees, although not absolute, are not so flimsy.”<sup>8</sup>

In issuing its ruling, the Oregon District Court noted that the suspension from future meetings was not reasonable under First Amendment jurisprudence. In order for the ordinance to have been found reasonable, the ordinance would need to fulfill a legitimate need. Portland argued that the ordinance was needed for two reasons. First, the ordinance was necessary to protect the public’s safety. Second, even though Mr. Walsh was prohibited from attending city council

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<sup>8</sup> *Walsh* at 1119.

meetings, he had ample alternatives to communicate his concerns with Portland’s governing leaders. Neither of Portland’s arguments were held to be valid by the court.

The court noted that while public safety is a legitimate concern and could potentially allow for a person to be prospectively banned from attending a city council meeting, there was nothing in the record that showed that Mr. Walsh himself was a threat to any person. “Mere speculation that some persons may make others feel unsafe or engage in additional disruptions is an insufficient basis upon which to erect a governmental power to bar those who wish to express their views from participating in public debate.”<sup>9</sup> The court was particularly insistent that if Mr. Walsh was disruptive in the future, he could simply be escorted out of the meeting.

In addition, the court found that Portland’s ordinance did not provide Mr. Walsh with any reasonable alternatives to voice his concerns about public matters. The court appears to recognize that there is a fundamental difference between making a verbal statement at a city council meeting on a matter of public concern and sending in a letter. In its holding the courts stated, “prospective exclusions defeat the very purpose of the forum: to provide the opportunity for discourse on public matters.”<sup>10</sup>

## **2. *Reza v. Pearce***

In this case, Arizona State Senator Pearce issued an order barring Mr. Reza from the state Capitol because he had previously been disruptive during a hearing chaired by Senator Pearce on an omnibus immigration bill. In addition to barring Mr. Reza from the Capitol, Senator Pearce adopted a new rule which required individuals who disrupted the Senate’s proceedings from being excluded from the Capitol for two weeks for a first offense and for 60 days for any subsequent offenses. When Mr. Reza attempted to enter the Capitol to attend a previously-scheduled meeting with another senator to discuss obtaining permits for a protest, he was refused entry to the building.

The Ninth Circuit specifically held that banishment from the state Capitol was unreasonable under the First Amendment. In the opinion, the court specifically notes that the ban at issue excluded Mr. Reza “from all future hearings on any subject, based on the purported fear that he could be disruptive in the future”.<sup>11</sup> The court additionally noted that the ban prevented Mr. Reza from “visiting his elected representatives to urge legislative action on any subject.”<sup>12</sup> And while the court noted that public safety can be a reasonable ground to deny entry to a public building, there was no real threat to public safety established in the case, and the ban was therefore not reasonable.

## **3. *Public Safety Exception***

In both of the appellate cases described above, the courts reference that public safety concerns may be a legitimate reason to prospectively prohibit a person from entering and participating in a public meeting. But in both cases, the court found no real threat to public safety. These cases

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<sup>9</sup> *Walsh* at 1132.

<sup>10</sup> *Walsh* at 1133.

<sup>11</sup> *Reza* at 507.

<sup>12</sup> *Id.*

leave open the possibility that if a city council establishes that a real threat to public safety exists, it may be able to prospectively prohibit a person from attending a future public meeting. However, as there is no decision on point, it is reasonable to assume that any such suspension should be significantly limited in duration.

After conferring with legal counsel, if a city determines that a person should be prospectively prohibited from entering and participating in a public meeting, the attached Appendix A, entitled “Notice of Exclusion,” may be used as starting point in drafting an appropriate exclusion order. Any such notice of exclusion must be carefully crafted to ensure that the following occurs: (1) definitive evidence of a threat to public safety is established; (2) the subject of the order is provided appropriate due process; and (3) the subject of the order is given an opportunity to appeal the notice.

## E. Arresting Individuals Who Disrupt Public Meetings

Having a disruptive person removed from a public meeting often results in the person simultaneously being arrested for disorderly conduct. Oregon has two criminal statutes related to disorderly conduct, one pertaining to disorderly conduct in the first degree, the other pertaining to conduct in the second degree. Both statutes generally prohibit a person, in relevant context to this discussion, “with intent to cause public inconvenience, annoyance or alarm,” or creating a risk thereof, from: engaging in violent or threatening behavior; making unreasonable noise; or disturbing lawful assemblies. The fundamental purpose behind both disorderly conduct statutes is “to protect the general public from conduct that threatens to erode the community’s sense of safety and security.”<sup>13</sup>

Individuals have challenged the validity of the disorderly conduct statutes on the basis that they violate a person’s right of free speech and expression under Article 1, Section 8 of the Oregon Constitution. The Oregon Court of Appeals has determined that this type of constitutional challenge to the disorderly conduct statutes requires a court to determine if an arrest for disorderly conduct “had as its objective the prevention of some harm within its power to prevent or whether its objective was to prevent protected speech.”<sup>14</sup>

In *State v Rich*, a defense attorney was arrested outside of a courtroom for disorderly conduct when he yelled at a police officer for more than a minute. The yelling was so loud that it could be heard outside in a hallway and in offices that opened to the hallway. At least some employees of the courthouse indicated the yelling was so loud it stopped them from working. The defense attorney argued that his arrest for disorderly conduct violated Article 1, Section 8 of the Oregon Constitution in that he was arrested because the officer did not like the words he was yelling (the defense attorney was using profane language).

After reviewing the matter, the Court of Appeals determined that the defendant was not arrested because of the words he was uttering, but rather, as a result of the volume at which he was uttering those words. Finding that the basis of the disorderly conduct arrest was “the speech’s

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<sup>13</sup> ORS 166.023 and 166.025.

<sup>14</sup> *State v Rich*, 218 OR App 642, 647, 180 P3d 744, 747 (2008).

noncommunicative elements,” the court found that the arrest was proper and Constitutional. It was the volume of the speech and the effect it had on the public (causing work to cease) that caused the disorderly conduct, not the words themselves.

When a person is arrested at a public meeting for disorderly conduct, it should be clear that the person is not only disrupting the meeting from occurring, but that the person’s behavior (and not the words being used) is what is eroding the public’s sense of safety and security.

## **Conclusion**

Public officials do not have to allow people to disrupt or derail their ability to conduct the people’s business. It is perfectly acceptable for a governing body to establish rules that dictate when public comment can be made, how long the public comment can be given, and the topic that the public comment must surround. Governing bodies are also permitted the right to remove any person from a public meeting when that person actually disrupts the meeting. If a person’s disruption of a meeting is so deleterious that it threatens the safety and security of the public, the governing body can request that the person in question be arrested for disorderly conduct. And while public officials may wish to prospectively ban consistently disruptive people from future meetings, officials are warned that the only time such an action may even be legally permissible is if the officials can prove that the disruptive person proves to be an actual threat to the public safety—and even then, a limited suspension is perhaps most prudent. As a general rule, cities should utilize the least restrictive option to a disruptive citizen’s rights when trying to regain and retain order of a public meeting.

## APPENDIX A

### NOTICE OF EXCLUSION

Dear [SIR/MADAM]:

You are hereby excluded from the following property: [LOCATION/ADDRESS] (“property”).

This letter is to inform you of the conditions and processes associated with your Notice of Exclusion. This exclusion is effective as of [DATE TRESPASSED]. You are prohibited from entering the property for a period of [LENGTH OF EXCLUSION/HOURS/EVENT].

In order to facilitate necessary actions or protected activities, you may be permitted upon prior approval to enter the property by giving at least one-day advance notice to [EXCLUDING AUTHORITY]. This Notice of Exclusion is given pursuant to ORS 164.245, as well as [MUNICIPAL/COUNTY CODE §]. Your entry upon the property without express permission may result in adverse consequences including, but not limited to, initiation of civil or criminal proceedings against you.

Should you feel this Notice of Exclusion has been made in error, or you desire to contest this Notice of Exclusion, an appeal may be made to the Municipal Court pursuant to [MUNICIPAL CODE §] by filing a notice of appeal within \_\_\_\_ days of your receipt of this Notice of Exclusion. The exclusion from the property shall remain in effect pending your appeal. On appeal, evidence may be offered and arguments made before an impartial hearings officer. You are not entitled to court appointed counsel at that appeal, however, you may retain counsel at your own expense.

Should you choose to not to appeal, this exclusion will expire by its own terms on [DATE EXCLUSION ENDS].

Sincerely,

[Signed by Person Authorized to Issue]

# CITY OF STAYTON CHARTER

Effective January 1, 2018

*This is a true and certified copy of the 2018 City of Stayton Charter as approved by voters on November 7, 2017.*



Keith D. Campbell, City Manager

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## PREAMBLE

**W**e, the voters of Stayton, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

## **CHAPTER I - NAMES AND BOUNDARIES**

SECTION 1. TITLE. This charter may be referred to as the 2018 City of Stayton Charter.

SECTION 2. NAME. The City of Stayton, Oregon, continues as a municipal corporation with the name City of Stayton.

SECTION 3. BOUNDARIES. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of its boundaries.

SECTION 4. ANNEXATIONS. Annexations over three acres not required by state law must be approved by city voters before the annexations take effect.

## CHAPTER II - POWERS

SECTION 5. POWERS. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

SECTION 6. CONSTRUCTION. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

SECTION 7. DISTRIBUTION. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

## CHAPTER III - ELECTED OFFICIALS

SECTION 8. COUNCIL. The council consists of five councilors nominated and elected from the city at large.

SECTION 9. MAYOR. The mayor presides over and facilitates council meetings, preserves order, enforces council rules and determines the order of business under council rules. The mayor is not a member of the council and has no vote unless there is a tie vote. The mayor has authority to require the council to reconsider ordinances. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions and as authorized by rule, unless otherwise provided in this Charter. The mayor serves as the political head of the city government.

SECTION 10. COUNCIL PRESIDENT. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties, including signing records of council decisions and as authorized by rule. When acting as mayor the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.

SECTION 11. RULES. The council must adopt by resolution rules to govern its meetings and proceedings.

SECTION 12. MEETINGS. The council must meet at least once a month at a time and place designated by council rules, and may meet at other times in accordance with the rules.

SECTION 13. QUORUM. Three or more council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by council rules.

SECTION 14. VOTE REQUIRED. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

SECTION 15. RECORD. A record of council meetings must be kept in a manner prescribed by the council rules.

## CHAPTER IV - LEGISLATIVE AUTHORITY

SECTION 16. ORDINANCES. The council will exercise its legislative authority by enacting ordinances. The enacting clause for all ordinances must state "The City of Stayton ordains:"

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## **CHAPTER V - ADMINISTRATIVE AUTHORITY**

SECTION 19. RESOLUTIONS. The council will normally exercise its administrative authority by adopting resolutions. The adopting clause for resolutions must state "The City of Stayton resolves:"

SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
- (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER VI - QUASI-JUDICIAL AUTHORITY

SECTION 22. ORDERS. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Stayton orders:"

SECTION 23. ORDER APPROVAL.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a proposed order must be read aloud or made available in writing to the public at the meeting before the council approves the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each councilor must be entered in the council minutes.
- (d) After approval of an order, the city recorder must attest to the order by name, title and date of adoption.

SECTION 24. EFFECTIVE DATE. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

## CHAPTER VII - ELECTIONS

SECTION 25. COUNCILORS. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

SECTION 26. MAYOR. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term. A mayor may serve no more than two consecutive elected four-year terms.

SECTION 27. STATE LAW. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

SECTION 28. QUALIFICATIONS.

- (a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of elected officials.

SECTION 29. NOMINATIONS. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position.

SECTION 30. TERMS. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

SECTION 31. OATH. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon; and support the charter, ordinances, resolutions, and municipal code of the city.

SECTION 32. VACANCIES. Office of the mayor or councilor becomes vacant:

- (a) Upon the incumbent's:

- (1) Death,

- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- (2) Absence from the city for 30 days, or from all council meetings within a 60-day period without consent from the council;
- (3) Ceasing to reside in the city;
- (4) Ceasing to be a qualified elector under state law;
- (5) Conviction of a public offense punishable by loss of liberty;
- (6) Resignation from the office; or
- (7) Violation of Section 34(d).

SECTION 33. FILLING VACANCIES. A vacancy in the office of mayor will be filled by a majority of the council. A councilor vacancy will be filled by appointment by the mayor with the consent of the council. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, the mayor with the consent of the council may appoint a councilor pro tem.

## CHAPTER VIII - APPOINTIVE OFFICERS

### SECTION 34. CITY MANAGER.

- (a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.
- (b) The mayor must appoint and may remove the manager only with the consent of the majority of the existing council members. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The duties of the city manager must be set by ordinance.
- (d) The mayor and councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

SECTION 35. CITY ATTORNEY. The office of city attorney is established as the chief legal officer of the city government. The mayor must appoint and may remove the city attorney with the consent of the council. The city attorney may designate other lawyers to serve as assistant city attorneys or special counsel.

### SECTION 36. MUNICIPAL COURT AND JUDGE.

- (a) The mayor may appoint and remove a municipal judge with the consent of the council. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
  
- (e) The municipal judge may:
  - (1) Render judgments and impose sanctions on persons and property;
  - (2) Order the arrest of anyone accused of an offense against the city;
  - (3) Commit to jail or admit to bail anyone accused of a city offense;
  - (4) Issue and compel obedience to subpoenas;
  - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - (6) Penalize contempt of court;
  - (7) Issue processes necessary to enforce judgments and orders of the court;
  - (8) Issue search warrants; and
  - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
  
- (f) The mayor may appoint and may remove municipal judges pro tem with the consent of the council.
  
- (g) The council may transfer some or all of the functions of the municipal court to a state court.

## **CHAPTER IX - PERSONNEL**

SECTION 37. PERSONNEL RULES. The council by resolution will adopt rules governing compensation, recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

## **CHAPTER X - MISCELLANEOUS PROVISIONS**

SECTION 38. DEBT. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

SECTION 39 ORDINANCE CONTINUATION. All ordinances, Stayton Municipal Code, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in effect until amended or repealed.

SECTION 40. REPEAL. All charter provisions adopted before this charter takes effect are repealed.

SECTION 41. SEVERABILITY. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of this charter.

SECTION 42. TIME OF EFFECT. This charter takes effect January 1, 2018.

# **EXHIBIT A**

**Resolution No. 5355-18**



# **CITY OF TUALATIN COUNCIL RULES**

**Adopted**

**February 12, 2018**

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# RULE 1

## General Governance

### A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.<sup>1</sup> Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. To maintain orderly procedures, members of Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

**B. Council.** The members of Council are the Mayor and the Councilors.<sup>2</sup> There are six Councilor positions.<sup>3</sup>

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

### C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>4</sup>

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<sup>1</sup> Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

<sup>2</sup> Charter Sections 7 (Council); 8 (Councilors); 8a (Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

<sup>3</sup> Charter Section 8a (Assignment of Council positions).

<sup>4</sup> Charter Section 14, (“Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.”).

2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

#### **D. Presiding Officer.**

1. The Mayor is the Presiding Officer and presides over all meetings.<sup>5</sup>
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.<sup>6</sup>
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:<sup>7</sup>
  - a. Any member of Council present at a meeting may call the Council to order.
  - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

#### **E. Other Officers.**

1. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.<sup>8</sup>

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<sup>5</sup> Charter Section 17 (Mayor's Functions at Council Meetings) ("The Mayor shall be chair of the Council and preside over its deliberations.").

<sup>6</sup> Charter Section 18 (President of the Council) ("In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem.").

<sup>7</sup> Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members.") The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

<sup>8</sup> Charter Sections 20a (City Manager) ("attend all meetings of the Council, unless excused

3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

## **F. Agendas.<sup>9</sup>**

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the member of Council present at the meeting.
7. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

## **G. Order of Business.**

1. The Mayor, or Mayor pro tem, as the presiding officer has the authority to determine the order of business at any meeting of the Council.
2. The order of business for all regular meetings will generally be as follows:<sup>10</sup>

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therefrom"); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

<sup>9</sup> An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include “[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]”)

<sup>10</sup> Charter Section 17 (Mayor’s Functions at Council Meetings) (the Mayor is to “determine the order

- a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
- b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
- c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
- d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
- e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
- f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

#### **H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

- 1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
- 2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
- 3. Oral reports to the Council should generally not exceed five (5) minutes in length.
- 4. The Council may ask questions of the presenter upon conclusion of the report being given.

#### **I. Public Comment.**

- 1. One (1) period for public comment will be reserved for every regular meeting of the Council.

2. Persons wishing to speak during public comment should sign the “Speaker Request Form” and provide the person’s name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Before providing any public comment, speakers must announce the person’s name and place of residence to the Council.
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

#### **J. Consent Agenda.**

1. In order to expedite the Council’s business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

#### **K. Ordinances and Resolutions – See RULE 3**

#### **L. Public Hearings Generally.**

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.

2. Persons wishing to speak should sign the “Speaker Request Form” with the person’s name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person’s name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.

12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

## RULE 2

### Meeting Time, Location, and Frequency

**A. Regular Meetings.** The Council will generally hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.<sup>11</sup>

**B. Special Meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>12</sup>

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

**C. Emergency Meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>13</sup>

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.

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<sup>11</sup> Charter Section 13 (Meetings) ("The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated."); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>12</sup> Charter Section 13 (Meetings) ("The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance."); Tualatin Municipal Code 1-04 (48 hours' notice requirement for Special Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>13</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.<sup>14</sup>

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).
  - c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.<sup>15</sup>

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<sup>14</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>15</sup> Charter Section 13 (Meetings); TMC 1-4-020 (“A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.”); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
6. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

#### **F. Location of Meetings.**<sup>16</sup>

1. Council meetings must be held at City Hall.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.<sup>17</sup>

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<sup>16</sup> This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>17</sup> Tualatin Municipal Code Chapter 1-04 (48 hours' notice for meetings); ORS 192.610 to 192.690 (Oregon Public Meetings Law).

## H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.<sup>18</sup>
2. It is the responsibility of each members of Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard.<sup>19</sup> The preference of the Council is for all members of Council to attend in person.
4. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.

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<sup>18</sup> Charter Section 32 (What Creates Vacancy) (vacancy created “upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.”)

<sup>19</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) requires the public to have the opportunity to hear the proceedings of a meeting.

## **RULE 3**

### **Ordinances and Resolutions**

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity.

#### **1. Introduction.**

- a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
- b. After introduction, the Council may direct by majority vote of the members present any of the following:<sup>20</sup>
  1. A public hearing on the ordinance be held;
  2. Refer the ordinance to committee for review and recommendation;
  3. Refer the ordinance to the City Manager for further revision;
  4. Pass the ordinance to a second reading; or
  5. Reject the ordinance in whole or in part.

#### **2. Readings and Final Action.**

- a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.<sup>21</sup>
- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.<sup>22</sup>
- c. Any of the readings may be by title only, instead of a full reading, if:<sup>23</sup>
  1. No Council member present at the meeting requests to have the ordinance read in full; or

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<sup>20</sup> Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

<sup>21</sup> Charter Section 35 (Mode of Enactment).

<sup>22</sup> Charter Section 35 (Mode of Enactment).

<sup>23</sup> Charter Section 35 (Mode of Enactment).

2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.<sup>24</sup>
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.<sup>25</sup>

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

### 1. Introduction.

- a. Resolutions should be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
  1. A public hearing be held on the resolution;
  2. Pass the resolution; or
  3. Reject the resolution in whole or in part.

### 2. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.<sup>26</sup>

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<sup>24</sup> Charter Section 35 (Mode of Enactment).

<sup>25</sup> Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>26</sup> Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.<sup>27</sup>

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<sup>27</sup> Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

## RULE 4 Land Use Hearings

### A. General Conduct of Hearings.<sup>28</sup>

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

### B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

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<sup>28</sup> State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

### 3. **Ex Parte Contact.**

- a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.
- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

### 4. **Burden of Proof.**

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

### 5. **Hearing Procedures.** The order of hearings in quasi-judicial land use matters is:

- a. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  1. A list of the applicable criteria;
  2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.

- c. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
  - d. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
  - e. **Presentation of the Case.** The presentation of the case will be as follows:
    - 1. Proponent's case.
    - 2. Persons in favor.
    - 3. Persons opposed.
    - 4. Other interested persons.
    - 5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
  - f. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
  - g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- 6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
  - 7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### C. Legislative Land Use Matters.

- 1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - a. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.

- b. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- c. **Presentation of the Case.** The presentation of the case will be as follows:
  - 1. Proponent's case.
  - 2. Persons in favor.
  - 3. Persons opposed.
  - 4. Other interested persons.
- d. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- e. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- f. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## RULE 5

### Motions, Debate, Public Comment, and Voting

**A. Motions.** The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.<sup>29</sup>
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

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<sup>29</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

## **B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

## **C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

## **D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

## **E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>30</sup>

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<sup>30</sup> Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of  
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2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.<sup>31</sup>
4. **Emergency Clause in Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.<sup>32</sup>
5. **Resolutions.** A majority of a quorum is required to pass a resolution.<sup>33</sup>
6. **Budget.** The budget requires a majority of a quorum to pass.<sup>34</sup>
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.<sup>35</sup>
8. **Suspension of Rules.** A majority vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.<sup>36</sup>

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a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>31</sup> Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>32</sup> Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

<sup>33</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>34</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>35</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>36</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

9. **Votes.** All votes must be recorded in the minutes.<sup>37</sup>

10. **Tie Votes.** Tie votes indicate a denial of the motion or proposal.<sup>38</sup>

#### **F. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:<sup>39</sup>
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

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<sup>37</sup> Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>38</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>39</sup> Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

## **RULE 6**

### **Minutes**

#### **A. Generally.**<sup>40</sup>

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

#### **B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

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<sup>40</sup> Charter Section 15 (Journal) ("The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal."); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690 (Oregon Public Meetings Law).

