



AGENDA STAYTON CITY COUNCIL MEETING

Monday, August 1, 2016

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.*

CONSENT AGENDA

- a. July 18, 2016 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, 1510 E. Santiam Street

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision on Ordinance No. 997, changing the zoning of property at 1510 E. Santiam Street

Proposed Code Amendment Regarding Creation of New Mixed Use Zoning District

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision on Ordinance No. 998, Amending Stayton Municipal Code Title 17 to Establish a Commerce Park Zone

UNFINISHED BUSINESS

Consideration of Adoption of a Property Maintenance Code

Action

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

NEW BUSINESS

Wildlife Meadows Development Agreement

Action

- a. Staff Report – Lance Ludwick
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS

Dog Park Update

Informational

- a. Staff Report Lance Ludwick

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – Monday, August 15, 2016

- Business Survey
- Monthly Staff Reports

ADJOURN

CALENDAR OF EVENTS

AUGUST 2016

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

SEPTEMBER 2016

Monday	September 5	CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY		
Tuesday	September 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	September 6	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	September 9	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	September 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	September 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 26	Planning Commission	7:00 p.m.	Community Center (north end)

OCTOBER 2016

Monday	October 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 4	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	October 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	October 14	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	October 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 31	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2016

Tuesday	November 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	November 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	November 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Wednesday	November 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	November 21	City Council	7:00 p.m.	Community Center (north end)
Thursday	November 24	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Friday	November 25			
Monday	November 28	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Action Minutes
July 18, 2016**

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

Time Start: 7:00 P.M.

Time End: 8:04 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Ralph Lewis	Dan Fleishman, Director of Planning & Development
Councilor Jennifer Niegel	Rich Sebens, Police Chief
Councilor Brian Quigley (excused)	Andy Parks, Finance Consultant
Councilor Joe Usselman (excused)	Lance Ludwick, Public Works Director
	Janna Moser, Library Director
	David Rhoten, City Attorney (excused)

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
Presentations / Comments from the Public	
a. Employee Recognition by Keith Campbell	<p>City Administrator Keith Campbell recognized five employees for their years of service with the City of Stayton:</p> <ul style="list-style-type: none"> • Police Lt. Charles Button (10 years) • Dan Fleishman, Planning & Development Director (10 years) • Officer Matthew Leonard (10 years) • Bob Zeller, Chief Operator at the Water Treatment Plant (25 years) • Alissa Angelo, Deputy City Recorder (15 years)
Consent Agenda	
a. June 29, 2016 City Council Meeting Minutes	<p>Motion from Councilor Lewis, seconded by Councilor Niegel, to approve the Consent Agenda. Motion passed 3:0.</p>
Public Hearing	None
Unfinished Business	
Second Consideration of Ordinance No. 996, Regarding Crop Production	
a. Staff Report – Dan Fleishman	Mr. Fleishman reviewed the staff report.
b. Council Deliberation	Discussion among Council and staff about removal of Commercial General from the ordinance and

<p>c. Council Decision</p>	<p>the 200 foot rule.</p> <p>Motion from Councilor Niegel, seconded by Councilor Glidewell, to approve the second consideration of Ordinance No. 996. Motion passed 3:0.</p>
<p>New Business Consideration of Adoption of a Property Maintenance Code</p> <p>a. Staff Report – Dan Fleishman</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Dog Licensing</p> <p>a. Staff Report – Chief Rich Sebens</p> <p>b. Council Deliberation</p>	<p>Mr. Fleishman reviewed the staff report included in the Council packet.</p> <p>Council discussion of how a property maintenance code could benefit Stayton and how it works in other communities. Question of whether the City wants to get in the middle of tenant-landlord disputes. In addition, how the fees collected would be used.</p> <p>Motion from Councilor Lewis, seconded by Councilor Glidewell, to continue discussion of this issue on an upcoming Council agenda. Motion passed 3:0.</p> <p>Chief Sebens reviewed the staff report included in the Council packet.</p> <p>Brief discussion of Marion County’s registration numbers and cost effectiveness of implementing the program. Also, discussion of a dog park.</p>
<p>Staff / Commission Reports Finance Director’s Report – Cindy Chauran & Elizabeth Baldwin</p> <p>a. June 2016 Monthly Finance Department Report</p> <p>Police Chief’s Report – Chief Rich Sebens</p> <p>a. June 2016 Statistical Report</p> <p>Public Works Director’s Report – Lance Ludwick</p> <p>a. June 2016 Operating Report</p> <p>Planning & Development Director’s Report – Dan Fleishman</p> <p>a. June 2016 Activities Report</p> <p>Library Director’s Report – Janna Moser</p> <p>a. June 2016 Activities</p>	<p>No further discussion.</p> <p>No further discussion on report. National Night Out will be held on August 2nd.</p> <p>No further discussion.</p> <p>No further discussion.</p> <p>No further discussion.</p>
<p>Presentations / Comments From the Public</p>	<p>None</p>
<p>Business from the City Administrator</p>	<p>Reminder of the executive session immediately upon adjournment of the meeting.</p>

Business from the Mayor a. Appointment of Scott West to the Parks and Recreation Board	Motion from Councilor Niegel, seconded by Councilor Lewis, to ratify the appointment of Scott West to the Parks and Recreation Board. Motion passed 3:0.
Business from the Council	None.
Future Agenda Items – Monday, August 1, 2016 a. Business Survey Results b. Public Hearing – Code Amendments c. Public Hearing – Zone Map Amendment d. Wildlife Meadows Development Agreement	

APPROVED BY THE STAYTON CITY COUNCIL THIS 1ST DAY OF AUGUST 2016, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____ By: _____
Henry A. Porter, Mayor

Date: _____ Attest: _____
Keith D. Campbell, City Administrator

Date: _____ Transcribed by: _____
Alissa Angelo, Deputy City Recorder



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 1, 2016
SUBJECT: Zone Map Amendment, 1510 E Santiam St
120 DAYS ENDS: September 22, 2016

ISSUE

The issue before the City Council is a public hearing on an application to amend the zoning for the property at 1510 E Santiam 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 an 18,000 square foot lot, located on E Santiam St. The subject parcel is currently developed with a 1,416 square foot building previously used as a shop for a trucking company. An April, 2014 aerial photo of the property is below:



Since the time of the aerial photo a new home has built to the east of the subject property.

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.

Under the terms of the Code, Low Density lots east of N Tenth Ave must be at least 10,000 square feet in area. Therefore, under the current zoning, this lot may not be split and may be used only for one single family home. If the zoning is changed to Medium Density, as requested, then the lot could be partitioned into two parcels. Each parcel would be allowed to have a duplex constructed on it. The application indicates the applicant intends to construct a triplex. This would also be allowed under the terms of the MD zoning. The applicant will need to return to the Planning Commission for approval of the partitioning or for site plan approval for the triplex.

A zone map amendment must be approved by the City Council, who will hold their own public hearing.

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 997

Move to approve the application of Richard Koenig (Land Use File #12-05/16) and Ordinance No 997 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 997 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 997 will be brought before the Council for a second consideration at the August 15, 2016 meeting.

2. Approve the application and the Ordinance with modifications

Move to approve the application of Richard Koenig (Land Use File #12-05/16) and Ordinance No. 997 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. 997 will be brought before the Council for a second consideration at its August 15, 2016 meeting.

3. Deny the application

Move to deny the application of Richard Koenig (Land Use File #12-05/16) 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: Richard and Diane Koenig Trust
Address: 445 NW Hartmann Av
City/State/Zip: Sublimity, Or 97385
Phone: (503) 931 - 6567
Email:

APPLICANT: Same as above
Address:
City/State/Zip:
Phone: () -
Email:

APPLICANT'S REPRESENTATIVE: Norm Bickell Planning Services
Address: 2232 42nd Avenue SE #771
City/State/Zip: Salem, Oregon 97317
Phone: (503) 510 - 1742
Email: nbickell0027@aol.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING ENGINEERING
Name: Norm Bickell Planning Services Name: Associated Engineering and Traffic
Address: Same as above. Address: P.O. Box 3047
City/State/Zip: City/State/Zip: Salem, Oregon 97302
Phone: () - Phone: (503) 364 - 5066
Email: Email: kbirky@atepinc.com

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

- owner applicant [checked] applicant's representative planning consultant engineer

LOCATION:

Street Address: 1510 E. Santiam St
Assessor's Tax Lot Number and Tax Map Number: 091W11CB00202
Closest Intersecting Streets: 15th Avenue

CURRENT ZONE MAP DESIGNATION: Low Density Residential

PROPOSED ZONE MAP DESIGNATION: Medium Density Residential

SIGNATURE OF APPLICANT: Richard P. Koenig [signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DRE Date: 5/25/16 Fee Paid: \$ 1300.00 Receipt No. 10.002059
Land Use File# 12-05/16

APPLICATION FOR A ZONING MAP AMENDMENT

The Richard and Diane Koenig Trust own a .41 acre parcel of land located at 1510 E Santiam Street (T9S; R1W; S11CB; TL202). The property is zoned Low Density Residential and is developed with a large shop building with the remainder of the lot covered with graveled parking. Historically the property was in use as a contractor shop and storage area. After the applicants bought the property in 1999 it was in use as a dump truck shop and parking area. At the time of purchase by the applicants the property was outside the city limits but within the Urban Growth Boundary (UGB). After annexation the trucking business continued as a non-conforming use under the Low Density Residential zoning designation. The applicant's are requesting that the zoning be changed from Low Density Residential to Medium Density Residential. The Medium Density Residential zoning provides for single family, duplex and triplex development. A Comprehensive Plan Amendment is not required because the property is designated as Residential in the plan and Medium Density Residential is consistent with this plan designation.