## RULE 7 Appointments

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City’s charter. All appointments require a majority vote of the members of Council present at a meeting.<sup>41 42</sup>

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.<sup>43</sup>

1. **Reviews.** The City Manager is subject to a review by the Council to be generally conducted during the first quarter of the year, in even numbered years.
2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.<sup>44</sup>

**C. Municipal Judge.**

1. **Appointment and Removal.** The Mayor, with the consent of the Council, appoints and may remove the Municipal Judge, including pro tem judges.<sup>45</sup>

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<sup>41</sup> Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>42</sup> The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager’s power to “appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....”)

<sup>43</sup> Charter Section 20a (City Manager) (“The Manager shall be chosen by the Council....”); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>44</sup> Charter Section 20a (City Manager) (“The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.”); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”)

<sup>45</sup> Charter Section 21 (Municipal Judge) (“The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the

2. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge’s exercise of judicial authority or discretion.<sup>46</sup>

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.<sup>47</sup>

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.<sup>48</sup>
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. *Council Committee on Advisory Appointments.* The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.

**E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.

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Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

<sup>46</sup> Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

<sup>47</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>48</sup> Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)

- c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
- d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
- e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
- f. All appointments must be by majority vote of the members of Council present.

## **RULE 8**

### **Ethics, Decorum, Outside Statements, and Social Media**

#### **A. Ethics.** <sup>49</sup>

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

#### **B. Decorum.**

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

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<sup>49</sup> ORS Chapter 244 (Government Ethics).

### **C. Statements to the Media and Other Organizations**

1. **Representing City.** If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
2. **Personal Opinions.** If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

### **D. Use of Social Media.**

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.<sup>50</sup>
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.<sup>51</sup>
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

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<sup>50</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>51</sup> ORS 192.410 to 192.505 (Oregon Public Records Law).

## RULE 9

### Interactions with City Staff

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.<sup>52</sup>
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
4. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager; or
2. To discuss parliamentary procedures of these Rules.

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<sup>52</sup> Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).

## RULE 10

### Enforcement and Consequences

**A. Enforcement.** The Council may ensure compliance with City ordinances, charter, and state laws applicable to governing bodies.<sup>53</sup> If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>54</sup> A majority of the entire Council is required to issue a reprimand.

#### **B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.<sup>55</sup>
2. Before the Council may publicly reprimand or remove a member of Council, the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).<sup>56</sup>
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).<sup>57</sup>

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<sup>53</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>54</sup> Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

<sup>55</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>56</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

<sup>57</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

## RULE 11

### Amendment and Repeal of Council Rules

**A. Amendment.** These Rules are subject to amendment by the Council.<sup>58</sup>

1. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
2. All amendments to these rules require approval by a majority of a quorum of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council. .<sup>59</sup>

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

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<sup>58</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

<sup>59</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

## RULE 12

### Finances and Travel Policy

**A. Financial Statements.** Pursuant to ORS 244.050, members of Councilor are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.<sup>60</sup>

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level.
2. Councilors may each receive City health insurance benefits at the single employee level, not to exceed the level offered to City department managers. In lieu of health insurance benefits, Councilors may receive a stipend in an amount determined by the City's health insurance provider (currently CIS), consistent with all plans and requirements of the health insurance provider. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

#### **E. Travel Policy.**

1. **Adoption of Reimbursement Rates.** Members of Council may be reimbursed, or may seek an advancement of funds, for normal expenses incurred while carrying out their official duties at the usual and customary rates. Councilors are required to submit receipts and appropriate documentation to the City Manager. Councilors should use prudence in the expenditure of City funds.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
  - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
  - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the midsize rate.

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<sup>60</sup> ORS Chapter 244 (Government Ethics).

- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

#### 4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

#### 5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's travel requires an overnight accommodation.
- b. Reimbursement will be at the reasonable and customary cost of a single standard room, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls and reasonable personal calls will be reimbursed. In-room internet is reimbursable.

#### 6. **Meals.**

- a. The City will pay reasonable and customary meal expenses.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, reimbursement will generally not be given for that meal without proper cause. Conference "continental" is not considered a meal.
- d. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

#### 7. **Travel Advances and Reimbursements.**

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.

- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager one week in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - 1. A receipt is provided; or
  - 2. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

**F. Council Report for Certain Expenses.** Any member of Council requesting reimbursement or advancement for a conference or event is required to give an oral or written report about the conference or event to the Council.

**EXHIBIT A**

**Resolution No. XXX**

**A RESOLUTION ADOPTING RULES OF THE STAYTON CITY COUNCIL**

WHEREAS, Chapter III, Section 11 of the City of Stayton Charter requires the Council must adopt by resolution rules to govern its meetings and proceedings; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Rules of the Stayton City Council appended hereto, designated Exhibit A are hereby adopted.

SECTION 2. Resolution No. 809, Rules of the Stayton City Council, passed on October 15, 2007 is hereby repealed in its entirety.

ADOPTED BY THE STAYTON CITY COUNCIL THIS XX DAY OF XXXX, 2019.

CITY OF STAYTON

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

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

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

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



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## CHAPTER 1 – GENERAL GOVERNANCE

### I. RULES OF PROCEDURE

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert’s Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert’s Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

**Commented [AA1]:** Borrowed this language from Tualatin.

**Commented [AA2]:** Borrowed this language from Tualatin.

### II. QUORUM

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

**Commented [AA3]:** Alternate language from Tualatin: "In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

### III. PRESIDING OFFICER

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor’s absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

### IV. OTHER ELECTED AND APPOINTED OFFICERS

<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: “Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.

EXHIBIT A

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council **no less than 3 days preceding the meeting.**
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. **A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be place, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.**
- G. **As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.**

Commented [AA4]: LOC suggest three days preceeding.

Commented [AA5]: Tualatin language

Commented [AA6]: Tualatin language

VI. ORDER OF BUSINESS

- A. **The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.**
- B. The order of business for all regular meetings shall be as follows:
  - 1. **Call to Order.** The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.
  - 2. **Announcements.** Additions to the agenda and declarations of conflict of interest or ex parte communication.
  - 3. **Appointments.** Mayoral appointments to City's boards, commissions, and committees.

Commented [AA7]: Tualatin language. LOC language may be too prohibiting.

## EXHIBIT A

4. Citizen Comments. Public comments received concerning matters not on the agenda for the meeting.
  5. Consent Agenda. Routine items to be adopted by one motion of the Council.
  6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
  7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
  8. Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
  9. Communication from City Staff. Announcements and information provided by members of City staff.
  10. Adjournment. The conclusion of the meeting.
- C. Public Comment
1. One period for public comment will be reserved for every regular meeting of the Council.
  2. Persons wishing to speak during public comment should fill out a “Request for Recognition” form and provide the person’s name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
  3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
  4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
  5. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
  6. Before providing any public comment, speakers must announce the person’s name and place of residence at the podium to the Council.
  7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests for Council action may be referred to staff. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

## EXHIBIT A

### D. Consent Agenda

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

### E. Public Hearings Generally

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should sign the "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of testimony.

**Commented [AA8]:** Do we want to require everyone to fill out a form - public hearings, general comments

## EXHIBIT A

9. At the end of public testimony and questions of staff, the Council must do one of the following:
    - a. Initiate deliberations by introducing a motion on the matter;
    - b. Continue the hearing; or
    - c. Keep the record open for additional written testimony.
  10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
  11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
  12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.
- F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
- G. Written Communications to Council
1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
  2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
  3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. **REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. **SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. **EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. **EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. **WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

**EXHIBIT A**

- A. Work sessions are generally scheduled, as needed.
- B. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

**VI. LOCATION OF MEETINGS.**

- A. Council meetings are held at the Stayton Community Center or other specified location within the jurisdictional limits of the city.
- B. Training sessions may be held outside of the City’s jurisdictional limits, provided no deliberations toward a decision are made.
- C. Interjurisdictional meetings may be held outside of the City’s jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**VII. NOTICE OF MEETINGS.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon’s public meeting law.

**VIII. ATTENDANCE AT MEETINGS**

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person, by telephone, or other electronic means where the person’s voice may be heard. The preference of the Council is for all members of the Council to attend in person.
- D. A member of Council should not attend by telephone, or other electronic means where the person’s voice may be heard, more than two consecutive meetings. A member of the Council appearing by telephone, or other electronic means where the person’s voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.

**Commented [S9]:** Consideration for this should be made for someone who is not present. Rules should not allow remote attendance for Executive Sessions

## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
  - (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
  - (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
  - (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
  - (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
  - (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
  - (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.
- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

**II. RESOLUTIONS**

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed

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<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

EXHIBIT A

by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclose statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.

Commented [AA10]: LOC has time limits

EXHIBIT A

- d. Other interested persons.
- e. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- 6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
- 7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - 1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  - 2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  - 3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Persons in favor.
    - c. Persons opposed.
    - d. Other interested persons.
  - 4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  - 5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  - 6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

Commented [AA11]: LOC has time limits

## CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

**Commented [AA12]:** Current Council Rules are mostly silent on items in this section

### I. MOTIONS

A. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

**Commented [AA13]:** Not included in Tualatin's Rules.

### II. MOTION TO RECONSIDER

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

EXHIBIT A

III. **DEBATE.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

IV. **PUBLIC COMMENT**

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

V. **VOTING.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.
- E. Resolutions. A majority of a quorum is required to pass a resolution.
- F. Budget. The budget requires a majority of a quorum to pass.

**Commented [AA14]:** LOC & Tualatin state "before the Council takes action on the matter." Reasoning for the proposed language is to be specific that public comment on a specific topic should happen prior to the Council beginning their own deliberations in order to allow them to consider the public comments on the topic.

**Commented [AA15]:** LOC rules state 5 minutes; may want to stay consistent with the rest of our rules though.

**Commented [AA16]:** This is Tualatin language. LOC language says, "Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or City staff."

**Commented [AA17]:** These are specific to the Tualatin rules; not in LOC.

<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: "The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council."

**EXHIBIT A**

- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote.<sup>4</sup>

**VI. EFFECTIVE DATE**

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”

## CHAPTER 6 – MINUTES

### I. GENERALLY.

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. APPROVAL

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

- I. APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City’s charter. All appointments require a majority vote of the members of Council present at a meeting.
- A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
  - B. Removals. All appointed persons may be removed by a majority vote of the Council.
  - C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.
- II. APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**
- A. The Stayton City Charter dictates the appointment process for vacant positions.
- III. COUNCIL LIAISONS**
- A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn’t to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
    - 1. Education, Social Services, Governmental Agencies
    - 2. Economic Development and Housing
    - 3. Public Safety and Environmental
    - 4. Community Relations and Outreach
    - 5. Transportation and Infrastructure (or Public Utilities)
    - 6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.
- IV. APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**
- A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
  - B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
  - C. **Removals.** All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.

## CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA

**Commented [AA18]:** Tualatin included a section on Social Media... might be a good idea?

### I. ETHICS

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. **Not profiting from their position on Council in violation of state law.**
- C. **All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGEC).**

**Commented [AA19]:** Not in LOC, but in Tualatin

**Commented [AA20]:** Not in LOC, but in Tualatin

### II. DECORUM

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. City staff and all other persons attending meetings must observe the Council’s rules of proceedings and adhere to the same standards of decorum as members of the Council.
- D. **All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.**

**Commented [S21]:** Not in LOC, but in Tualatin. Need to look at 1<sup>st</sup> Amendment Rights

### III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS

- A. **Representing City.** If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. **Personal Opinions.** If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

**IV. USE OF SOCIAL MEDIA**

- A. Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.
- B. Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
- C. A public record created through a member of Council’s social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A “public record” encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
- D. The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. City Council members will refrain from posting comments that:
  - 1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - 2. Express an opinion in a manner contrary to Chapter 8, III (Statements to the Media and Other Organizations) above.

## CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY

### I. CITY STAFF

- A. All members of the Council must respect the separation between the Council’s role and the City Manager’s responsibility by:
1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager’s management of staff.
  4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

Commented [AA22]: In LOC, not in Tualatin

### II. CITY ATTORNEY

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney’s time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

Commented [S23]: Not the policy of the current City Attorney. Contact only allowed from City Manager, Mayor, and Council President.

## CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES

### I. ENFORCEMENT

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### II. INVESTIGATIONS AND HEARINGS

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### III. REMOVAL

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)

## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
  - B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
  - D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

EXHIBIT A

**CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES**

Commented [AA24]: Appropriate name for this chapter?

I. **FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.

II. **EXPENSES**

Commented [AA25]: In current Council Rules.

A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.

Commented [AA26]: Current has Finance Director

4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

Commented [AA27]: Current has Finance Director

III. **IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.
- B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
  1. Funds for such expenditures are available in the current budget;
  2. The training is germane and directly related to the duties and functions of the elected official;
  3. The individual is not receiving reimbursement from any other source.

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



## TECHNICAL MEMORANDUM #5 - DRAFT

Date: April 9, 2019

Project #: 22352

To: Lance Ludwick and Dan Fleishman (City of Stayton)

From: Darci Rudzinski (Angelo Planning Group)  
Andrew Parish (Angelo Planning Group)

Subject: Implementing Ordinances

### PURPOSE AND INTRODUCTION

This memorandum provides recommended modifications to the Stayton Comprehensive Plan and the Stayton Land Use and Development Code in order to be consistent with and implement the 2019 Stayton System Plan (TSP) and the Oregon Transportation Planning Rule (OAR 660-012, known as the "TPR").

### COMPREHENSIVE PLAN AMENDMENTS

The City of Stayton's comprehensive plan includes a set of Transportation Goals and Policies, as well as one or more action items under each policy. The recommendation is to repeal and replace the City's current transportation goals and policies with language in this section. Proposed Goals mirror the TSP Goals; proposed policies and action items are informed by and consistent with TSP objectives.

Proposed Goals and Policies reflect an integrated, multi-modal transportation system and implement the direction of the updated TSP. Proposed language articulates the City policy regarding vehicular and active forms of transportation (walking, bicycling, riding transit) as well as community interests related to health (e.g., effects of healthy transportation, mitigating pollution), community and economic vitality (e.g., freight efficiency, tourism, access to jobs), equity (e.g., access to "active" modes of transportation), and the environment (e.g., using technological solutions to improve mobility/reduce pollution, alternative transportation facility designs to minimize impacts to natural resources).

**GOAL** OPTIMIZE THE PERFORMANCE OF THE TRANSPORTATION SYSTEM FOR THE EFFICIENT MOVEMENT OF PEOPLE AND GOODS.

**Policy T-1** It is the policy of the City to establish a transportation system that can accommodate a wide variety of travel modes and minimizes the reliance on any one single mode of travel.

**ACTION** The City will develop and maintain street functional classifications, along with operational guidance, cross-sectional standards, and right-of-way standards, to ensure streets are able to serve their intended purpose.

**ACTION** The City will implement needed mobility standards to help maintain a minimum level of motor vehicle travel efficiency. State and county mobility standards will be supported on facilities under the respective jurisdiction.

**ACTION** The City will manage access to roadways to ensure a level of mobility consistent with their functional classification.

**Policy T-2** It is the policy of the City to plan for an integrated transportation system that includes additional local, collector and arterial roads that improves connectivity across multiple modes; preserves future rights-of-way; and maintains Stayton's existing street grid system.

**ACTION** The City's land use standards will require developments to provide access consistent with the roadway classifications and access spacing standards in the TSP.

**Policy T-3** It is the policy of the City to ensure that the network of arterials, collectors and local streets are interconnected, appropriately spaced, and reasonably direct in accordance with City, County and State design standards in order to reduce reliance on any one corridor.

**ACTION** The City's land use standards will require developments to provide for new and improved streets in accordance with the Roadway Functional Classification Map and Future Street Plan in the TSP.

**GOAL** PROVIDE A TRANSPORTATION SYSTEM THAT ENHANCES THE SAFETY AND SECURITY OF ALL TRANSPORTATION MODES.

**Policy T-4** It is the policy of the City to reduce traffic volumes and speeds near schools consistent with the Safe Routes to School Plan.

**ACTION** Work with the school district and private schools to identify and implement circulation and access patterns to and around schools that are safe for pedestrians and bicyclists, as well as people in cars and arriving by bus.

**Policy T-5** It is the policy of the City to Improve safety and operational components of existing transportation facilities.

ACTION The City will address existing safety issues at high crash locations and locations with a history of severe vehicle, bicycle- and/or pedestrian-related crashes.

ACTION The City will improve safe crossings for vehicles, bicycles and pedestrians across arterial streets.

ACTION The City will manage access to transportation facilities consistent with their applicable classification to reduce and separate conflicts and provide reasonable access to land uses.

**Policy T-6** It is the policy of the City to maintain a traffic calming program for implementation in areas with vehicle speeding issues.

ACTION The City will monitor vehicular speeds to identify street segments with speed issues and implement appropriate traffic calming protocols to reduce vehicle speeds.

**Policy T-7** It is the policy of the City to ensure adequate access for emergency services vehicles throughout the City's transportation system.

ACTION The City's street design standards will ensure adequate travel way width and turnaround capacity for emergency vehicles.

**GOAL** PROVIDE AN EQUITABLE, BALANCED, AND CONNECTED MULTI-MODAL TRANSPORTATION SYSTEM.

**Policy T-8** It is the policy of the City to ensure that the transportation system provides equitable access to underserved and vulnerable populations.

ACTION The City will ensure that multi-modal connections meet applicable City and Americans with Disabilities Act (ADA) standards.

ACTION The City will work with Salem Keizer Transit District to provide shelters at transit stops and expand opportunities for transit service when cost effective.

ACTION The City will maintain City roadways as multi-modal or "complete streets," with each street servicing the needs of various modes of travel.

**Policy T-9** It is the policy of the City to provide for multi-modal circulation internally on site and externally to adjacent land uses and existing and planned multi-modal facilities.

**ACTION** The City will require new non-residential development to provide pedestrian connections to the public sidewalk and to provide bicycle parking.

**GOAL** LIMIT AND MITIGATE ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH TRAFFIC AND TRANSPORTATION SYSTEM DEVELOPMENT.

**Policy T-10** It is the policy of the City to avoid or minimize impacts to natural resources when planning for and implementing the transportation system.

**ACTION** The City will allow alternative transportation facility designs in constrained areas.

**ACTION** The City will endeavor to identify environmental impacts related to transportation projects at the earliest opportunity to ensure compliance with all federal and state environmental standards.

**ACTION** The City will work to reduce the number of vehicle-miles traveled through policy and implementation of multi-modal and transit supportive projects.

**ACTION** The City will work to enhance opportunities to increase the number of walking, bicycling, and transit trips in the city.

**ACTION** The City will work with community partners and private property owners to identify potential electric vehicle plug-in stations and will permit these uses, consistent with adopted code provisions.

**ACTION** Evaluate and implement, where cost-effective, environmentally friendly materials and design approaches such as reducing required pavement width, water reduction and infiltration methods to protect waterways, solar infrastructure, and impervious materials.

**Policy T-11** It is the policy of the City to support technology applications that improve travel mobility and safety with less financial and environmental impact than traditional infrastructure projects.

**ACTION** The City will continue to seek out and work with other transportation providers such as ODOT and Salem Keizer Transit District to apply where practicable advanced technologies and proven management techniques to relieve congestion, enhance safety, and provide services to travelers.

**GOAL** DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM PLAN THAT IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE CITY, MARION COUNTY, AND THE STATE.

**Policy T-13** It is the policy of the City to ensure consistency with state, regional and local transportation planning rules, regulations, and standards.

**ACTION** The City will continue to participate in regional transit service efforts and seek improvements to public transit services to the City of Stayton.

**ACTION** The City will coordinate land use, financial, and environmental planning, both within City departments and with state and regional partners, to prioritize strategic transportation investments.

**GOAL** SEEK FUNDING FOR AND INVEST IN FINANCIALLY FEASIBLE INFRASTRUCTURE PROJECTS THAT WILL SERVE THE CITY FOR YEARS TO COME.

**Policy T-14** It is the policy of the City to preserve and protect the function of locally and regionally significant transportation corridors.

**ACTION** The City will implement reasonable alternative mobility targets for motor vehicles that align with economic and physical limitations on state highways and city streets where necessary.

**ACTION** The City will endeavor to preserve and maintain the existing transportation system assets to extend their useful life.

**ACTION** The City will continue to work to improve travel reliability and efficiency of existing major travel routes in the city before undertaking more expensive capacity projects.

**ACTION** The City will pursue grants and collaboration with other agencies to efficiently fund transportation improvements and supporting programs.

**Policy T-15** It is the policy to the City to identify and maintain stable and diverse revenue sources to meet the need for transportation investments in the city.

**ACTION** The City will continue to pursue new and creative funding sources to leverage high priority transportation projects.

**Policy T-16** It is the policy of the City to ensure that proposed developments will be responsible for mitigating their direct traffic impacts.

**ACTION** The City will implement transportation system development charge methodology and maintain a list of SDC-eligible projects.

**GOAL** PROVIDE A TRANSPORTATION SYSTEM THAT ENHANCES THE HEALTH OF RESIDENTS AND USERS.

**Policy T-17** It is the policy of the City to provide convenient and direct pedestrian and bicycle facilities to promote health and the physical and social well-being of Stayton residents, to reduce vehicular traffic congestion, to provide community and recreational alternatives, and to support economic development.

**ACTION** The City will identify and seek funding for programs that encourage walking, bicycling, and rideshare/carpooling through community awareness and education.

**ACTION** The City will identify and seek funding for programs that provide education regarding good traffic behavior and consideration for all users.

**ACTION** The City will work to create a multi-modal transportation system that limits users' exposure to pollution and that enhances air quality.

**GOAL** CREATE A BALANCED BUILT ENVIRONMENT WHERE DESIRED EXISTING AND PLANNED LAND USES ARE SUPPORTED BY AN EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM.

**Policy T-18** It is the policy of the City to encourage more compact, walkable, mixed use, to shorten trip lengths and reduce the need for motor vehicle travel.

**ACTION** The City will implement the land use code provisions of the Downtown Transportation and Revitalization Plan by continuing to have mixed use zones in the downtown core.

**Policy T-19** It is the policy of the City to implement transportation improvements needed to accommodate developing or

undeveloped areas and ensure adequate capacity for future travel demand, consistent with the adopted TSP.

**ACTION** The City will periodically review and revise where necessary local land use and development requirements to ensure that future land use decisions are consistent with the planned transportation system.

**ACTION** The City will implement access management and land use measures consistent with the recommendations of the TSP to protect the function of the Sublimity Interchange.

**GOAL** PROVIDE A TRANSPORTATION SYSTEM THAT SUPPORTS EXISTING INDUSTRY AND ENCOURAGES ECONOMIC DEVELOPMENT IN THE CITY.

**Policy T-20** It is the policy of the City to provide a transportation system that supports the movement of goods and delivery of services throughout the city while balancing the needs of all users and preserving livability in residential areas and established neighborhoods.

**ACTION** The City will maintain and implement a plan for designated truck routes through the City that prioritizes efficient freight movement and minimizes truck traffic on other city roadways.

**Policy T-21** It is the policy of the City to identify lower cost options or provide funding mechanisms for transportation improvements necessary for development to occur.

**ACTION** The City's TSP will guide programming transportation improvements to facilitate the development of desired land uses and activities.

**Policy T-22** It is the policy of the City to encourage tourism by developing connections to and between major recreational locations, key services, and other destinations in the city.

**ACTION** The City will encourage tourism by promoting and upgrading bicycle and pedestrian recreational routes and services through the city.

## LAND USE AND DEVELOPMENT CODE AMENDMENTS

This section provides proposed Land Use and Development Code amendments that are intended to be consistent with the goals and objectives of the draft updated TSP, implement the proposed new Comprehensive Plan transportation policies, and ensure compliance with the state Transportation Planning Rule (the “TPR,” OAR 660, Division 12). More broadly, the intent of the proposed amendments is to ensure that the City’s development regulations provide sufficient guidance to ensure that future land use decisions and actions are consistent with the planned transportation system by protecting the function of existing roadways and promoting a multi-modal system.

The proposed language implements recommendation first explored with City staff and project advisory committees in the Transportation Planning Rule table, Table 1, in Technical Memorandum #1 – Plans and Policy and are intended to be consistent with the standards in the Draft TSP. The recommended changes are summarized in Table 1, which includes comments regarding the basis for the changes.

Following Table 1 the proposed code amendments are presented in the order shown in the summary table. Recommended changes are in an adoption-ready format; text that is proposed to be added is shown as underlined, and text proposed to be removed is shown in ~~strikeout~~.

Table 1. Summary of Recommended Amendments to City of Stayton Land Use and Development Code

| Reference Number                                       | Proposed Amendments  | Comments  |
|--|--|---|
| <b>Chapter 17.12 – Development Approval Procedures</b> |  |   |
| 1  | Revise Land Use Code Amendment requirements (17.12.175) to include consistency with the Transportation Planning Rule.  | Implements OAR 660-012-0060   |
| 2  | For Site Plan Review (17.12.220), include non-vehicular modes of travel in the requirements for safe access to subject property.   | Implements OAR 660-012-0045(3)(c)                                       |
| <b>Chapter 17.20 – Development Standards</b>           |  |   |
| 3  | Revise off-street parking requirements (17.20.060) to allow for reductions where proposed development accommodates carpool/vanpool parking, is served by frequent transit, or provides additional bicycle parking; allow for modifications to parking dimensions for motorcycles, scooters, or electric carts. | Implements enhanced multi-modal elements of TSP; OAR 660-012-0045(4)(d) |
| <b>Chapter 17.24 – Land Divisions</b>                  |  |   |
| 4  | Modify street standards in the City's subdivision requirements (17.24.050) to be consistent with the updated TSP.  | Implements updated TSP standards; OAR 660-012-0045(7)                   |
| <b>Chapter 17.26 – Transportation</b>                  |  |   |
| 5  | Modify access management standards in the City's transportation requirements (17.26.020) to be consistent with the updated TSP. Strengthen non-motorized connectivity standards.   | Implements updated TSP standards; OAR 660-012-0045(2)(a)                |
| 6  | Add a new chapter to the City's transportation standards that require transit-related improvements to enhance transit access and ridership.  | Implements enhanced multi-modal elements of TSP; OAR 660-012-0045(4)(b) |

**Recommendation 1**

## 17.12.175 LAND USE CODE AMENDMENTS

1. PURPOSE. This Title must be consistent with the adopted Comprehensive Plan, as amended, and as such is the implementation of the City's land use planning goals and policies. The purpose of this Section is to provide a framework for the adoption of amendments to this Title that meet the criteria of this Section.

...

5. SUBMITTAL REQUIREMENTS: If an individual would like to request that the Planning Commission initiate a Land Use Code amendment, the following information shall be submitted to the Planning Commission:
  - a. A general description of the issue to be addressed by the amendment, citing the existing the Land Use Code provisions that are proposed to be changed.
  - b. A draft of a proposed amendment, showing current text to be deleted crossed out and proposed text to be added underlined.
6. Proposals to amend this Title shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

**Recommendation 2**

## 17.12.220 SITE PLAN REVIEW

...

5. APPROVAL CRITERIA. The following criteria must be demonstrated as being satisfied by the application:
  - a. The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and Standard Specifications. Where an adopted Master Plan calls for facilities larger than necessary for service to the proposed use, the developer shall install the size facilities called for in the Master Plan, and shall be provided credit for the excess costs in accordance with SMC 13.12.245.

- b. Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property for vehicles, as well as bicycle and pedestrians, from those public streets which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.
- c. Provision has been made for all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site in accordance with Chapter 17.26. Improvements required as a condition of approval shall be roughly proportional to the impact of the development on transportation facilities. Approval findings shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.

...

### **Recommendation 3**

#### 17.20.060 OFF-STREET PARKING AND LOADING

...

7. REQUIREMENTS FOR AUTOMOBILE PARKING. Off-street automobile parking shall be provided in the manner required by subsection 9 of this section and approved by the City Planner in the minimum amounts described in Tables 17.20.060.7 a and b or as determined by Section 17.20.060.7.a.

##### a. Minimum Required Parking Spaces

Table 17.20.060.7.a Residential Parking Requirements

...

g. Off-street parking reductions. The decision authority may reduce the off-street parking standards of Table 17.20.060.7.b for sites with one or more of the following features:

- 1) Site has an existing or planned bus stop located adjacent to it, and the site's frontage is improved with a bus stop shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20 percent reduction to the standard number of automobile parking spaces;
- 2) Site has one (1) or more dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 10 percent reduction to the standard number of automobile parking spaces;

- 3) Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;
- 4) Site has more than one and a half the minimum number of required bicycle parking spaces: Allow up to a 5 percent reduction to the number of automobile parking spaces.

#### **Recommendation 4**

##### 17.24.050 DESIGN STANDARDS FOR SUBDIVISION AND PARTITION PRELIMINARY PLANS

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the final plat.

#### 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~~ roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map 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, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards . ~~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.

**Recommendation 5**

## 17.26.020 ACCESS MANAGEMENT REQUIREMENTS AND STANDARDS

...

## 3. LOCATION OF ACCESSES.

Vehicle access locations shall be provided based on the following criteria:

...

## h. Access Spacing Standards

The streets within Stayton are classified as major arterials, minor arterials, collectors, neighborhood collectors, and local streets. The access spacing standards are shown in Table 17.26.020.3.h. for both full intersection spacing and driveway spacing. The access spacing standards shown in Table 17.26.020.3.h shall be measured as defined below.

- 1) Access spacing between two driveways on Neighborhood Collector, Local Residential, and Local Commercial/Industrial Streets (50 feet) shall be measured from the perpendicular near edge of the driveway to the perpendicular near edge of the driveway.
- 2) Access spacing between a driveway and an arterial, collector, or local street located on a Neighborhood Collector, ~~Local Residential~~ Local, ~~or Local-Commercial~~ Local ~~or Industrial~~ Local Street (50 feet) shall be measured from the perpendicular near edge of the driveway to the start of the tangent for the intersecting street.
- 3) All other access spacing between driveways, between streets, and between streets and driveways (>50 feet) shall be measured from center-to-center of the driveway or street.

**Table 17.26.020.3.h. Access Spacing Standard**

| Functional Roadway Classification   | Minimum Public Intersection Spacing Standard | Minimum Spacing between Driveways and/or Streets |
|---|--|--|
| <del>Limited Access Principal</del> <u>Major Arterial (Limited Access Facility)<sup>1</sup></u> | 750 feet                                     | 375 feet   |
| <del>Urbanized Area Principal</del> <u>Major Arterial<sup>1</sup></u>                           | 260 feet                                     | 260 feet   |
| Minor Arterial  | 600 feet                                     | 300 feet   |
| Collector   | 260 feet                                     | 150 feet   |
| Neighborhood Collector  | 260 feet                                     | 50 feet  |
| <del>Local-Residential</del> <u>Local Street</u>  | 260 feet                                     | 50 feet <sup>2</sup>                             |
| <del>Local-Commercial/Industrial</del> <u>Local Street</u>                                      | 260 feet                                     | 50 feet  |
| <u>Industrial Local Street</u>  | <u>260 feet</u>                              | <u>50 feet</u>                                   |

<sup>1</sup>-This standard applies to ~~1st Avenue from Shaff/Forn Ridge Road to Ida Street on Cascade Highway north of Shaff Road and on S First Avenue south of Water Street.~~

<sup>2</sup> This standard only applies to a corner residential lot driveway spacing from the adjacent street and may be modified per 17.26.020.3.a).

...

5. CONNECTIVITY AND CIRCULATION STANDARDS.

a. Connectivity.

- 1) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as specified in 17.24.050.1.a.
- 2) Wherever a proposed development abuts unplatted, developable land a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. This is consistent with and an extension of 17.24.050.1.a.
- 3) Neighborhood collectors and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation.

Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic calming measures are the preferred means of discouraging through traffic. These measures are defined in the Stayton Transportation System Plan.

- 4) Developers shall construct roadways within their development site to conform to the Future Street Plan and Roadway Functional Classification Map in the Transportation System Plan. Flexibility of the future roadway alignment shall be at the discretion of the Public Works Director and/or his designee but must maintain the intent of the Future Street Plan.
- 5) A system of joint use driveways and crossover easements shall be established wherever feasible and shall incorporate the following:

...

- 6) New partitions and subdivisions shall provide safe bicycle and pedestrian connections to adjacent existing and planned residential areas, transit stops, and activity centers. Non-motorized connectivity can be provided through sidewalks, trails, and striped and/or signed bicycle facilities on local roadways.

## **Recommendation 6**

[New Chapter] 17.26.070 TRANSIT-RELATED REQUIREMENTS

### 1. PURPOSE

The purposed of this Section is to ensure that new retail, office and institutional buildings provide access to transit facilities and facilitates transit ridership.

### 2. APPLICABILITY AND REIREMENTS

Retail, office, and institutional developments that are proposed on the same site as, or adjacent to, an existing or planned transit stop as designated in an adopted transportation or transit plan shall provide the following transit access and supportive improvements in coordination with the transit service provider:

- a. Reasonably direct pedestrian connections between the transit stop and primary entrances of the buildings on site. For the purpose of this Section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
- b. The primary entrance of the building closest to the street where the transit stop is located that is oriented to that street.
- c. A transit passenger landing pad that is ADA accessible.

- d. An easement or dedication for a passenger shelter or bench if such an improvement is identified in an adopted plan.
- e. Lighting at the transit stop.
- f. Other improvements identified in an adopted plan.



City of Stayton  
**DRAFT TRANSPORTATION  
SYSTEM PLAN**

April 2019

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## ACKNOWLEDGEMENTS

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The production of the 2019 Stayton Transportation System Plan (TSP) has been the collective effort of the following people:

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- Mayor Henry Porter
- Councilor Paige Hook
- Councilor Christopher Molin
- Councilor Jordan Ohrt
- Councilor David Patty
- Councilor Brian Quigley

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- Jackie Carmichael, Vice-Chair
- Dixie Ellard
- Heidi Hazel
- Paige Hook

### **Technical Advisory Committee Members**

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- 
- TSP Update Process
  - TSP Organization
- 

# SECTION 1 INTRODUCTION

## INTRODUCTION

The City of Stayton transportation system plan (TSP) is a long-range plan that sets the vision for the city's transportation system, facilities, and services to meet state, regional, and local needs for the next 20 years. The TSP was developed through community and stakeholder input and is based on the system's existing and projected future needs and anticipated available funding. The plan also serves as the Transportation Element of the City of Stayton Comprehensive Plan. The purpose of the 2019 TSP update is to address growth in Stayton as well as address regulatory changes that have occurred since adoption of the City's previous TSP.

### THE CITY OF STAYTON TSP

The City of Stayton TSP is a long-range plan that sets the vision for the city's transportation system, facilities, and services to meet state, regional, and local needs for the next 20 years.

The TSP fulfills the Transportation Planning Rule (TPR) requirements for comprehensive transportation planning in Oregon cities and presents the investments and priorities for the Pedestrian, Bicycle, Transit, Motor Vehicle, and other transportation systems.

Stayton is a city in Marion County, Oregon, located 12 miles southeast of Salem. It has a population of approximately 8,000 people. It is served by Highway 22, an east-west state highway that runs north of Stayton and provides access to Salem. The city's main commercial district is concentrated around N First Avenue and its downtown lies in the southeast part of town.

Major east-west roadways within Stayton include Shaff Road SE/Fern Ridge Road SE and Washington Street/E Jefferson Street/E Santiam Street. Major north-south roadways within Stayton include Golf Club

Road/Wilco Road and Cascade Highway SE/First Avenue. Key destinations within Stayton include the Stayton Community Center, Public Library, and Memorial Pool, Stayton elementary school, middle

school, and high school, Safeway, and NORPAC (a food manufacturer). The City of Stayton study area is shown in Figure 1.

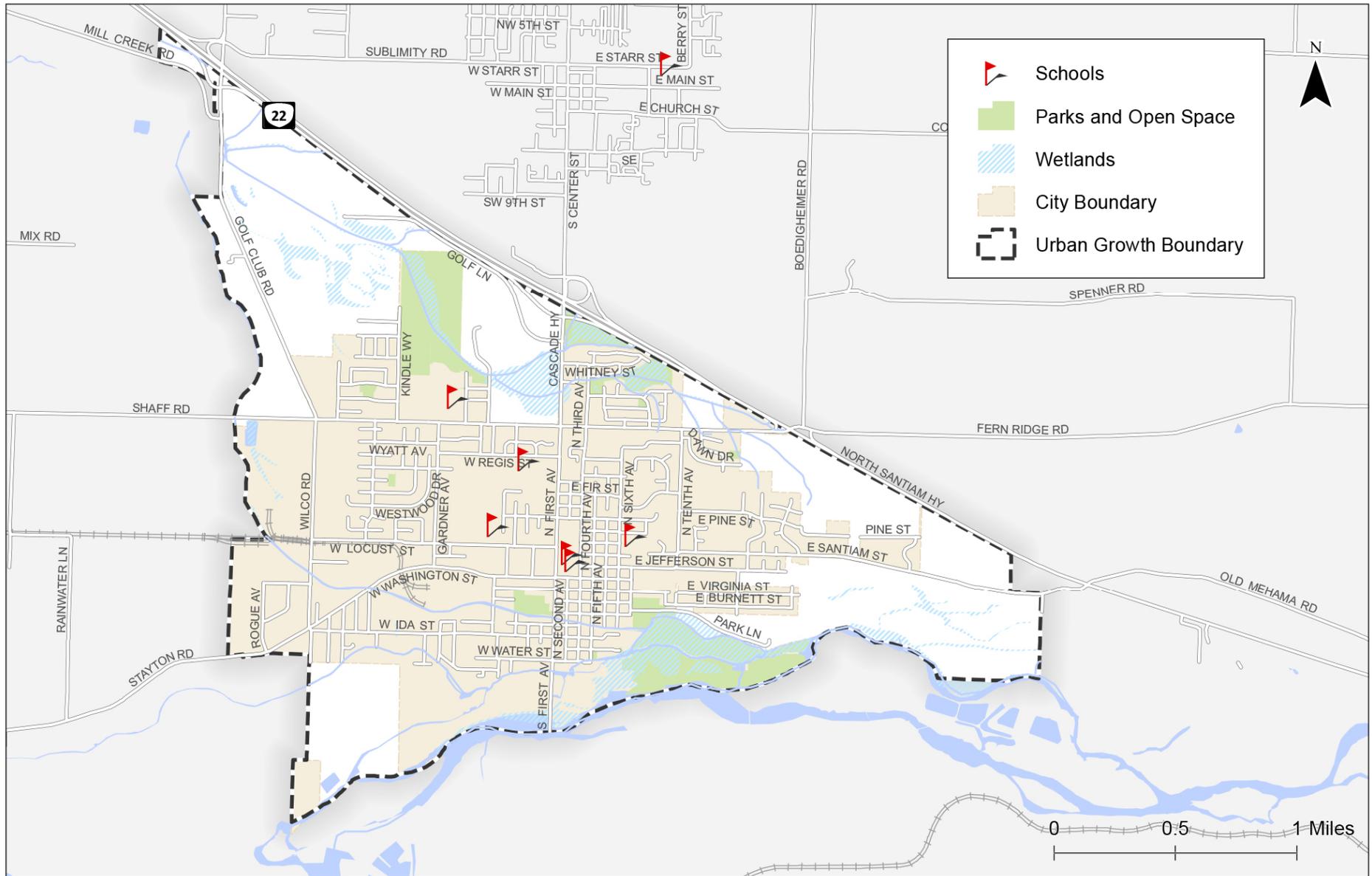
### TSP UPDATE PROCESS

The TSP update process began with a review of local, regional, and statewide plans and policies that guide land use and transportation planning in the City. Goals, objectives, and evaluation criteria were then developed to guide the evaluation of existing and project future transportation system conditions as well as the development of planned improvements. An inventory of the multimodal transportation system was then conducted to serve as the basis for the existing and future conditions analyses. The existing and future conditions analyses focused on identifying gaps and deficiencies in the multimodal transportation system based on current and forecast future performance. For each gap and deficiency, solutions were evaluated to address the system needs.

This process led to the development of plans, programs, and projects. These were then prioritized using the project evaluation



Figure 1. Study Area



criteria and organized by priority. This document is the culmination of the TSP update process. It presents the plans, programs, and projects identified to address the existing and future gaps and deficiencies in the City's transportation system.

## COMMITTEES

The project team developed the TSP update in close coordination with city staff along with key stakeholders and representatives from the community. Two formal committees participated in the TSP update: a Technical Advisory Committee (TAC) and a Public Advisory Committee (PAC).

The TAC consisted of representatives from Stayton, Marion County, Oregon Department of Transportation (ODOT), and the Department of Land Conservation and Development (DLCD). The TAC provided technical guidance and coordination throughout the project. TAC members reviewed and commented on technical memoranda and participated in committee meetings, community meetings, and workshops.

The PAC consisted of residents and property owners with an interest in transportation. It served as the voice of the community and the caretakers of the goals and objectives of the TSP update. Much like the TAC, PAC members reviewed and commented on technical memoranda and participated in committee meetings, community meetings, and City Council/Planning Commission sessions.

## PUBLIC INVOLVEMENT

The project team made opportunities for public involvement available throughout the TSP update process. The opportunities consisted of continuous web-based communications about upcoming committee meetings, community meetings, and workshops via the project website (<http://sites.kittelson.com/StaytonTSP>). The project website also included an interactive map that allowed anyone with access to a

computer to provide comments to the project team about transportation-related issues within the community. The project team met with the project advisory committees three times each throughout the TSP update process.



The project team also hosted two community meetings at the Stayton Public Library. Both community meetings were accompanied by an online community meeting that offered participants the same opportunities to provide input on project materials and share their concerns related to the transportation system. Additionally, the project team also met with the Planning Commission and City Council twice throughout the planning process.

The goal of the public involvement process was to develop a TSP update that addressed the gaps and deficiencies in the transportation system while meeting the needs of the community.

## TSP ORGANIZATION

The Stayton TSP is composed of a main document (Volume 1) and a volume of supporting technical appendices and other supporting documentation (Volume 2).

Volume 1 is organized into chapters that address each individual mode of transportation available and its network in the overall Stayton transportation system. Chapter 2 presents the goals and objectives along with the criteria used to evaluate and prioritize

projects and programs. Chapters 3 through 7 present the transportation system improvement projects identified by the project team to address needs and deficiencies in the City's transportation system. Chapter 8 presents the funding, implementation, and monitoring plan for the TSP update, including existing and potential future funding sources to finance the identified transportation system improvements.

Volume II (under separate cover) contains the Technical Memoranda completed throughout the TSP update process, which showcase the inventory, analysis, and project list identification efforts. It also includes other technical appendices. The technical memoranda are numbered as follows:

- Technical Memorandum 1: Plans and Policy (Appendix A)

- Technical Memorandum 2: Goals, Objectives, & Evaluation Criteria (Appendix B)
- Technical Memorandum 3: Existing and Future Conditions (Appendix C)
- Technical Memorandum 4: System Alternatives (Appendix D)

Preliminary cost estimates for the list of TSP programs and projects exceed what the City can fund with existing or forecasted revenue. Therefore, the TSP includes a "fiscally constrained" plan, which identifies the top priority projects that can be completed within the 21-year planning horizon based on the projected available funding. These projects address existing and projected deficiencies in the transportation system per local, regional, and state standards and targets.



- 
- Goals and Objectives
  - Project Selection and Prioritization

# SECTION 2

## GOALS, OBJECTIVES, AND EVALUATION CRITERIA

---

## GOALS, OBJECTIVES, AND EVALUATION CRITERIA

The project team developed goals, objectives, and evaluation criteria for the TSP update to help guide the review and documentation of existing and future transportation system needs, the development and evaluation of potential solutions to address these needs, and the selection and prioritization of preferred solutions for inclusion in the TSP update. They also inform recommendations for policy language that will serve as guidance for future land use decision making. The goals, objectives, and evaluation criteria will enable the City to plan for, and consistently work towards, achieving the vision of a connected community.

### A VISION OF A CONNECTED COMMUNITY

The goals, objectives, and evaluation criteria will enable the City of plan for, and consistently work towards, achieving the vision of a connected community.

### GOALS AND OBJECTIVES

The goals and objectives for the Stayton TSP update are based on an evaluation of the existing goals and policies in the current Stayton TSP and Comprehensive Plan. The goals provide direction for where the City would like to go, while the objectives provide a more detailed breakdown of the goals with specific outcomes the City desires to achieve. To ensure compliance with the Transportation Planning Rule (TPR) and other state, regional, and local planning requirements, the goals and objectives presented below tend to favor improvements in active transportation facilities and services over capital improvements.

#### GOAL 1 – MOBILITY AND EFFICIENCY: OPTIMIZE THE PERFORMANCE OF THE TRANSPORTATION SYSTEM FOR THE EFFICIENT MOVEMENT OF PEOPLE AND GOODS.

- Objective A. Establish a transportation system that can accommodate a wide variety of travel modes and minimizes the reliance on any one single mode of travel.
- Objective B. Develop and maintain street functional classifications, along with operational guidance and cross-sectional and right-of-way standards, to ensure streets are able to serve their intended purpose.
- Objective C. Review and determine needed standards for mobility to help maintain a minimum level of motor vehicle travel efficiency. State and county mobility standards will be supported on facilities under the respective jurisdiction.
- Objective D. Develop an integrated transportation system that includes additional local, collector and arterial roads that improves connectivity across multiple modes, preserves future rights-of-way, and maintains Stayton's existing street grid system.
- Objective E. Provide a network of arterials, collectors and local streets that are interconnected, appropriately spaced, and reasonably direct in accordance with city, County and state design standards in order to reduce reliance on any one corridor.
- Objective F. Review and update, where necessary, adopted access management standards.

**GOAL 2 – SAFETY: PROVIDE A TRANSPORTATION SYSTEM THAT ENHANCES THE SAFETY AND SECURITY OF ALL TRANSPORTATION MODES.**

- Objective A. Assess options to reduce traffic volumes and speeds near schools consistent with the Safe Routes to School Plan. Work with the school district and educational institutions to identify and implement circulation and access patterns to and around schools that are safe for pedestrians and bicyclists, as well as people in cars and arriving by bus.
- Objective B. Improve safety and operational components of existing transportation facilities not meeting City of Stayton or ODOT standards or industry best practices.
- Objective C. Address existing safety issues at high collision locations and locations with a history of severe vehicle, bicycle-and/or pedestrian-related crashes.
- Objective D. Ensure adequate access for emergency services vehicles throughout the city's transportation system.
- Objective E. Manage access to transportation facilities consistent with their applicable classification to reduce and separate conflicts and provide reasonable access to land uses.
- Objective F. Identify and improve safe crossings for vehicles, bicycles and pedestrians across arterial and collector streets.

**GOAL 3 – EQUITY: PROVIDE AN EQUITABLE, BALANCED AND CONNECTED MULTI-MODAL TRANSPORTATION SYSTEM.**

- Objective A. Ensure that the transportation system provides equitable access to underserved and vulnerable populations.

- Objective B. Provide connections for all modes that meet applicable city and Americans with Disabilities Act (ADA) standards.
- Objective C. Provide for multi-modal circulation internally on site and externally to adjacent land use and existing and planned multi-modal facilities.

**GOAL 4 – ENVIRONMENTAL: LIMIT AND MITIGATE ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH TRAFFIC AND TRANSPORTATION SYSTEM DEVELOPMENT.**

- Objective A. Identify environmental impacts related to transportation projects at the earliest opportunity to ensure compliance with all federal and state environmental standards.
- Objective B. Avoid or minimize impacts to natural resources, which may include alternative transportation facility designs in constrained areas.
- Objective C. Reduce the number of vehicle-miles traveled.
- Objective D. Enhance opportunities to increase the number of walking, bicycling, and transit trips in the city.
- Objective E. Support alternative vehicle types by identifying potential electric vehicle plug-in stations and developing implementing code provisions.
- Objective F. Evaluate and implement, where cost-effective, environmentally friendly materials and design approaches (reducing required pavement width, water reduction and infiltration methods to protect waterways, solar infrastructure, impervious materials).
- Objective G. Support technology applications that improve travel mobility and safety with less financial and environmental impact than traditional infrastructure projects.

Objective H. Roadways within Stayton shall be multi-modal or “complete streets,” with each street servicing the needs of the various modes of travel.

**GOAL 5 – MULTI-JURISDICTION COORDINATION: DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM PLAN THAT IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE CITY, MARION COUNTY, AND THE STATE.**

- Objective A. Coordinate with regional transit service efforts and seek improvements to public transit services to the City of Stayton.
- Objective B. Ensure consistency with state, regional and local planning rules, regulations, and standards.
- Objective C. Coordinate land use, financial, and environmental planning to prioritize strategic transportation investments.

**GOAL 6 – STRATEGIC TRANSPORTATION FINANCING: SEEK FUNDING FOR AND INVEST IN FINANCIALLY FEASIBLE INFRASTRUCTURE PROJECTS THAT WILL SERVE THE CITY FOR YEARS TO COME.**

- Objective A. Preserve and protect the function of locally and regionally significant transportation corridors.
- Objective B. Develop and support reasonable alternative mobility targets for motor vehicles that align with economic and physical limitations on state highways and city streets where necessary.
- Objective C. Preserve and maintain the existing transportation system assets to extend their useful life.
- Objective D. Improve travel reliability and efficiency of existing major travel routes in the city before adding capacity.
- Objective E. Pursue grants and collaboration with other agencies to efficiently fund transportation improvements and supporting programs.

Objective F. Identify and maintain stable and diverse revenue sources to meet the need for transportation investments in the city.

Objective G. Identify new and creative funding sources to leverage high priority transportation projects.

Objective H. Review existing development requirements related to traffic impact study submittal requirements and criteria to ensure that future developments will be responsible for mitigating their direct traffic impacts

Objective I. Upon TSP adoption, update the current transportation system development charge methodology and update the current list of SDC-eligible projects.

**GOAL 7 – HEALTH: PROVIDE A TRANSPORTATION SYSTEM THAT ENHANCES THE HEALTH OF RESIDENTS AND USERS.**

- Objective A. Identify and seek funding for programs that encourage walking and bicycling and rideshare/carpool through community awareness and education.
- Objective B. Identify and seek funding for programs that provide education regarding good traffic behavior and consideration for all users.
- Objective C. Provide convenient and direct pedestrian and bicycle facilities and routes to promote health and the physical and social well-being of Stayton residents, to reduce vehicular traffic congestion, to provide community and recreational alternatives, and to support economic development.
- Objective D. Plan for a multi-modal system that limits users’ exposure to pollution and that enhances air quality.

**GOAL 8 – LAND USE AND TRANSPORTATION INTEGRATION:  
CREATE A BALANCED BUILT ENVIRONMENT WHERE DESIRED  
EXISTING AND PLANNED LAND USES ARE SUPPORTED BY AN  
EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM.**

- Objective A. Identify areas where encouraging more compact, walkable, mixed use, and/or transit-oriented development could significantly shorten trip lengths or reduce the need for motor vehicle travel within the city.
- Objective B. Identify the 20-year roadway system needs to accommodate developing or undeveloped areas; ensure adequate capacity for future travel demand and minimize travel times.
- Objective C. Review and revise where necessary local land use and development requirements to ensure that future land use decisions are consistent with the planned transportation system.
- Objective D. Review and incorporate appropriate access management and land use measures consistent with the recommendations of the Sublimity Interchange Area Management Plan (IAMP).

**GOAL 9 – COMMUNITY AND ECONOMIC VITALITY:  
PROVIDE A TRANSPORTATION SYSTEM THAT SUPPORTS  
EXISTING INDUSTRY AND ENCOURAGES ECONOMIC  
DEVELOPMENT IN THE CITY.**

- Objective A. Develop a plan for designated truck routes through the City that prioritize efficient freight movement and minimize truck traffic on other city roadways.
- Objective B. Improve the movement of goods and delivery of services throughout the city while balancing the needs of all users with a variety of travel modes and

preserving livability in residential areas and established neighborhoods.

- Objective C. Identify lower cost options or provide funding mechanisms for transportation improvements necessary for development to occur.
- Objective D. Program transportation improvements to facilitate the development of desired land uses and activities.
- Objective E. Encourage recreational tourism by developing connections to and between recreational locations and destinations and key services in the city.
- Objective F. Encourage tourism by promoting and upgrading bicycle and pedestrian recreational routes and services through the city.

**PROJECT SELECTION AND PRIORITIZATION**

The selection and prioritization of the projects included in the TSP update was determined based on the project evaluation criteria, which reflect the goals and objectives described above. A qualitative process using the project evaluation criteria was used to evaluate solutions and prioritize projects developed through the TSP update. The rating method used to evaluate solutions is described below.

- Most Desirable: The concept addresses the criterion and/or makes substantial improvements in the criteria category. (+1)
- No Effect: The criterion does not apply to the concept or the concept has no influence on the criteria. (0)
- Least Desirable: The concept does not support the intent of and/or negatively impacts the criteria category. (-1)

Table 1 presents the project evaluation criteria that were used to qualitatively evaluate the solutions developed through the TSP update. The initial screening ratings presented in Appendix D were used to inform discussions about the benefits and tradeoffs of each

solution, while the final alternatives in this TSP reflect input from the project management team, advisory committees, and the public.

**Table 1. Evaluation Criteria**

| Objective                                      | Evaluation Criteria  | Evaluation Score |
|--|--|------------------|
| <b>Goal 1: Mobility and Efficiency</b>         |  |                  |
| <b>Objective A</b>                             | Could reduce reliance on any one single travel mode                    | +1               |
|  | Would not reduce reliance on any one single travel mode                | 0                |
|  | Could increase reliance on any one single travel mode                  | -1               |
| <b>Objective D</b>                             | Will improve connectivity across travel modes                          | +1               |
|  | Will not improve connectivity across travel modes                      | 0                |
|  | Will reduce connectivity across travel modes                           | -1               |
| <b>Objective E</b>                             | Could reduce reliance on any one corridor                              | +1               |
|  | Would not impact reliance on any one corridor                          | 0                |
|  | Could increase reliance on any one corridor                            | -1               |
| <b>Goal 2: Safety</b>                          |  |                  |
| <b>Objective C</b>                             | Will address a known safety issue                                      | +1               |
|  | Will not address a known safety issue                                  | 0                |
|  | Could worsen a known safety issue                                      | -1               |
| <b>Objective D</b>                             | Will improve access for emergency services vehicles                    | +1               |
|  | Will not improve access for emergency service vehicles                 | 0                |
|  | Will reduce or limit access for emergency service vehicle              | -1               |
| <b>Objective E</b>                             | Will reduce potential for future conflicts                             | +1               |
|  | Will have no impact on the potential for future conflicts              | 0                |
|  | Will increase the potential for future conflicts                       | -1               |
| <b>Goal 3: Equity</b>                          |  |                  |
| <b>Objective A</b>                             | Will improve access for underserved and vulnerable populations         | +1               |
|  | Will not improve access for underserved and vulnerable populations     | 0                |
|  | Will reduce or limit access for underserved and vulnerable populations | -1               |
| <b>Goal 4: Multi-Jurisdiction Coordination</b> |  |                  |
| <b>Objective B</b>                             | Will not impact natural resources                                      | +1               |
|  | Will have a minimal impact to natural resources                        | 0                |
|  | Will have a significant impact to natural resources                    | -1               |

| Objective  | Evaluation Criteria   | Evaluation Score |
|--|---|------------------|
| <b>Objective C</b>                                     | Could reduce the number of vehicle miles traveled   | +1               |
|  | Would not change the number of vehicle miles traveled                                     | 0                |
|  | Could increase the number of vehicle miles traveled                                       | -1               |
| <b>Objective E</b>                                     | Will support alternative vehicle types  | +1               |
|  | Will not support alternative vehicle types  | 0                |
|  | Will reduce or limit opportunities for alternative vehicle types                          | -1               |
| <b>Goal 5: Strategic Investment</b>                    |   |                  |
| <b>Objective B</b>                                     | Is consistent with state, regional, and local planning                                    | +1               |
|  | Is not impacted by or reflected in state, regional, and/or local planning                 | 0                |
|  | Is inconsistent with state, regional, and/or local planning                               | -1               |
| <b>Goal 6: Strategic Transportation Financing</b>      |   |                  |
| <b>Objective A</b>                                     | Will preserve and protect the function of locally and/or regionally significant corridors | +1               |
|  | Will not impact locally and/or regionally significant corridors                           | 0                |
|  | Will degrade the function of locally and/or regionally significant corridors              | -1               |
| <b>Objective D</b>                                     | Will improve travel reliability and efficiency of major travel routes                     | +1               |
|  | Will not impact travel reliability and efficiency of major travel routes                  | 0                |
|  | Will degrade travel reliability and efficiency of major travel routes                     | -1               |
| <b>Goal 7: Health</b>                                  |   |                  |
| <b>Objectives A, B, and C</b>                          | Could encourage the use of active modes of transportation                                 | +1               |
|  | Would not encourage the use of active modes of transportation                             | 0                |
|  | Could discourage the use of active modes of transportation                                | -1               |
| <b>Objective D</b>                                     | Will contribute to the development of a multi-modal system                                | +1               |
|  | Will not contribute to the development of a multi-modal system                            | 0                |
|  | Will impede development of a multi-modal transportation system                            | -1               |
| <b>Goal 8: Land Use and Transportation Integration</b> |   |                  |
| <b>Objective A</b>                                     | Will encourage more compact, walkable, mixed-use and/or transit-oriented development      | +1               |
|  | Will not encourage more compact, walkable, mixed-use and/or transit-oriented development  | 0                |
|  | Will discourage more compact, walkable, mixed-use and/or transit-oriented development     | -1               |
| <b>Goal 9: Community and Economic Vitality</b>         |   |                  |
| <b>Objective B</b>                                     | Could improve the movement of goods and delivery of services                              | +1               |
|  | Would not improve the movement of goods and delivery of services                          | 0                |
|  | Could impede the movement of goods and delivery of services                               | -1               |

| Objective                | Evaluation Criteria                                     | Evaluation Score |
|--------------------------|---|------------------|
| <b>Objective E and F</b> | Could encourage tourism and/or recreational tourism     | +1               |
|                          | Would not encourage tourism and/or recreational tourism | 0                |
|                          | Could discourage tourism and/or recreational tourism    | -1               |



- 
- Pedestrian Facilities
  - Pedestrian Plan
- 

## SECTION 3 PEDESTRIAN PLAN

## PEDESTRIAN PLAN

Stayton's pedestrian system consists of sidewalks, enhanced sidewalks, off-street trails, and pedestrian crossings, which are both marked and unmarked; signalized and unsignalized. These facilities provide residents with the ability to access local retail/commercial centers, recreational areas, schools, and other land uses by foot. A safe, convenient, and continuous network of pedestrian facilities is essential to establishing a vibrant and healthy community while supporting the local economy within Stayton.

### A VIBRANT AND HEALTHY COMMUNITY

A safe, convenient, and continuous network of pedestrian facilities is essential to establishing a vibrant and healthy community while supporting the local economy within Stayton.

Most city streets have sidewalks on both sides of the roadway and enhanced crossings at key intersections and mid-block locations; however, there are several streets with gaps in the sidewalks and locations where crossings could be implemented or improved. Therefore, the pedestrian plan includes many projects to fill in the



gaps in the sidewalks along the city's arterial and collector streets along with enhanced pedestrian crossings.

## PEDESTRIAN FACILITIES

The existing pedestrian facilities are shown in Figure 2.

### Sidewalks

Sidewalks are provided along at least one side of most of the roadways categorized as collector or higher within the city of Stayton. However, there are a few segments along roadways where there is no sidewalk. These sidewalk gaps are also shown in Figure 2. Notable sidewalk gaps occur on segments of W Washington Street, Shaff Road, N Third Avenue, N Tenth Avenue, Kindle Way, and Locust Street.

### Enhanced Sidewalks

Enhanced sidewalks are wide, separated facilities that can be used for walking or bicycling. Enhanced sidewalks are present along both sides of Shaff Road intermittently between Wilco Road and Oakmont Lane.

### Trails

Off-street trails are also present in Stayton. These trails range from multi-use paved paths to gravel trails. The following off-street trails exist within Stayton:

- The trails throughout Wilderness Park, which are a mix between paved and gravel.
- The trails on the Stayton Middle School Campus, which are mostly gravel.
- The path in and around Santiam Park, which is paved.
- The paths within Community Center Park, which are paved.
- The path near the Santiam Hospital, which is paved.



**Crosswalks**

Pedestrian crosswalks notify drivers that they must stop for pedestrians in the roadway. Most crosswalks in Stayton feature white roadway striping and signage and/or flashing amber lights. Curb ramps meeting the specifications outlined in the Americans with Disabilities Act (ADA) are an important feature of crosswalks.



City of Stayton Public Works Design Standards (Design Standards), the project evaluation criteria, and input from the project team and the public. Projects are prioritized in tiers from Tier I (most critical) to Tier IV (least critical). The cost estimates are based on average unit costs for sidewalk improvements. Figure 3 illustrates the locations of the pedestrian plan projects.

**Safety**

Pedestrian improvement projects are included in the ODOT All Roads Transportation Safety (ARTS) approved countermeasures list. The installation of crosswalk markings, rectangular rapid flashing beacons (RRFBs), pedestrian hybrid beacons, and pedestrian signals have all been shown to improve pedestrian safety conditions. While sidewalk installation is not shown on the approved countermeasure list, sidewalk projects make walking more comfortable and provide separation between the flow of vehicle traffic and pedestrians. Projects on the approved ARTS countermeasures list could be eligible for ARTS funding. Appendix C contains additional information on pedestrian safety.

**PEDESTRIAN PLAN**

Table 2 identifies the pedestrian plan projects for the Stayton TSP. As shown, the projects are separated into sidewalk and crosswalk projects. The projects and priorities shown were determined using the

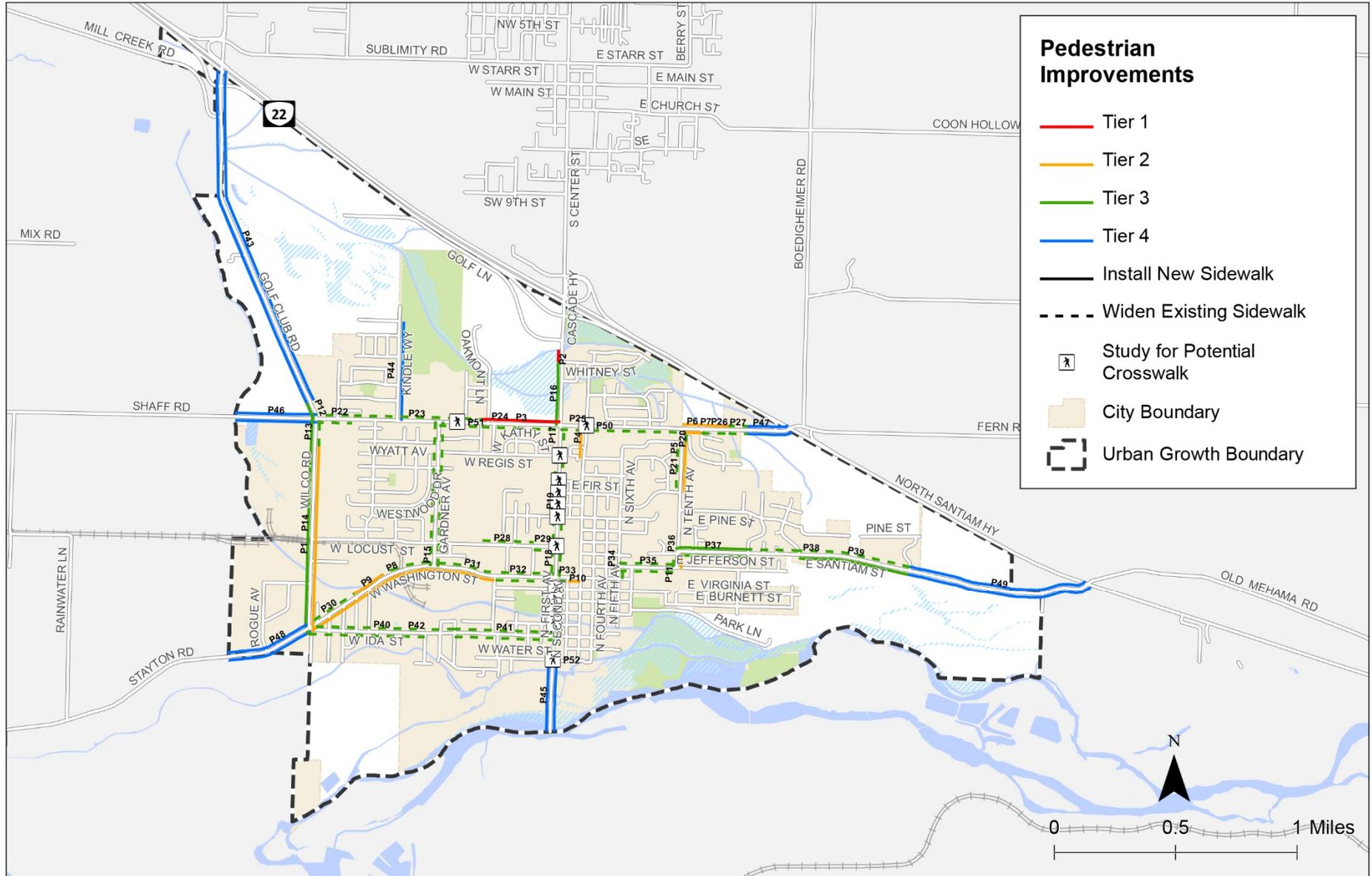
**Table 2. Pedestrian Plan Improvement Projects**

| Project Number           | Roadway         | Segment/Cross-Street                                   | Project                                  | Priority | Cost Estimate |
|--------------------------|-----------------|--|--|----------|---------------|
| <b>Sidewalk Projects</b> |                 |  |  |          |               |
| <b>P1</b>                | Wilco Road      | 600 feet south of Shaff Road to Washington Street (NB) | Install 6-foot sidewalk on property line | Tier II  | \$585K        |
| <b>P2</b>                | Cascade Highway | Mill Creek Bridge to Whitney Street (SB)               | Install 6-foot sidewalk on property line | Tier I   | \$40K         |
| <b>P3</b>                | Shaff Road      | Fern Avenue to First Avenue (WB)                       | Install 8-foot sidewalk on property line | Tier I   | \$335K        |
| <b>P4</b>                | Third Avenue    | Fern Ridge Road to Regis Street (SB)                   | Install 5-foot sidewalk on property line | Tier II  | \$85K         |
| <b>P5</b>                | Tenth Avenue    | Fir Street to Kathy Street (NB)                        | Install 6-foot sidewalk on property line | Tier II  | \$160K        |
| <b>P6</b>                | Fern Ridge Road | Tenth Avenue to Kent Avenue (EB)                       | Install 6-foot sidewalk on property line | Tier II  | \$65K         |
| <b>P7</b>                | Fern Ridge Road | Tenth Avenue to United Methodist Church (WB)           | Install 6-foot sidewalk on property line | Tier II  | \$150K        |

| Project Number | Roadway           | Segment/Cross-Street                                      | Project   | Priority | Cost Estimate |
|----------------|-------------------|---|---|----------|---------------|
| <b>P8</b>      | Washington Street | Wilco Road to Evergreen Avenue (EB)                       | Install 6- to 8-foot sidewalk on property line  | Tier II  | \$760K        |
| <b>P9</b>      | Washington Street | Myrtle Avenue to Miller Drive (WB)                        | Install 6- to 8-foot sidewalk on property line  | Tier II  | \$130K        |
| <b>P10</b>     | Washington Street | Second Avenue to Third Avenue (EB)                        | Install 8-foot sidewalk on curb line            | Tier II  | \$55K         |
| <b>P11</b>     | Tenth Avenue      | Jefferson Street to Santiam Street (NB)                   | Install 6-foot wide sidewalk on property line   | Tier II  | \$50K         |
| <b>P12</b>     | Golf Club Road    | Shaff Road to 400 feet north (SB)                         | Install 6-foot sidewalk on property line        | Tier III | \$55K         |
| <b>P13</b>     | Wilco Road        | Shaff Road to 600 feet south (NB)                         | Install 6-foot sidewalk on property line        | Tier III | \$90K         |
| <b>P14</b>     | Wilco Road        | Shaff Road to Washington Street (SB)                      | Install 6-foot sidewalk on property line        | Tier III | \$675K        |
| <b>P15</b>     | Gardner Avenue    | Shaff Road to Washington Street (both sides)              | Install 6-foot sidewalk on property line        | Tier III | \$920K        |
| <b>P16</b>     | Cascade Highway   | Whitney Street to Shaff Road (SB)                         | Install 6-foot sidewalk on property line        | Tier III | \$205K        |
| <b>P17</b>     | Cascade Highway   | Shaff Road to Regis Street (NB)                           | Install 6-foot sidewalk on property line        | Tier III | \$95K         |
| <b>P18</b>     | First Avenue      | Regis Street to Water Street (NB)                         | Install 8-foot sidewalk on curb line            | Tier III | \$870K        |
| <b>P19</b>     | First Avenue      | Regis Street to Ida Street (SB)                           | Install 8-foot sidewalk on curb line            | Tier III | \$770K        |
| <b>P20</b>     | Tenth Avenue      | Fern Ridge Road to Kathy Street (NB)                      | Install 6-foot sidewalk on property line        | Tier III | \$45K         |
| <b>P21</b>     | Tenth Avenue      | Fir Street to Kathy Street (SB)                           | Install 6-foot sidewalk on property line        | Tier III | \$160K        |
| <b>P22</b>     | Shaff Road        | Wilco Road to Bi-Mart East Driveway (EB)                  | Install 8 foot sidewalk on property line        | Tier III | \$150K        |
| <b>P23</b>     | Shaff Road        | Wilco Road to Fern Avenue (WB)                            | Install 8-foot sidewalk on property line        | Tier III | \$700K        |
| <b>P24</b>     | Shaff Road        | Gardner Avenue to First Avenue (EB)                       | Install 8-foot sidewalk on property line        | Tier III | \$515K        |
| <b>P25</b>     | Fern Ridge Road   | First Avenue to Tenth Avenue (EB)                         | Install 6-foot sidewalk on property line        | Tier III | \$390K        |
| <b>P26</b>     | Fern Ridge Road   | Kent Avenue to Boulders Mobile Home Park (EB)             | Install 6-foot sidewalk on property line        | Tier III | \$145K        |
| <b>P27</b>     | Fern Ridge Road   | United Methodist Church to Boulders Mobile Home Park (WB) | Install 6-foot sidewalk on property line        | Tier III | \$60K         |
| <b>P28</b>     | Locust Street     | Stayton High School to Birch Avenue (WB)                  | Install 6-foot sidewalk on property line        | Tier III | \$180K        |
| <b>P29</b>     | Locust Street     | Birch Avenue to First Avenue (EB)                         | Install 6-foot sidewalk on property line        | Tier III | \$75K         |
| <b>P30</b>     | Washington Street | Wilco Road to Myrtle Avenue (WB)                          | Install 6- to 8-foot sidewalk on property line  | Tier III | \$210K        |
| <b>P31</b>     | Washington Street | Miller Drive to First Avenue (WB)                         | Install 6- to 8-foot sidewalk on property line  | Tier III | \$650K        |
| <b>P32</b>     | Washington Street | Evergreen Avenue to First Avenue (EB)                     | Install 6- to 8- foot sidewalk on property line | Tier III | \$225K        |
| <b>P33</b>     | Washington Street | First Avenue to Second Avenue (EB)                        | Install 8-foot sidewalk on curb line            | Tier III | \$55K         |

| Project Number            | Roadway          | Segment/Cross-Street                                    | Project                                       | Priority | Cost Estimate |
|---------------------------|------------------|---|---|----------|---------------|
| <b>P34</b>                | Sixth Avenue     | Washington Street to Jefferson Street (both sides)      | Install 6-foot sidewalk on curb line          | Tier III | \$80K         |
| <b>P35</b>                | Jefferson Street | Sixth Avenue to Tenth Avenue (both sides)               | Install 6-foot sidewalks on property line     | Tier III | \$370K        |
| <b>P36</b>                | Tenth Avenue     | Jefferson Street to Santiam Street (SB)                 | Install 6-foot wide sidewalk on property line | Tier III | \$50K         |
| <b>P37</b>                | E Santiam Street | Tenth Avenue to Highland Drive (EB)                     | Install 6-foot sidewalk on property line      | Tier III | \$225K        |
| <b>P38</b>                | E Santiam Street | Tenth Avenue to 28 <sup>th</sup> Avenue (WB)            | Install 6-foot sidewalk on property line      | Tier III | \$745K        |
| <b>P39</b>                | E Santiam Street | Scenic View Drive to 28 <sup>th</sup> Avenue (EB)       | Install 6-foot sidewalk on property line      | Tier III | \$355K        |
| <b>P40</b>                | W Ida Street     | Wilco Road to Holly Avenue (EB)                         | Install 6-foot sidewalk on property line      | Tier III | \$375K        |
| <b>P41</b>                | W Ida Street     | Fern Avenue to First Avenue (EB)                        | Install 6-foot sidewalk on property line      | Tier III | \$315K        |
| <b>P42</b>                | W Ida Street     | Wilco Road to First Avenue (WB)                         | Install 6-foot sidewalk on property line      | Tier III | \$785K        |
| <b>P43</b>                | Golf Club Road   | Highway 22 to 400 feet north of Shaff Road (both sides) | Install 6-foot sidewalk on property line      | Tier IV  | \$2.2M        |
| <b>P44</b>                | Kindle Way       | Goshen Avenue to Shaff Road (NB)                        | Install 6-foot sidewalk on property line      | Tier IV  | \$315K        |
| <b>P45</b>                | First Avenue     | Water Street to City Limits (both sides)                | Install 8-foot sidewalk on property line      | Tier IV  | \$610K        |
| <b>P46</b>                | Shaff Road       | City Limit to Wilco Road (both sides)                   | Install 6-foot sidewalk on property line      | Tier IV  | \$520K        |
| <b>P47</b>                | Fern Ridge Road  | Boulders Mobile Home Park to Highway 22 (both sides)    | Install 6-foot sidewalk on property line      | Tier IV  | \$280K        |
| <b>P48</b>                | Stayton Road     | City Limits to Wilco Road (both sides)                  | Install 6-foot sidewalk on property line      | Tier IV  | \$560K        |
| <b>P49</b>                | E Santiam Street | 28 <sup>th</sup> Avenue to Highway 22 (both sides)      | Install 6-foot sidewalk on property line      | Tier IV  | \$1.2M        |
| <b>Crosswalk Projects</b> |                  |   |   |          |               |
| <b>P50</b>                | Fern Ridge Road  | N Third Avenue  | Study and implement crosswalk enhancements    | Tier I   | \$100K        |
| <b>P51</b>                | Shaff Road       | Stayton Middle School East Entrance                     | Study and implement crosswalk enhancements    | Tier I   | \$100K        |
| <b>P52</b>                | First Avenue     | Shaff Road to Water Street                              | Study and implement crosswalk enhancements    | Tier I   | \$500K        |

Figure 3. Pedestrian Plan Projects





- 
- Bicycle Facilities
  - Bicycle Plan
- 

# SECTION 4 BICYCLE PLAN

## BICYCLE PLAN

Stayton's bicycle system consists of on-street bike lanes, enhanced sidewalks, shoulder bikeways, local streets, and trails. A connected network of bicycle facilities improves the health and well-being of Stayton's community while improving access for non-car-owning households and reducing total vehicle miles traveled.

A few major roadways within the city have on-street bike lanes or other bicycle facilities, but many do not have dedicated bicycle infrastructure. Therefore, the bicycle plan includes many projects to fill in the gaps in the bicycle network along the city's arterial and collector streets.

### BICYCLE FACILITIES

The existing bicycle facilities are shown in Figure 4.

#### **Bicycle Lanes**

On-street bike lanes are provided along five roadway segments in Stayton. Bike lanes are present along Gardner Avenue from Shaff Road to W Darby Street, Cascade Highway from OR 22 to Shaff Road, N Tenth Avenue from Fern Ridge Road to E Santiam Street, Shaff Road from Golf Club Road to Kindle Way, and Fern Ridge Road from Cascade Highway to the eastern city limits.



#### **Shoulder Bikeways**

Some of the roadways within Stayton have shoulders, which, when wide enough, can act as a bicycle lane. The shoulders allow bicyclists to ride in a lane separated from traffic, which allows motor vehicles to pass safely. Shoulder bikeways aren't always available for cyclists, however, as there are sometimes motor vehicles parked in the shoulder and there is oftentimes debris along the shoulder.

#### **Enhanced Sidewalks**

Enhanced sidewalks are wide, separated facilities that can be used for walking or bicycling. Enhanced sidewalks are present along both sides of Shaff Road intermittently between Wilco Road and Oakmont Lane.



#### **Local Street Bike Network**

Local streets with low vehicle speeds and volumes may be suitable for bicyclists without the implementation of bicycle infrastructure. On these streets, bicyclists typically ride with traffic.

#### **Shared Roadways**

Some local streets are proposed to be signed with "sharrows" – stencils showing that bicyclists should be expected to be on the roadway. This is especially useful for bicycle routes that run parallel to more vehicle-friendly route.



**Trails**

Many of the trails available for pedestrians are also available to cyclists. Exceptions include Pioneer Park, Wilderness Park, and Riverfront Park. Trails available to cyclists are typically multi-use paved paths.

**BICYCLE PLAN**

Table 3 identifies the bicycle plan projects for the Stayton TSP. The projects and priorities shown were determined using the Design Standards, the project evaluation criteria, and input from the project team and the public. Projects are prioritized in tiers from Tier I (most critical) to Tier IV (least critical). The cost estimates are based on average unit costs for roadway improvements. Figure 5 illustrates the locations of the bicycle plan projects.

**Safety**

Bicycle improvement projects are included in the ODOT All Roads Transportation Safety (ARTS) approved countermeasures list. The installation of bike lanes and buffered bike lanes have been shown to improve bicycle safety conditions. Projects on the approved ARTS countermeasures list could be eligible for ARTS funding. Appendix C contains additional information on bicyclist safety.

**BICYCLE LANES TO IMPROVE SAFETY**

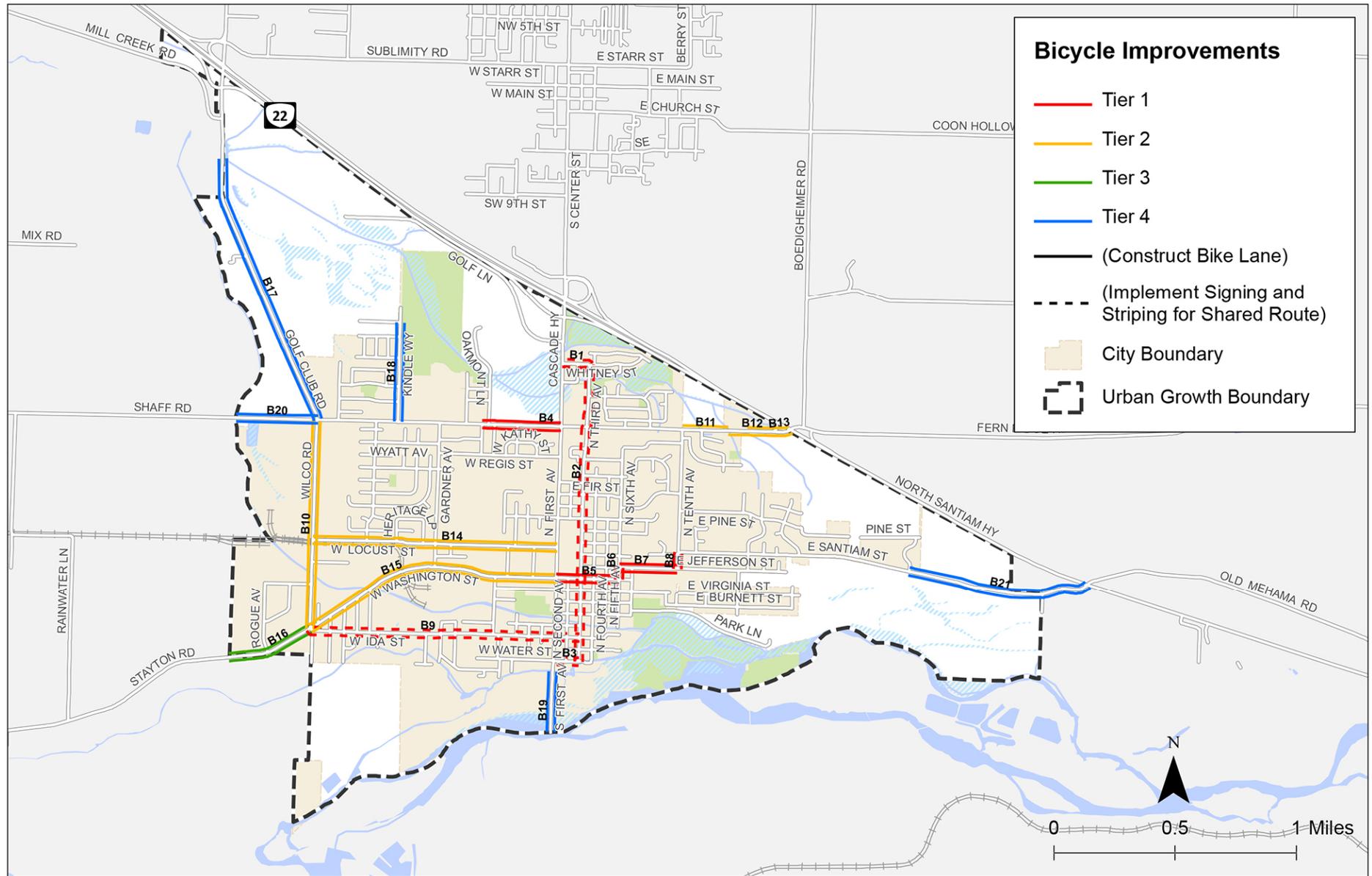
The installation of bike lanes and buffered bike lanes have been shown to improve bicycle safety conditions.



**Table 3. Bicycle Plan Improvement Projects**

| Project Number | Roadway           | Segment  | Project  | Priority | Cost Estimate |
|----------------|-------------------|--|--|----------|---------------|
| <b>B1</b>      | Whitney Street    | Cascade Highway to Third Avenue (both sides)       | Add signing and striping to denote bicycle route | Tier I   | \$90K         |
| <b>B2</b>      | Third Avenue      | Whitney Street to E Water Street (both sides)      | Add signing and striping to denote bicycle route | Tier I   | \$1.1M        |
| <b>B3</b>      | Water Street      | First Avenue to Third Avenue (both sides)          | Add signing and striping to denote bicycle route | Tier I   | \$80K         |
| <b>B4</b>      | Shaff Road        | Fern Avenue to First Avenue (both sides)           | Install 6-foot bike lanes                        | Tier I   | \$1.1M        |
| <b>B5</b>      | Washington Street | First Avenue to Sixth Avenue (both sides)          | Restripe to 6-foot bike lane                     | Tier I   | \$210K        |
| <b>B6</b>      | Sixth Avenue      | Washington Street to Jefferson Street (both sides) | Restripe to 6-foot bike lane                     | Tier I   | \$40K         |
| <b>B7</b>      | Jefferson Street  | Sixth Avenue to Tenth Avenue (both sides)          | Restripe to 6-foot bike lane                     | Tier I   | \$190K        |
| <b>B8</b>      | Tenth Avenue      | Jefferson to Santiam Street (both sides)           | Restripe to 6-foot bike lane                     | Tier I   | \$50K         |
| <b>B9</b>      | Ida Street        | Wilco Road to Third Avenue (both sides)            | Add signing and striping to denote bicycle route | Tier I   | \$810K        |
| <b>B10</b>     | Wilco Road        | Shaff Road to Washington Street (both sides)       | Install 6-foot bike lanes                        | Tier II  | \$2.9M        |
| <b>B11</b>     | Fern Ridge Road   | Tenth Avenue to United Methodist Church (WB)       | Install 6-foot bike lane                         | Tier II  | \$315K        |
| <b>B12</b>     | Fern Ridge Road   | United Methodist Church to Highway 22 (EB)         | Install 6-foot bike lane                         | Tier II  | \$435K        |
| <b>B13</b>     | Fern Ridge Road   | Boulders Mobile Home Park to Highway 22 (WB)       | Install 6-foot bike lane                         | Tier II  | \$300K        |
| <b>B14</b>     | Locust Street     | Wilco Road to First Avenue (both sides)            | Install 6-foot bike lane                         | Tier II  | \$3.6M        |
| <b>B15</b>     | Washington Street | Wilco Road to First Avenue (both sides)            | Install 6-foot bike lane                         | Tier II  | \$870K        |
| <b>B16</b>     | Stayton Road      | City Limit to Wilco Road (both sides)              | Install 6-foot bike lane                         | Tier III | \$1.2M        |
| <b>B17</b>     | Golf Club Road    | Mill Creek Bridge to Shaff Road (both sides)       | Install 6-foot bike lanes                        | Tier IV  | \$3.9M        |
| <b>B18</b>     | Kindle Way        | Goshen Avenue to Shaff Road (both sides)           | Install 6-foot bike lanes                        | Tier IV  | \$1.3M        |
| <b>B19</b>     | First Avenue      | Santiam River Bridge to City Limits (both sides)   | Install 6-foot bike lane                         | Tier IV  | \$840K        |
| <b>B20</b>     | Shaff Road        | City Limit to Wilco Road (both sides)              | Install 6-foot bike lanes                        | Tier IV  | \$1.1M        |
| <b>B21</b>     | Santiam Street    | 28 <sup>th</sup> Avenue to Highway 22 (both sides) | Install 6-foot bike lane                         | Tier IV  | \$2.5M        |

Figure 5. Bicycle Plan Projects





- Transit Services
- Transit Infrastructure
- Transit Ridership
- Transit Plan

# SECTION 5 TRANSIT PLAN

## TRANSIT PLAN

Transit can provide important connections to destinations for people that do not drive or bike and can provide an additional option for all transportation system users. In Stayton, transit provides residents limited access to Sublimity, Salem, and other surrounding towns. It also provides schoolchildren access to school. Transit also complements walking, bicycling, or driving trips: users can walk to and from transit stops and their homes, shopping, or work places; people can drive to park-and-ride locations to access a bus; and people can bring their bikes on transit vehicles and bicycle from a transit stop to their destination.

### TRANSIT TO PROVIDE ACCESS

In Stayton, transit provides residents limited access to Sublimity, Salem, and other surrounding towns.

Transit service in Stayton is provided by Cherriots and the North Santiam School District. Cherriots views its fixed-route service to Stayton as a human services resource, not a commuter route. As such, Cherriots does not plan to improve service to Stayton in the near-term.

### TRANSIT SERVICES

Transit services within Stayton consist of fixed-route and school bus services.

#### **Fixed Route Service**

Cherriots Route 30X is a fixed route bus service that runs from Salem to Gates. The bus makes three stops in Stayton and two stops in Sublimity. Cherriots Route 30X services each of these bus stops four times per day in both directions. The bus does not operate on weekends or holidays. Cherriots does not offer any special services,

such as deviated route or dial-a-ride services for seniors or people with disabilities in the Stayton area. The bus route and stop locations are shown in Figure 6.

#### **School Bus Services**

The North Santiam School District 29J, which includes Stayton Elementary, Middle, and High Schools, is serviced by the Mid-Columbia Bus Company (MIDCO). MIDCO has an office within Stayton and offers 19 different bus routes for the school district.

## TRANSIT INFRASTRUCTURE

#### **Park-and-Ride**

There is one park-and-ride location within Stayton, located on Cascade Highway at the intersection of Golf Lane, as shown in Figure 6. This park-and-ride is serviced by Cherriots Route 30X and has vehicle parking capacity for 94 vehicles and covered bicycle parking capacity for 5 bicycles.



#### **Transit Stops**

There are three transit stops in Stayton and two in Sublimity. Stop locations are:

- E Washington Street/N Fourth Avenue in downtown Stayton
- Stayton Safeway near the intersection of N First Avenue/E Fir Street



- Stayton park-and-ride near the intersection of Cascade Highway SE/Golf Lane
- NW Starr Street/NW Johnson Street in Sublimity
- Stayton DMV near the intersection of Sublimity Road SE/Golf Club Road SE

Each of these transit stops are serviced by Cherriots Route 30X and are shown in Figure 6.

## TRANSIT RIDERSHIP

Daily average ridership for Cherriots Route 30X for April and the first three weeks of May of 2018 is shown in Table 4. This data shows bidirectional boardings and alightings and was collected by Cherriots transit drivers.

**Table 4. Cherriots Route 30X Average Daily Ridership**

| Transit Stop                               | Boardings | Alightings | Total |
|--|-----------|------------|-------|
| <b>Washington Street and Fourth Avenue</b> | 6         | 11         | 17    |
| <b>Stayton Safeway</b>                     | 25        | 26         | 51    |
| <b>Stayton Park-and-Ride</b>               | 2         | 4          | 6     |
| <b>Johnson Street and Starr Road</b>       | 1         | 2          | 3     |
| <b>Stayton DMV</b>                         | 0         | 0          | 0     |

## TRANSIT PLAN

Cherriots does not plan to improve service to Stayton in the near-term; however, the City of Stayton desires more frequent service on Cherriots Route 30X to support commute trips to Salem. Additionally, the City would be supportive of a community-based organization providing transit for senior and low-income residents or the general population such as dial-a-ride, local circulator, or senior shopper shuttle options.



- Functional Classification Plan
- Future Street Network Map
- Motor Vehicle Facilities and Plan
- Project Descriptions

# SECTION 6 MOTOR VEHICLE PLAN

## MOTOR VEHICLE PLAN

Stayton's motor vehicle system includes private streets, city streets, county roads, and a state highway. These facilities provide residents with the ability to access retail, commercial, recreational, and other land uses within Stayton and neighboring cities by vehicle. Stayton's roadway jurisdictions are shown in Figure 7.

This system is largely built-out and there are few opportunities to construct new roadways except in the city's undeveloped growth areas. There are no capacity failures under existing or projected future traffic conditions. Therefore, the Motor Vehicle Plan includes projects to increase the efficiency of the transportation system through improvements to street system connectivity, improvements to key intersections, and access management.

### FUNCTIONAL CLASSIFICATION PLAN

A street's functional classification defines its role in the transportation system and reflects desired operational and design characteristics such as right-of-way requirements, pavement widths, pedestrian and bicycle features, and driveway (access) spacing standards. The roadway functional classification map is shown in Figure 8. The functional classification plan includes the following designations:

#### **Arterials**

Arterials are roadways that are designed to facilitate traffic entering and leaving the urban area. The main function of arterials is to efficiently move traffic, although they may provide access to adjacent land uses. Arterials typically focus on longer distance trips than other roadways, with the goal of moving high volumes of traffic through as efficiently as possible. Principal Arterials typically have limited access and higher traffic speeds than other facilities except when traveling through a downtown area. Principal Arterials are usually served by other arterials.

#### **Collectors**

Collector roadways facilitate the movement of city traffic within the urban area. Collectors provide some degree of access to adjacent properties, while maintaining circulation and mobility for all users. Collectors can be two or three-lane facilities and are used to connect the various roadways of an urban area, although they are designed to carry lower traffic volumes at lower speeds than arterials.

#### **Neighborhood Collectors**

Neighborhood Collectors connect neighborhoods with collectors and arterials, facilitate the movement of local traffic and provide access to abutting land uses. Speed on these facilities should remain low to ensure community livability and safety for pedestrians and bicyclists of all ages. On-street parking is more prevalent and pedestrian amenities are typically provided on these roadways. Striped bike lanes are unnecessary for most neighborhood collectors because the traffic volumes and speeds should allow cyclists to share the road with the motorists.

#### **Local Streets**

The goal of Local Streets is to provide access to adjacent land uses. These streets offer the lowest level of mobility and consequently tend to be short, low-speed facilities. The local streets within Stayton can be split into three categories: Industrial, Commercial, and Residential Local roadways, with all three categories providing access to their respective land uses.

Figure 7. Roadway Jurisdiction Map

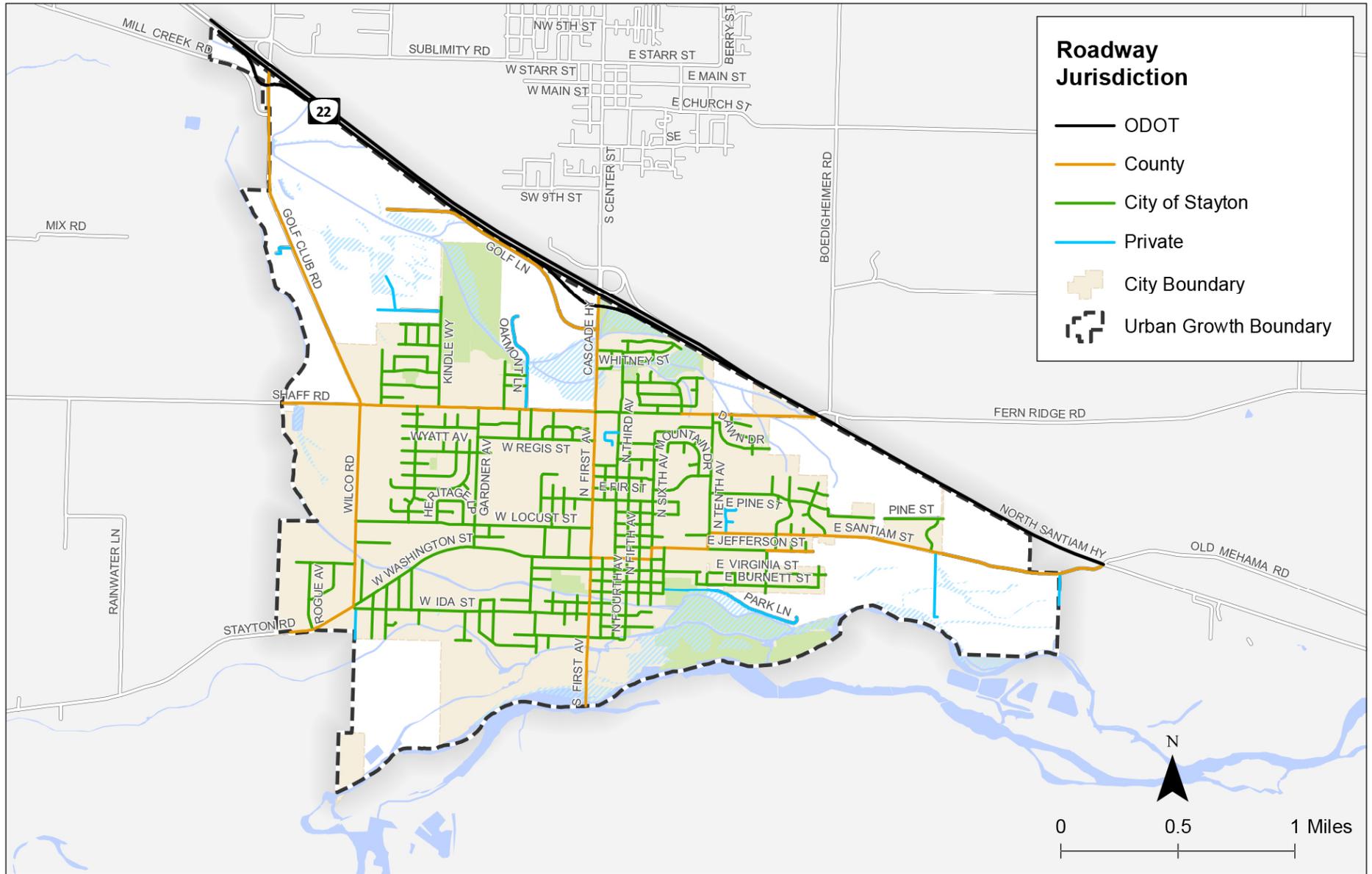
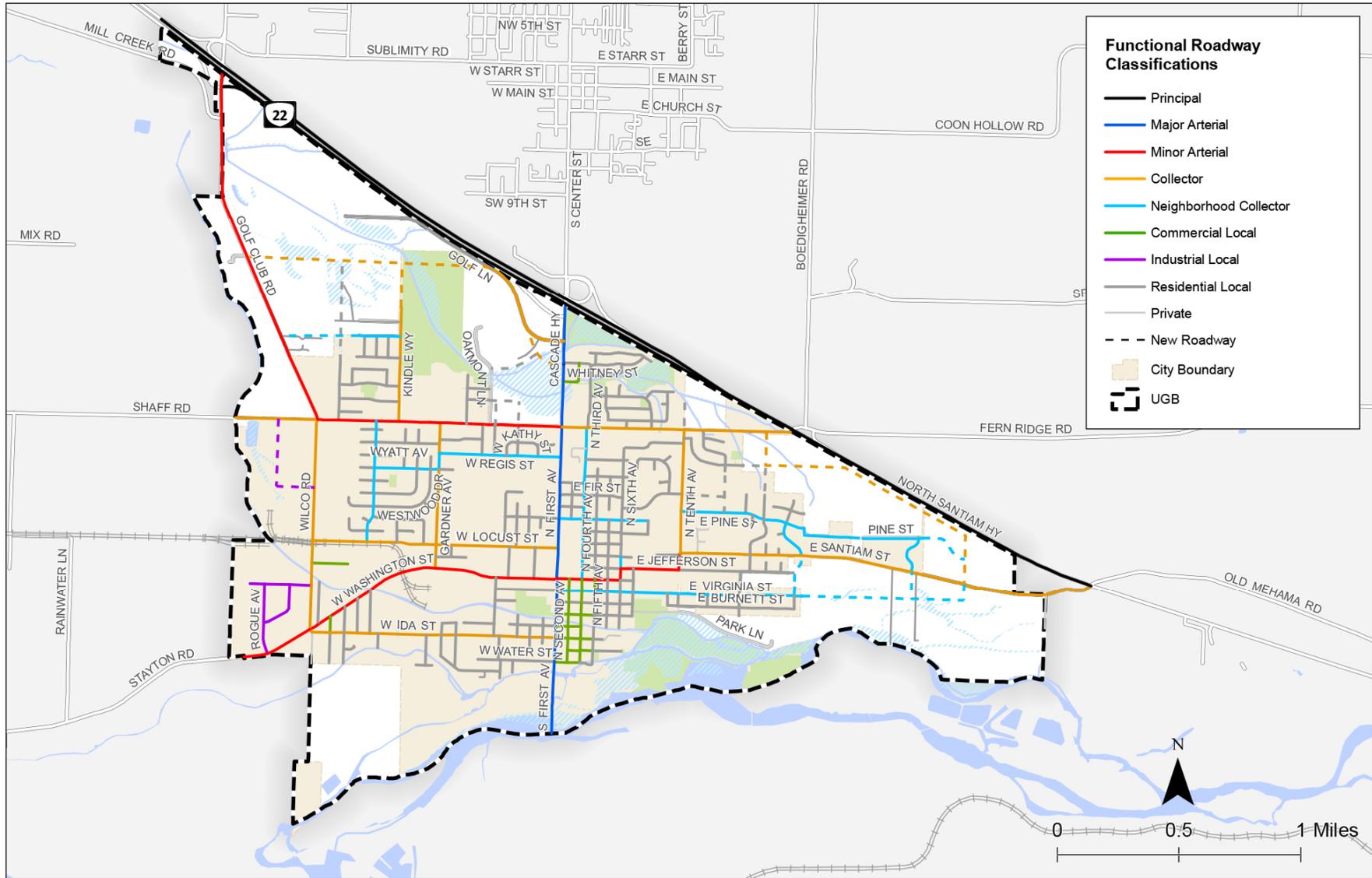


Figure 8. Roadway Functional Classification Map



## ROADWAY CROSS-SECTION STANDARDS

The City of Stayton has street design standards that vary based on the roadway's designated functional classification. The City has cross-section requirements specific to each collector and arterial based on a variety of existing conditions and constraints. These cross-section requirements identify the number of travel lanes and specify the widths of each cross-sectional element; however, the basic elements of each facility type are shown in Exhibits 1 through 6.

These street standards are enumerated in the City of Stayton Public Works Design Standards (Design Standards). Growth projections have changed since the 2004 TSP, eliminating the need for several previously planned roadway widenings to five-lane facilities. Lane width standards have also evolved, with many jurisdictions implementing 10' and 11' through lanes on all types of street classifications (11' minimum recommended on transit and freight routes) to reduce impervious surfaces and to create additional space for bicycle lanes or buffered bicycle lanes. Appendix E shows these proposed updates to the City of Stayton's Design Standards, including:

- reduction from 5-lanes to 3-lanes on Cascade Highway, Golf Club Road, Shaff Road, Wilco Road, and Fern Ridge Road, and Golf Club Lane,
- reductions of the standard lane widths on most Minor Arterials and Collectors from 12' to 11' and on Neighborhood Collectors from 11' to 10', and
- reductions of most of the standard center left-turn lane widths from 14' to 12'.

Collectors and arterials should have bike lanes, except for First Avenue, due to right-of-way constraints, and Ida Street, which needs on-street parking. Local streets and neighborhood collectors do not require bike lanes.

On-street parking is included in the typical standard on neighborhood collectors and local streets.

Areas with on-street parking present the opportunity to install stormwater treatment facilities to treat runoff, to reduce impervious surface, reduce crossing distance for pedestrians, and help identify crosswalks.

All street classifications require a landscape strip between the curb and the sidewalk (with the exception of local streets in the downtown). This

provides a better experience (lower traffic stress) for pedestrians and provides space for potential stormwater management. One potential stormwater management method is the implementation of

“green street” treatments (specially designed vegetated planters between the roadway and sidewalk that can detain and treat stormwater runoff).



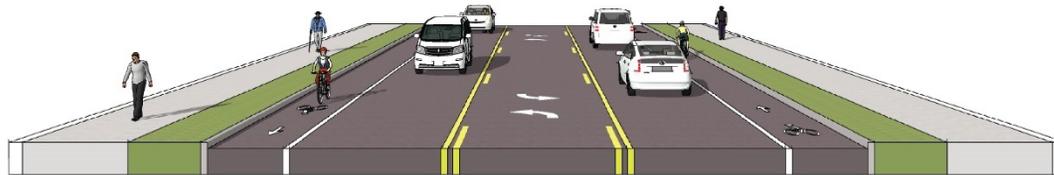
Table 5 shows the typical rights-of-way associated with each functional classification, as shown in the Design Standards.

**Table 5. Typical Rights-of-Way**

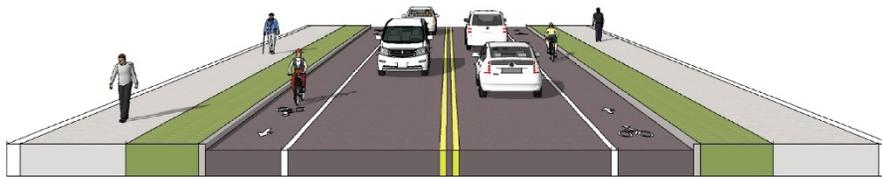
| Functional Classification     | Right of Way (Feet) |
|-------------------------------|---------------------|
| <b>Principal Arterial</b>     | Variable            |
| <b>Major Arterial</b>         | 100                 |
| <b>Minor Arterial</b>         | 60 to 100           |
| <b>Collector</b>              | 60 or 80            |
| <b>Neighborhood Collector</b> | 60                  |
| <b>Residential Local</b>      | 45 to 60            |
| <b>Commercial Local</b>       | 60                  |
| <b>Industrial Local</b>       | 80                  |



**Exhibit 1. Arterial Cross-Section With Center Turn-Lane**



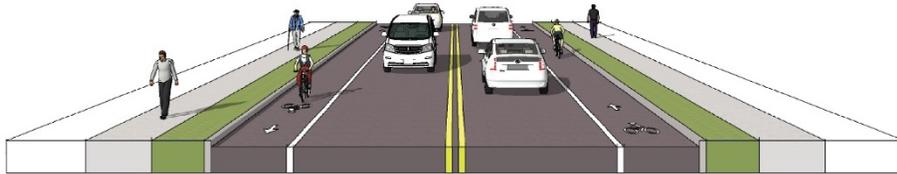
**Exhibit 2. Arterial Cross-Section Without Center Turn-Lane**



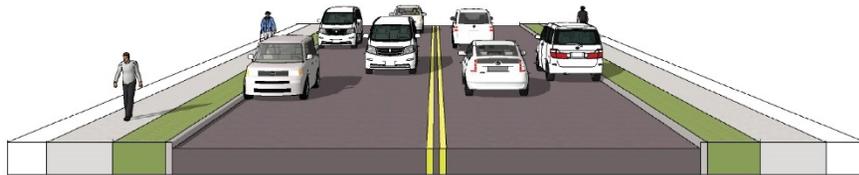
**Exhibit 3. Collector Cross-Section With Center Turn-Lane**



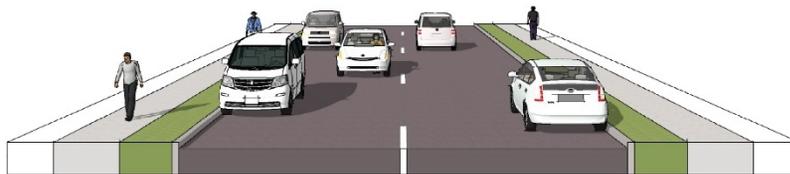
**Exhibit 4. Collector**



**Exhibit 5. Neighborhood Collector**



**Exhibit 6. Local Street**



## ACCESS MANAGEMENT STANDARDS

Access management refers to a set of measures regulating access to streets, roads, and highways, from public roads and private driveways. Access management is a policy tool that seeks to balance the need to provide safe, efficient, and timely travel with the need to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced crash rates, less need for roadway widening, conservation of energy, and reduced air pollution. Measures may include but are not limited to restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

### ODOT STANDARDS

Oregon Administrative Rule 734, Division 51 establishes procedures, standards, and approval criteria used by ODOT to govern highway approach permitting and access management consistent with Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), statewide planning goals, acknowledged comprehensive plans, and the Oregon Highway Plan (OHP). The OHP serves as the policy basis for implementing Division 51 and guides the administration of access management rules, including mitigation and public investment, when required, to ensure highway safety and operations pursuant to this division.

Access spacing standards for approaches to state highways are based on the highway classification, highway designation, area type, and posted speed. Within Stayton, the OHP classifies OR 22 as a Statewide Highway. Future developments along OR 22 (new development, redevelopment, zone changes, and/or comprehensive plan amendments) are required to meet the OAR

734 Division 51 access management policies and standards. Table 6 summarizes ODOT's access management standards for OR 22.

**Table 6. OR 22 ODOT Access Management Standards**

| Intersection Type  | Context <sup>1</sup> | Spacing Standards (Miles) <sup>2,3</sup> |
|--------------------|----------------------|--|
| <b>At-Grade</b>    | <b>Rural</b>         | 1  |
| <b>Interchange</b> | <b>Rural</b>         | 3  |

<sup>1</sup> Roadways within the Stayton urban growth boundary are considered urban and roadways outside this boundary are considered rural. All ODOT facilities are outside this boundary.

<sup>2</sup> These access spacing standards do not apply to approaches in existence prior to April 1, 2000 except as provided in OAR 734-051-5120(9).

<sup>3</sup> Intersection distances measured from approach road spacing for at-grade intersections and crossroad to crossroad spacing for interchanges.

### CITY STANDARDS

The City's access spacing standards are intended to maintain and enhance the integrity (capacity, safety, and level of service) of city



streets. Numerous driveways or street intersections increase the number of conflict points and potential for collisions and decrease mobility and traffic flow. Table 7 summarizes the City's access spacing standards for City streets and driveways as shown in the Design Standards Section 303.07.D and 303.11.D. These standards help to preserve transportation system investments and guard against deteriorations in safety and increased congestion.

In addition to these standards, the Sublimity Interchange Area Management Plan (IAMP) states that development on the west side of Cascade Highway north of OR 22 requiring a zone change will not have direct access to Cascade Highway.

**Table 7. City Access Spacing Standards**

| Street Classification                                       | Minimum Public Intersection Centerline Spacing (Feet) | Minimum Spacing between Driveways and/or Streets (Feet) |
|---|---|---|
| <b>Major Arterial (Limited Access Facility)<sup>1</sup></b> | 750   | 375   |
| <b>Major Arterial</b>                                       | 260   | 260   |
| <b>Minor Arterial</b>                                       | 600   | 300   |
| <b>Collector</b>  | 260   | 150   |
| <b>Neighborhood Collector</b>                               | 260   | 50  |
| <b>Residential Local</b>                                    | 260   | 50 <sup>2</sup>   |
| <b>Commercial Local</b>                                     | 260   | 50  |
| <b>Industrial Local</b>                                     | 260   | 50  |

<sup>1</sup> This standard applies on Cascade Highway north of Shaff Road and on S First Avenue south of Water Street.

<sup>2</sup> This standard only applies to a corner residential lot driveway spacing from the adjacent street and may be modified per SMC 17.26.020.3.a.

## ACCESS SPACING VARIANCES

Access spacing variances may be provided to parcels whose highway/street frontage, topography, or location would otherwise preclude issuance of a conforming permit and would either have no reasonable access or cannot obtain reasonable alternate access to the public road system. In such a situation, a conditional access permit may be issued by the City for a connection to a property that cannot be accessed in a manner that is consistent with the spacing standards. The permit can carry a condition that the access may be closed at such time that reasonable access becomes available to a local public street. The approval condition might also require a given

land owner to work in cooperation with adjacent land owners to provide either joint access points, front and rear cross-over easements, or a rear access upon future redevelopment.

For streets under the City's jurisdiction, the City may reduce the access spacing standards on a case-by-case basis when findings presented to the City Engineer indicate that the spacing change is necessary and as determined appropriate by the City Engineer.

## ACCESS CONSOLIDATION THROUGH MANAGEMENT

From an operational perspective, access management measures limit the number of redundant access points along roadways. This enhances roadway capacity, improves safety, and benefits circulation. Enforcement of the access spacing standards should be complemented with provision of alternative access points. Under state law, each parcel must have access to public right-of-way, but such access may be via an easement on adjoining property. Parcels are not entitled to "direct" access to the public right-of-way.

As part of every land use action, the City should evaluate the potential need for conditioning a given development proposal with the following items, in order to maintain and/or improve traffic operations and safety along the arterial and collector roadways.

- Provide access to the lower classification roadway when multiple roadways abut the property.
- Provide crossover easements on all compatible parcels (considering topography, access, and land use) to facilitate future access between adjoining parcels.
- Issue conditional access permits to developments that have access points that do not meet the designated access spacing policy and/or have the ability to align with opposing driveways.
- Right-of-way dedications to facilitate the future planned roadway system in the vicinity of proposed developments.

- Half-street improvements (sidewalks, curb and gutter, bike lanes/paths, and/or travel lanes) along site frontages that do not have full build-out improvements in place at the time of development.

## FUTURE STREET NETWORK MAP

The City's 2004 TSP included a future network plan to assure that the future street network within the Stayton planning area would develop as a grid system. The grid system assures that access, mobility, and circulation will be achieved at a high level throughout the city.

### STREET GRID SYSTEM

The grid system assures that access, mobility, and circulation will be achieved at a high level throughout the city.

Figure 9 shows the updated future street network map that identifies future collectors and neighborhood collectors necessary to support future growth areas. Several future local streets are also shown to indicate the future location of intersections or desired connections in infill development areas; however, this figure does not include all future local streets. Future subdivisions and land development applications will be required to dedicate right-of-way and/or construct additional future local streets consistent with the City's connectivity and block length standards and to provide adequate access to their development.

## MOTOR VEHICLE FACILITIES

Streets serve a majority of all trips within Stayton across all travel modes. In addition to motorists, pedestrians, bicyclists, and public

transit riders use streets to access areas locally and regionally. This section summarizes the types of improvements included in the Motor Vehicle Plan for the TSP update.



### Traffic Signals

Traffic signals allow opposing streams of traffic to proceed in an alternating pattern. National and state guidance indicates when it is appropriate to install traffic signals at intersections. When used, traffic signals can effectively manage high traffic volumes and provide dedicated times in which pedestrians and cyclists can cross roadways. Because they continuously draw from a power source and must be periodically re-timed, signals typically have higher maintenance costs than other types of intersection control. Signals can improve safety at intersections where signal warrants are met, however, they may result in an increase in rear-end crashes compared to other solutions. Signals have a significant range in costs depending on the number of approaches, how many through and turn lanes each approach has, and, if it is located in an urban or rural area. The cost of a new traffic signal ranges from approximately \$250,000 to \$750,000 depending upon urban or rural context and the functional classification of the roadways forming the intersection.

### Roundabouts

Roundabouts are circular intersections where entering vehicles yield to vehicles already in the circle. They are designed to slow vehicle speeds to 20 to 30 mph or less before they enter the intersection, which promotes a more comfortable environment for pedestrians,

bicyclists, and other non-motorized users. Roundabouts have fewer conflict points and have been shown to reduce the severity of crashes, as compared to signalized intersections. Roundabouts can be costlier to design and install than other intersection control types, but they have a lower operating and maintenance cost than traffic signals. Topography must be carefully evaluated in considering a roundabout, given that slope characteristics at an intersection may render a roundabout infeasible. The cost of a new roundabouts ranges from approximately \$1 million to \$3 million depending upon the number of lanes and the slope conditions.

## MOTOR VEHICLE PLAN

Table 8 and Table 9 identify the motor vehicle plan projects for the Stayton TSP. These projects are intended to address existing and projected future transportation system needs for motor vehicles as well as all other modes of transportation that depend on the roadway system for travel, such as pedestrians, bicyclists, transit users, and freight.

Projects within the Stayton urban growth boundary are shown in Table 8. Projects along OR 22, outside the Stayton urban growth

boundary, are shown in Table 9. It is not anticipated that the City of Stayton would fund these projects. Figure 10 illustrates the locations of the motor vehicle plan projects.

### **Safety**

Projects that improve safety outcomes and are listed in the ODOT ARTS countermeasure list are shown with their related crash modification factor (CMF). These projects may be eligible for ARTS funding. Appendix C contains additional information on motor vehicle safety and identifies four high-crash intersections:

- Golf Club Road SE/OR 22 WB Off-Ramp
- Cascade Highway SE/OR 22 WB Ramps
- Cascade Highway SE/OR 22 EB Ramps
- OR 22/Fern Ridge Road SE

Each of these intersections is outside of Stayton urban growth boundary and on ODOT facilities. It is not be anticipated that the City of Stayton would fund proposed improvements at these locations but they will support safety improvements at these locations.



**Table 8. Motor Vehicle Plan Projects**

| Project Number | Roadway/Intersection           | Project   | Cost Estimate | CMF              | Priority |
|----------------|--------------------------------|---|---------------|------------------|----------|
| M1             | Golf Club Road/Shaff Road      | Roundabout  | \$2.6M        | -                | High     |
| M2             | Stayton Road/Wilco Road        | Roundabout  | \$1.6M        | -                | High     |
| M3             | Golf Lane                      | Realign to Whitney Street as Cascade Highway                          | \$3.3M        | -                | High     |
| M4             | Sixth Avenue S-Curves          | All-Way Stop control at E Jefferson Street                            | \$630K        | 75% <sup>1</sup> | High     |
| M5             | Tenth Avenue S-Curves          | Mini-Roundabout at E Santiam Street                                   | \$1.5M        | -                | High     |
| M6             | First Avenue/Washington Street | Permissive/protected left turns                                       | \$20K         | 16% <sup>2</sup> | High     |
| M7             | Golf Lane Extension            | Extend Golf Lane from existing roadway to Golf Club Road              | \$8.2M        | -                | Low      |
| M8             | Kindle Way Extension           | Extend Kindle Way from existing roadway to Golf Lane Extension        | \$1.4M        | -                | Low      |
| M9             | Dawn Drive Extension           | Extend Dawn Drive from local roadway extension to E Santiam Street    | \$8.4M        | -                | Low      |
| M10            | Highland Drive Extension       | Extend Highland Drive from local roadway extension to Fern Ridge Road | \$1.1M        | -                | Low      |

<sup>1</sup> Applies to angle crashes

<sup>2</sup> Applies to left turning injury crashes

CMF = Crash Modification Factor

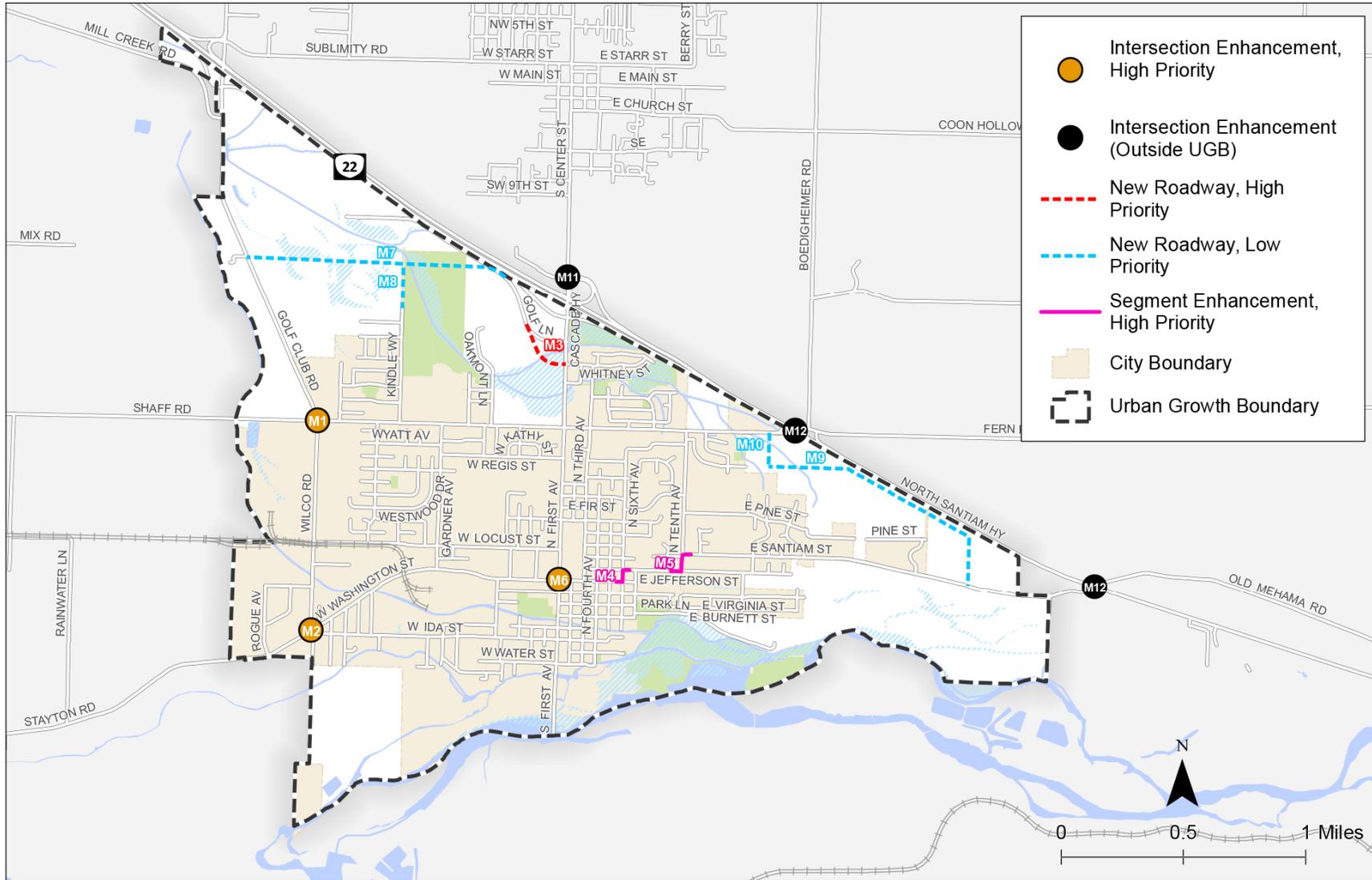
**Table 9. Motor Vehicle Plan Projects (Outside Stayton City Limits)**

| Project Number | Roadway/Intersection                            | Project                                   | CMF              | Priority |
|----------------|---|---|------------------|----------|
| M11            | Cascade Highway / OR 22 WB Ramps                | Traffic signal                            | 67% <sup>1</sup> | N/A      |
| M12            | OR 22/Fern Ridge Road and OR 22/Old Mehama Road | Restrict access for EBL and WBL movements | -                | N/A      |

<sup>1</sup> Applies to angle crashes; rear end crashes have an associated CRF of -143%

CMF = Crash Modification Factor

Figure 10. Motor Vehicle Plan Projects



## PROJECT DESCRIPTIONS

The following section describes the intersection and safety projects listed in the motor vehicle plan in Table 8 and Table 9.

### PROJECT M1: GOLF CLUB ROAD SE/SHAFF ROAD SE ROUNDABOUT

The intersection of Golf Club Road SE and Shaff Road is currently all-way stop controlled. As shown in Table 10, it currently operates at an acceptable level of service. However, based on existing vehicular volumes, this intersection meets signal warrants as prescribed in the Manual for Uniform Traffic Control Devices. Additionally, during the public engagement process, this intersection was noted to need intersection control upgrade to improve traffic flow.

Projected operations in the existing and future scenario for the no-build and roundabout alternative and cost estimates are shown in Table 10. A sketch of the roundabout alternative is shown in Figure 11.

**Table 10. Weekday PM Peak Hour Operations and Evaluation (Golf Club Road/Shaff Road)**

| Alternative       | Scenario | Delay | Level of Service | Cost Estimate |
|-------------------|----------|-------|------------------|---------------|
| <b>No-build</b>   | Existing | 20.9  | D                | \$0           |
|                   | 2040     | 25.3  | D                |               |
| <b>Roundabout</b> | Existing | 8.9   | A                | \$2,590,000   |
|                   | 2040     | 9.9   | A                |               |

### PROJECT M2: STAYTON ROAD SE / WILCO ROAD ROUNDABOUT

The Stayton Road SE/Wilco Road intersection is a five-leg intersection on the southwest edge of Stayton. It consists of two intersections in close proximity: an all-way stop- controlled intersection and a second, smaller, minor-approach stop control intersection 70 feet

southeast of the first. As shown in Table 11, it currently operates at an acceptable level of service. However, during the public engagement process, this intersection was noted as congested and in need of a traffic control upgrade. Additionally, because this intersection serves as an entrance to the city from the southwest, a more aesthetically-pleasing intersection could enhance perception of the city.

Projected operations in the existing and future scenario for the no-build and roundabout alternatives and cost estimates are shown in Table 11. A sketch of the roundabout alternative is shown in Figure 12.

**Table 11. Weekday PM Peak Hour Operations and Evaluation (Stayton Road/Wilco Road)**

| Alternative       | Scenario | Delay | Level of Service | Cost Estimate |
|-------------------|----------|-------|------------------|---------------|
| <b>No-build</b>   | Existing | 12.0  | B                | \$0           |
|                   | 2040     | 13.6  | B                |               |
| <b>Roundabout</b> | Existing | 5.8   | A                | \$1,640,000   |
|                   | 2040     | 6.1   | A                |               |

### PROJECT M3: GOLF LANE SE REALIGNMENT

Golf Lane SE should be realigned to intersect Cascade Highway directly opposite Whitney Street when traffic volumes on Golf Lane at Cascade Highway warrant a signal for safety or capacity. This is not anticipated based on the projected growth on Golf Lane which does not assume expansion of the city limits. Annexation and urban development along Golf Lane would add trips to the Cascade Highway SE/Golf Lane SE intersection and could trigger the need for the Golf Lane realignment.

The wetlands surrounding Mill Creek pose significant environmental constraints to the realignment of Golf Lane SE. Advanced engineering may be necessary to avoid or mitigate adverse wetland

Figure 11. Golf Club Road SE / Shaff Road SE Roundabout



Figure 12. Stayton Road SE / Wilco Road Roundabout



impacts. Table 12 shows the cost estimate for the Golf Lane realignment.

Appendix C discusses two fatal crashes that occurred at this intersection in the last 5 years. A pedestrian was struck and killed by a southbound passenger vehicle south of the Golf Lane SE intersection in 2014. Additionally, a westbound left-turning vehicle and northbound through-moving vehicle collided, resulting in a fatality and an incapacitating injury, in 2017. The proposed realignment alternative is not intended to be a direct safety enhancement at this location. Extending the sidewalk on the west side of Cascade Highway from the ramp terminal to the signal at Whitney would help pedestrians to cross at the signal. Project P2 in the pedestrian plan addresses this need.

**Table 12. Evaluation (Golf Lane Realignment)**

| Alternative                                | Cost Estimate |
|--|---------------|
| <b>No-build</b>                            | \$0           |
| <b>Realign Golf Lane to Whitney Signal</b> | \$3,320,000   |

**PROJECT M4: N SIXTH AVENUE ALL-WAY STOP CONTROL**

The predominant vehicular travel route between Cascade Highway and OR 22 to the east features three roads (E Washington Street, E Jefferson Street, and Stayton Road SE) with two S-curves between them, on Sixth Avenue and Tenth Avenue. The Sixth Avenue S-curve currently features stop-control for minor approaches and free-flow for turning movements between E Jefferson Street and E Washington Street. During the public engagement process, citizens commented that the two intersections that make up this S-curve need pedestrian improvements, as they are currently difficult to navigate on foot. Additionally, sight distance for minor approach vehicles can be an issue at this location.

A sketch of the all-way stop control alternative is shown in Figure 13. Table 13 shows the cost estimate for this improvement.

**Table 13. Evaluation (Sixth Avenue S-Curve)**

| Alternative                 | Cost Estimate |
|-----------------------------|---------------|
| <b>No-build</b>             | \$0           |
| <b>All-Way Stop Control</b> | \$630,000     |

**PROJECT M5: N TENTH AVENUE MINI-ROUNDBOUT**

The Tenth Avenue S-curve currently features stop-control for minor approaches and free-flow for turning movements between E Washington Street and Stayton Road SE.

During the public engagement process, citizens commented that the two intersections that make up this S-curve need pedestrian improvements, as they are currently difficult to navigate on foot. Additionally, sight distance for minor approach vehicles and the southbound left-turn from N. Tenth Avenue to Washington Street can be an issue at this location. A sketch of the mini-roundabout is shown in Figure 14. Table 14 shows PM peak hour operations at the Tenth Avenue/Stayton Road SE intersection and the cost estimate for the mini-roundabout.

**Table 14. Evaluation (Tenth Avenue S-Curve)**

| Alternative            | Scenario | Delay | Level of Service | Cost Estimate |
|------------------------|----------|-------|------------------|---------------|
| <b>No-build</b>        | Existing | 6.5   | A                | \$0           |
|                        | 2040     | 8.9   | A                |               |
| <b>Mini-Roundabout</b> | Existing | 3.8   | A                | \$1,460,000   |
|                        | 2040     | 5.3   | A                |               |

Figure 13. Sixth Avenue All-Way Stop Control



**PROJECT M6: PROTECTED LEFT TURNS AT N FIRST AVENUE/WASHINGTON STREET**

The intersection of N First Avenue and Washington Street currently features permissive left-turns on all approaches. This results in conflicts between left-turning vehicles and oncoming traffic. From 2011 to 2015, nine of the ten crashes occurring at this intersection involved angle or turning movements, and four of these crashes involved a left-turning vehicle colliding with an oncoming through movement vehicle.

Changing the left-turns at this intersection from permissive to protected eliminates conflicts between left-turning vehicles and oncoming through vehicles. As shown in Table 15, this change would increase delay at this intersection from level of service B to level of service D.

**Table 15. Weekday PM Peak Hour Operations and Evaluation (First Avenue/Washington Street)**

| Alternative                 | Scenario | Delay | Level of Service | Cost Estimate |
|-----------------------------|----------|-------|------------------|---------------|
| <b>No-build</b>             | Existing | 19.5  | B                | \$0           |
|                             | 2040     | 20.1  | C                |               |
| <b>Protected Left-Turns</b> | Existing | 38.0  | D                | \$20,000      |
|                             | 2040     | 40.8  | D                |               |

**PROJECT M11: CASCADE HIGHWAY SE/OR 22 WB RAMPS SIGNALIZATION**

The intersection of Cascade Highway and OR 22 WB is currently two-way stop controlled. This results in conflicts as minor approach vehicles must wait for gaps in major approach traffic to proceed. From 2011 to 2015, all nine crashes occurring at this intersection involved angle or turning movements between a minor approach and major approach vehicle.

Improving this intersection's control from stop-controlled to signalized would eliminate many of these conflict points. As shown in Table 16,

it would also improve intersection operations. Based on existing vehicular volumes, this intersection meets signal warrants as prescribed in the Manual for Uniform Traffic Control Devices.

**Table 16. Weekday PM Peak Hour Operations and Evaluation (Cascade Highway/OR 22 WB)**

| Alternative       | Scenario | Delay | Level of Service |
|-------------------|----------|-------|------------------|
| <b>No-build</b>   | Existing | 20.6  | C                |
|                   | 2040     | 20.6  | C                |
| <b>Signalized</b> | Existing | 5.6   | A                |
|                   | 2040     | 5.6   | A                |

**PROJECT M12: RESTRICT LEFT-TURNS ONTO OR 22 AT FERN RIDGE ROAD & OLD MEHAMA ROAD**

The intersections of Fern Ridge Road/OR 22 and Old Mehama Road/OR 22 are currently two-way stop controlled. When drivers approaching OR 22 from a minor approach make a left-turn or through movement, they must navigate conflicts from both major approaches, resulting in more conflict points and potential safety issues. At the intersection of Fern Ridge Road and OR 22, 11 of the 13 crashes occurring from 2011 to 2015 involved a minor approach left-turn or through movement and at the intersection of Old Mehama Road and OR 22, both crashes occurring from 2011 to 2015 involved a minor approach left-turn or through movement. Restricting these movements, and rerouting traffic through the Cascade Highway interchange, would eliminate conflict points that lead to these crashes.

Figure 14. N Tenth Avenue Roundabout





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# SECTION 7 OTHER TRAVEL MODES

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## OTHER TRAVEL MODES

This chapter summarizes the plans for other travel modes in Stayton such as rail, air, water, freight, and pipeline. This TSP does not identify projects for any of the travel modes described in this chapter.

### FREIGHT TRANSPORTATION

OR 22 is designated as a statewide National Highway System freight route by the 1999 Oregon Highway Plan (OHP).

### RAIL TRANSPORTATION

An unused rail spur runs from the west side of the city along W Locust Street to the NORPAC facility. The last rail activity on this line was over five years ago, and NORPAC has not used the line in over twenty



years. In 2018, Marion County conducted a feasibility analysis of reestablishing rail service and concluded that service was not feasible without either a subsidy to the operator or substantial additional demand.

### AIR TRANSPORTATION

The City of Stayton does not have an airport. The nearest commercial airport is the Portland International Airport, located 75

miles north of Stayton. There are several other small airstrips within 20 miles of Stayton. One such location is the Salem Municipal Airport, which does not operate commercial flights. There is also a helistop located at Santiam Hospital.

### WATER TRANSPORTATION

Although the City of Stayton is situated along the North Santiam River, the river has not been used as a method of transportation, mainly due to the shallowness of the river. There are several boat ramps along the river; however, these are mostly used for small watercraft. The river is mainly used for recreation but is also a source of drinking water.

### PIPELINE FACILITIES

The primary pipeline facilities in Stayton are associated with the city storm sewer, sanitary sewer, and water lines. Potable water is transported from the North Santiam River to Salem via two transmission mains that run through Stayton. There are no natural gas lines that are large enough to be classified as pipelines in the Stayton area.

### PRIVATE TRANSPORTATION PROVIDERS

Uber and Lyft both operate in the City of Stayton. They provide on-demand taxi services through a mobile phone application.



- Historical Revenue Sources
- Transportation Expenditures
- Projected Funding
- Planned System Costs
- Implementation

## SECTION 8 FUNDING, IMPLEMENTATION, AND MONITORING

## FUNDING, IMPLEMENTATION, AND MONITORING

This section documents the City's historical revenue sources and expenditures and identifies the projected transportation funding for implementation of the TSP.

### HISTORICAL REVENUE SOURCES

Historical revenue sources that have contributed to transportation funding for Stayton include the state gas tax, ODOT's surface transportation program (STP), the City's street maintenance fee, System Development Charges (SDCs), and most recently, a local gas tax. Since the implementation of the local gas tax, total transportation revenue has risen. The FY 2019-2020 projected revenue from each source was projected out over the next 5-, 10-, and 21-year period to determine the total revenue that is estimated through 2040. Table 17 summarizes the potential cumulative funding for transportation through 2040.

**Table 17. Cumulative Transportation Funding Projections**

| FY 19-20     | 5-Year       | 10-Year       | 2040          |
|--------------|--------------|---------------|---------------|
| \$ 1,153,362 | \$ 6,352,777 | \$ 12,966,902 | \$ 28,182,079 |

### TRANSPORTATION EXPENDITURES

The City's transportation expenditures are summarized by five main categories including personnel services, materials and services, capital improvements, fund transfers, and contingencies. Transportation spending has increased steadily over the last five years with the exception of FY 2016-17. Table 19 shows the portions of the transportation expenditures that have been spent on street improvements and capital projects. Over time, these have averaged

approximately 44% of the transportation budget over seven years including the projected FY 2018-19.

### PROJECTED FUNDING

As described in Table 17, approximately \$28 million dollars are anticipated to be available for transportation over the next 21 years. However, only a portion is assumed to be available for street improvements and capital projects (as opposed to street maintenance such as pavement preservation). STP Allocation, ODOT grants, and SDC funds are assumed to be used for street improvements and capital projects in the future along with a portion of state and local gas tax based on past transportation spending which averaged approximately 42% of gas taxes supporting street improvements (as opposed to street maintenance).

### FUNDING AVAILABILITY

Depending upon street maintenance needs, between \$6.7 and \$14.3 million could be available for street improvements and capital projects over the next 21 years

Table 20 illustrates the projected revenues for street improvements and capital projects over FY 2019-2020 and the next 5-, 10-, and 21-year periods. Three scenarios are provided that vary in the assumed portion of gas taxes that could go towards these projects from the historical rate of 42%, 20% and 0%. As shown, depending upon street maintenance needs, between \$6.7 and \$14.3 million could be available for street improvements and capital projects over the next 21 years.

**Table 18. City of Stayton Transportation Expenditures**

|  | FY 12-13          | FY 13-14          | FY 14-15          | FY 15-16          | FY 16-17          | FY 17-18          | FY 18-19          |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| <b>Personnel Service</b>                                       | \$ 86,275         | \$ 84,096         | \$ 84,470         | \$ 85,460         | \$ 88,600         | \$ 95,600         | \$ 189,600        |
| <b>Materials and Services</b>                                  | \$ 196,030        | \$ 262,030        | \$ 232,780        | \$ 232,780        | \$ 201,900        | \$ 206,300        | \$ 228,000        |
| <b>Street Improvements</b>                                     | \$ 100,000        | \$ 180,000        | \$ 350,000        | \$ 425,000        | \$ 300,000        | \$ 399,000        | \$ 625,000        |
| <b>Transportation System Plan Update</b>                       |                   |                   |                   |                   |                   | \$ 135,000        | \$ 100,000        |
| <b>Miscellaneous</b>   |                   | \$ 10,000         | \$ 10,000         | \$ 10,000         |                   |                   |                   |
| <b>Transfer to Capital Projects (Tenth Ave Fund)</b>           | \$ 476,500        |                   |                   |                   |                   |                   |                   |
| <b>Transfer to General Fund</b>                                | \$ 13,900         | \$ 14,180         | \$ 14,180         | \$ 14,605         | \$ 50,000         | \$ 53,500         | \$ 65,000         |
| <b>Transfer to PW Admin Fund</b>                               | \$ 65,000         | \$ 65,000         | \$ 65,000         | \$ 66,950         | \$ 76,400         | \$ 78,200         | \$ 80,000         |
| <b>Transfer to Facility Maintenance</b>                        | \$ 4,922          | \$ 4,922          | \$ 4,922          | \$ 4,922          | \$ 4,700          | \$ 2,500          | \$ 2,500          |
| <b>Transfer to Vehicle Replacement Fund</b>                    | \$ 34,835         | \$ 38,835         | \$ 38,835         | \$ 38,835         |                   |                   |                   |
| <b>Miscellaneous</b>   |                   |                   |                   | \$ 75,000         |                   |                   |                   |
| <b>Total Transportation Expenditures</b>                       | \$ 977,462        | \$ 659,063        | \$ 800,187        | \$ 878,552        | \$ 721,600        | \$ 970,100        | \$ 1,290,100      |
| <b>Total Spent on Street Improvements and Capital Projects</b> | <b>\$ 576,500</b> | <b>\$ 180,000</b> | <b>\$ 350,000</b> | <b>\$ 425,000</b> | <b>\$ 300,000</b> | <b>\$ 399,000</b> | <b>\$ 625,000</b> |
| <b>% Spent on Street Improvements and Capital Projects</b>     | 59%               | 27%               | 44%               | 48%               | 42%               | 41%               | 48%               |

**Table 19. Potential Cumulative Funding for Street Improvements and Capital Projects**

|   | FY 19-20          | 5-Year              | 10-Year             | Through 2040         |
|---|-------------------|---------------------|---------------------|----------------------|
| <b>State Gas Tax</b>  | \$ 562,368        | \$ 2,867,520        | \$ 5,904,307        | \$ 13,080,123        |
| <b>Local Gas Tax</b>  | \$ 217,150        | \$ 1,107,250        | \$ 2,279,860        | \$ 5,050,694         |
| <b>STP Allocation/<br/>ODOT Grants</b>  | \$ 85,000         | \$ 925,000          | \$ 1,850,000        | \$ 3,785,000         |
| <b>Transfer In Street SDC Fund</b>  | \$ 138,000        | \$ 690,000          | \$ 1,380,000        | \$ 2,898,000         |
| <b>Estimated Revenues for Street Improvements and Capital Projects (42% of gas tax)</b> | <b>\$ 550,398</b> | <b>\$ 3,284,403</b> | <b>\$ 6,667,350</b> | <b>\$ 14,297,943</b> |
| <b>Estimated Revenues for Street Improvements and Capital Projects (20% of gas tax)</b> | <b>\$ 378,904</b> | <b>\$ 2,409,954</b> | <b>\$ 4,866,833</b> | <b>\$ 10,309,163</b> |
| <b>Estimated Revenues for Street Improvements and Capital Projects (0% of gas tax)</b>  | <b>\$ 223,000</b> | <b>\$ 1,615,000</b> | <b>\$ 3,230,000</b> | <b>\$ 6,683,000</b>  |

## PLANNED SYSTEM COSTS

Table 21 and Table 22 summarize the full cost of the planned transportation system. As shown, the full cost of the planned system is approximately \$52M over the next 21-year period, including \$16M high-priority projects, \$21M medium-priority projects, and \$15M low-priority projects. Based on the anticipated funds available for the

capital improvement projects, **the financially-constrained plan includes all the high priority projects.** Assuming 42% of the gas tax is used for street improvements and capital projects, this leaves a deficit of approximately \$27K in funding for the City to complete medium- and low-priority projects over the 21-year period, to contribute to projects on ODOT facilities, or to provide matching funds for grants.

**Table 20. Planned Transportation System Cost Summary**

| Project Type                | Project   | Cost         | Priority |
|-----------------------------|---|--------------|----------|
| <b>Pedestrian</b>           | Tier I Projects   | \$1,075,000  | High     |
|                             | Tier II Projects  | \$2,040,000  | Medium   |
|                             | Tier III Projects   | \$10,540,000 | Medium   |
|                             | Tier IV Projects  | \$5,690,000  | Low      |
| <b>Bicycle</b>              | Tier I Projects   | \$3,590,000  | High     |
|                             | Tier II Projects  | \$8,480,000  | Medium   |
|                             | Tier III Projects   | \$1,180,000  | Medium   |
|                             | Tier IV Projects  | \$9,590,000  | Low      |
| <b>Motor Vehicle</b>        | Golf Club Road / Shaff Road Roundabout (M1)                           | \$2,590,000  | High     |
|                             | Stayton Road / Wilco Road – Roundabout (M2)                           | \$1,640,000  | High     |
|                             | Realign Golf Lane (M3)  | \$3,320,000  | High     |
|                             | Sixth Street S-Curves – All-Way Stop Control (M4)                     | \$630,000    | High     |
|                             | Tenth Street S-Curves – Mini-Roundabout (M5)                          | \$1,460,000  | High     |
| <b>Safety Projects</b>      | First Avenue / Washington Street Protected Lefts (M6)                 | \$20,000     | High     |
|                             | Cascade Highway SE / OR 22 EB Ramps Signalization (M11)               | -            | N/A      |
|                             | OR 22 / Fern Ridge Road and Old Mehama Road Access Restrictions (M12) | -            | N/A      |
| <b>New Roadway Projects</b> | Golf Lane Extension (M7)  | \$8,245,000  | Low      |
|                             | Kindle Way Extension (M8)   | \$1,425,000  | Low      |
|                             | Dawn Drive Extension (M9)   | \$8,395,000  | Low      |
|                             | Highland Drive Extension (M10)  | \$1,090,000  | Low      |

**Table 21. Transportation Improvement Prioritization Summary**

| Mode                 | High Priority (Financially-Constrained Plan Projects) | Medium Priority | Low Priority | Total        |
|----------------------|---|-----------------|--------------|--------------|
| <b>Pedestrian</b>    | \$1,075,000   | \$12,580,000    | \$5,690,000  | \$19,345,000 |
| <b>Bicycle</b>       | \$3,590,000   | \$9,660,000     | \$9,590,000  | \$22,840,000 |
| <b>Motor Vehicle</b> | \$9,640,000   | \$0             | \$0          | \$9,640,000  |
| <b>Safety</b>        | \$20,000  | \$0             | \$0          | \$20,000     |
| <b>New Roadways</b>  | \$0   | \$0             | \$19,155,000 | \$19,155,000 |
| <b>Total</b>         | \$14,325,000  | \$22,240,000    | \$34,435,000 | \$71,000,000 |

## IMPLEMENTATION

The Transportation Planning Rule (TPR), as codified in Oregon Administrative Rules (OAR) 660-012-0045, requires that local jurisdictions identify and adopt land use regulations and code amendments needed to implement the TSP. The land use regulations and code amendments are provided under separate cover in the staff report.



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## SECTION 9 GLOSSARY OF TERMS

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## GLOSSARY OF TERMS

The following terms are applicable only to the Stayton Transportation System Plan and shall be construed as defined herein:

*Access Management*: Refers to measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the type and amount of access to roadways and use of physical controls such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

*American Association of State Highway Transportation Officials (AASHTO)*: The American Association of State Highway and Transportation Officials (AASHTO) is a standards-setting body which publishes specifications, test protocols and guidelines which are used in highway design and construction throughout the United States.

*Americans with Disabilities Act (ADA)*: A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

*Arterial (Street)*: A street designated in the functional class system as providing the highest amount of connectivity and mostly uninterrupted traffic flow through an urban area.

*Average Annual Daily Traffic (AADT)*: A measure used primarily in transportation planning and traffic engineering that represents the total volume of vehicular traffic on a highway or roadway for a year divided by 365 days.

*Average Daily Traffic (ADT)*: This is the measurement of the average number of vehicles passing a certain point each day on a highway, road or street.

*Bicycle Facility*: Any facility provided for the benefit of bicycle travel, including bikeways and parking facilities.

*Bicycle Network*: A system of connected bikeways that provide access to and from local and regional destinations.

*Bicycle Boulevard*: Lower-order, lower-volume streets with various treatments to promote safe and convenient bicycle travel. Usually accommodates bicyclists and motorists in the same travel lanes, often with no specific vehicle or bike lane delineation. Assigns higher priority to through bicyclists, with secondary priority assigned to motorists. Also includes treatments to slow vehicle traffic to enhance the bicycling environment.

*Bike Lane*: Area within street right-of-way designated specifically for bicycle use.

*Capital Improvement Plan (CIP)*: A community planning and fiscal management tool used to coordinate the location, timing and financing of capital improvements over a multi-year period.

*Capacity*: The maximum number of vehicles or individuals that can traverse a given segment of a transportation facility with prevailing roadway and traffic conditions.

*Central Business District (CBD)*: This is the traditional downtown area, and is usually characterized by slow traffic speeds, on-street parking and a compact grid system.

*Citizen Advisory Committee (CAC)*: An advisory committee consisting of volunteer citizens from the community they represent.

*Collector (Street)*: A street designated in the functional class system that provides connectivity between local and neighborhood streets with the arterial streets serving the urban area. Usually shorter in

distance than arterials, designed with lower traffic speeds and has more traffic control devices than the arterial classification.

*Crosswalk*: Portion of a roadway designated for pedestrian crossing and can be either marked or unmarked. Unmarked crosswalks are the national extension of the shoulder, curb line or sidewalk.

*Department of Land Conservation and Development (DLCD)*: A public agency that helps communities and citizens plan for, protect and improve the built and natural systems that provide a high quality of life.

*Driveway (DWY)*: A short road leading from a public road to a private business or residence.

*Eastbound (EB)*: Leading or traveling toward the east.

*Fiscal Year (FY)*: A year as reckoned for taxing or accounting purposes.

*Geographic Information Systems (GIS)*: A system designed to capture, store, manipulate, analyze, manage, and present all types of spatial or geographical data.

*Grade*: A measure of the steepness of a roadway, bikeway or walkway, usually expressed in a percentage form of the ratio between vertical rise to horizontal distance, (e.g. a 5% grade means that the facility rises 5 feet in height over 100 feet in length.)

*Grade Separation*: The vertical separation of conflicting travelways.

*Green Street*: A street designed to reduce or redirect stormwater runoff quantity and/or to improve stormwater runoff quality. Green street design generally involves using rain gardens, vegetated swales and/or pervious materials (porous pavement or permeable paving) as an alternative to conventional stormwater facilities.

*Impervious Surfaces*: Hard surfaces that do not allow water to soak into the ground, increasing the amount of stormwater running into the drainage system.

*Intelligent Transportation Systems (ITS)*: the application of advanced technologies and proven management techniques to relieve congestion, enhance safety, provide services to travelers and assist transportation system operators in implementing suitable traffic management strategies.

*Level of Service (LOS)*: A qualitative measure describing the perception of operation conditions within a traffic stream by motorists and or passengers. An LOS rating of "A" to "F" describes the traffic flow on streets and at intersections, ranging from LOS A, representing virtually free flow conditions and no impedance to LOS F representing forced flow conditions and congestion.

*Local (Street)*: A street designated in the functional class system that's primary purpose is to provide access to land use as opposed to enhancing mobility. These streets typically have low volumes and are very short in relation to collectors and arterials.

*Manual on Uniform Traffic Control Devices (MUTCD)*: A document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT) to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used.

*Multi-Modal*: Involving several modes of transportation including bus, rail, bicycle, motor vehicle etc.

*Multi-Use Path*: Off-street route (typically recreationally focused) that can be used by several transportation modes, including bicycles, pedestrians and other non-motorized modes (i.e. skateboards, roller blades, etc.)

*National Highway System (NHS):* The National Highway System is interconnected urban and rural principal arterial and highways that serve major population centers, ports, airports and other major travel destinations, meet national defense requirements and serve interstate and interregional travel.

*Neighborhood Route (Street):* A street designated in the functional class system that's primary purpose is to provide access to land use but provides more mobility than a local street. These streets typically have moderate volumes and are shorter in relation to collectors and arterials.

*Northbound (NB):* Traveling or leading toward the north.

*Oregon Administrative Rules (OAR):* The official compilation of rules and regulations having the force of law in the U.S. state of Oregon. It is the regulatory and administrative corollary to Oregon Revised Statutes and is published pursuant to ORS 183.360 (3).

*Oregon Highway Plan (OHP):* The document that establishes long range policies and investment strategies for the state highway system in Oregon.

*Oregon Revised Statutes (ORS):* The codified body of statutory law governing the U.S. state of Oregon, as enacted by the Oregon Legislative Assembly, and occasionally by citizen initiative. The statutes are subordinate to the Oregon Constitution.

*Peak Period or Peak Hour:* The period of the day with the highest number of travelers. This is normally between 4:00 p.m. to 6:00 p.m. on weekdays.

*Pedestrian Connection:* A continuous, unobstructed, reasonable direct route between two points that is intended and suitable for pedestrian use. These connections could include sidewalks, walkways, accessways, stairways and pedestrian bridges.

*Pedestrian Facility:* A facility provided for the benefit of pedestrian travel, including walkways, crosswalks, signs, signals and benches.

*Right-Of-Way (ROW or R/W):* A general term denoting publicly-owned land or property upon which public facilities and infrastructure is placed.

*Safety Priority Index System (SPIS):* An indexing system used by Oregon Department of Transportation to prioritize safety improvements based on crash frequency and severity on state facilities.

*Safe Routes to School (SRTS):* Federal, state, and local programs that create safe, convenient, and fun opportunities for children to bicycle and walk to and from schools.

*Shared Roadway:* Roadways where bicyclists and autos share the same travel lane. May include a wider outside lane and/or bicycle boulevard treatment (priority to through bikes on local streets).

*Single-Occupancy Vehicle or Single-Occupant Vehicle (SOV):* A vehicle containing only a single occupant, the driver.

*Southbound (SB):* Traveling or leading toward the south.

*Statewide Transportation Improvement Plan (STIP):* The capital improvement program that identifies funding and schedule of statewide projects.

*System Development Charge (SDC):* Fees that are collected when new development occurs in the city and are used to fund a portion of new streets, sanitary sewers, parks and water.

*Technical Advisory Committee (TAC):* An advisory committee consisting of state, county, and city staff that review and provide feedback on technical memorandums.

*Traffic Control Devices:* Signs, signals or other fixtures placed on or adjacent to a travelway that regulates, warns or guides traffic. Can be either permanent or temporary.

*Transportation Analysis Zone (TAZ):* A geographic sub-area used to assess travel demands using a travel demand forecasting model. Often defined by the transportation network and US Census blocks.

*Transportation Planning Rule (TPR):* A series of Oregon Administrative Rules intended to coordinate land use and transportation planning efforts to ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices and make more efficient use of the existing transportation system.

*Transportation System Plan (TSP):* Is a comprehensive plan that is developed to provide a coordinated, seamless integration of continuity between modes at the local level as well as integration with the regional transportation system.

*Two-Way Stop Control (TWSC):* An intersection, where one or more approaches is stop controlled and must yield the right-of-way to one or more approaches that are not stop controlled.

*Urban Area:* The area immediately surrounding an incorporated city or rural community that is urban in character, regardless of size.

*Urban Growth Boundary (UGB):* A regional boundary, set in an attempt to control urban sprawl by mandating that the area inside the boundary be used for higher density urban development and the area outside be used for lower density development.

*Vehicle Miles Traveled (VMT):* The cumulative distance a vehicle travels, regardless of number of occupants.

*Volume to Capacity Ratio (V/C):* A measure that reflects mobility and quality of travel of a roadway or section of a roadways. It compares roadway demand (vehicle volumes) with roadway supply (carrying capacity).

*Westbound (WB):* Leading or traveling toward the west.