The applicant's are proposing to remove the existing shop building and amend the gravel parking area to allow for the development of a triplex on the subject parcel. Lands to the west and adjacent along E Santiam Street are designated as Medium Density Residential and developed with duplex units. This map amendment would be consistent with the development to the west.

A series of questions have been provided by the City and following will provide a response:

1. *How does the proposed zoning consistent with the Comprehensive Plan map designation for the subject property? How is the proposed zoning otherwise compatible with applicable provisions of the Comprehensive Plan.*

Response: The subject property is located within a Comprehensive Plan designation of Residential. The Residential designation allows for all types of residential uses from Low Density Residential to High Density Residential. Within this Plan designation is the listing for Medium Density Residential and within the Medium Density Zone, Triplex units are permitted. As noted above the applicants proposed triplex is adjacent to other multi-family properties within the Medium Density Zone that are located to the west. Also, properties to the north across E Santiam Street are also within the Medium Density Residential Zone. Therefore, the applicants' proposed zone change will be consistent with the Comprehensive Plan Designation as well as other properties immediately to the west and north.

2. *Can existing or anticipated services accommodate potential development in the subject area?*

Response: The subject parcel is adjacent to E. Santiam Street which is designated as a Major Collector as well as a truck route. A traffic impact analysis submitted by Karl Birky, PE, PTOE of the impacts of a triplex (he used an example of a four-plex for analysis purposes) it is apparent that the proposed development would not have any significant impact to the transportation system.

An analysis of the water service capabilities to the subject parcel indicate that there is a 12” water main within the right-of-way of E. Santiam Street as well as a 4’ water service line that travels through the subject parcel to land south of the subject parcel. This combination should be sufficient to provide water service to the proposed triplex. The area proposed for the Triplex will be to the west of the water line and it is anticipated the line will be within a parking and driveway area.

City sewer maps indicate that there is a 6-8” sewer line within the street right-of-way. Figure 6.1 of the Facilities Planning Study indicates that the existing service lines are 50 to 75% of capacity which indicates it is sufficient to handle the small increased need of the proposed triplex. All of the above analysis indicates that the proposed triplex can be serviced by the existing utilities and roadways serving the subject parcel.

3. *Are existing or anticipated transportation facilities adequate for uses permitted under the proposed zone designation? Is the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 60-12-0060)?*

Response: As noted previously, the applicants employed the services of a transportation planning consultant to provide an analysis of the transportation impacts of the proposed triplex. In his analysis he concluded that the change from Low Density to Medium Density of the subject property would not “significantly” affect the transportation system and recommends that the requested zone change be granted.

4. *How does the purpose of the proposed zoning district satisfy the goals and policies of the Comprehensive Plan?*

Response: The Stayton Comprehensive Plan has several policies that support the applicants’ proposed zone change:

Policy HO-1 states “It is the Policy of the City to encourage development of housing that meets the needs of all income groups of existing and future residents.” This policy would encourage the development of increased density and rental options for all income groups and the proposed triplex would implement the policy.

Policy HO-3 “It is the Policy of the City to allow the use of flexible lot sizes and building placement, and density transfers to reduce development costs, make efficient use of land and promote housing variety and affordability.” The change in zone from Low Density to Medium

Density allows for the development of rental housing that will provide housing options for all incomes. The proposed use will also make a more efficient use of the land to allow greater density than allowed in low density developments.

In Chapter 8 “Land Use” of the Comprehensive Plan under the classification Residential it is stated: “To provide areas for residential development. The Residential area may be further divided into zones that provide for single family residences only, allow mix of single family, duplex and triplex development and provide adequate opportunities for higher density multifamily development. The overall goal for residential development shall be to provide a mix of housing opportunities in the City and provide an overall gross density of residential development of approximately 6 units per acre.” The applicants’ proposal to increase the density of the subject parcel from a single unit to a triplex would seem to be supported by the above “primary purpose”. With the creation of a triplex lot there will be a mixture of units in the immediate area of duplex units (to the west of the subject parcel), single family units (to the east and south as well as to the north on Medium Density land use designated parcels). By raising the density of the existing lot from a single unit to three units the overall density of residential will be closer to the 6 units per acre of the purpose statement. Also, the conversion of the existing commercial/industrial use of the property to residential will more closely conform the other properties in the area. The applicants’ proposed zoned change will comply with the purpose listed under the land use designation listed in Chapter 8.

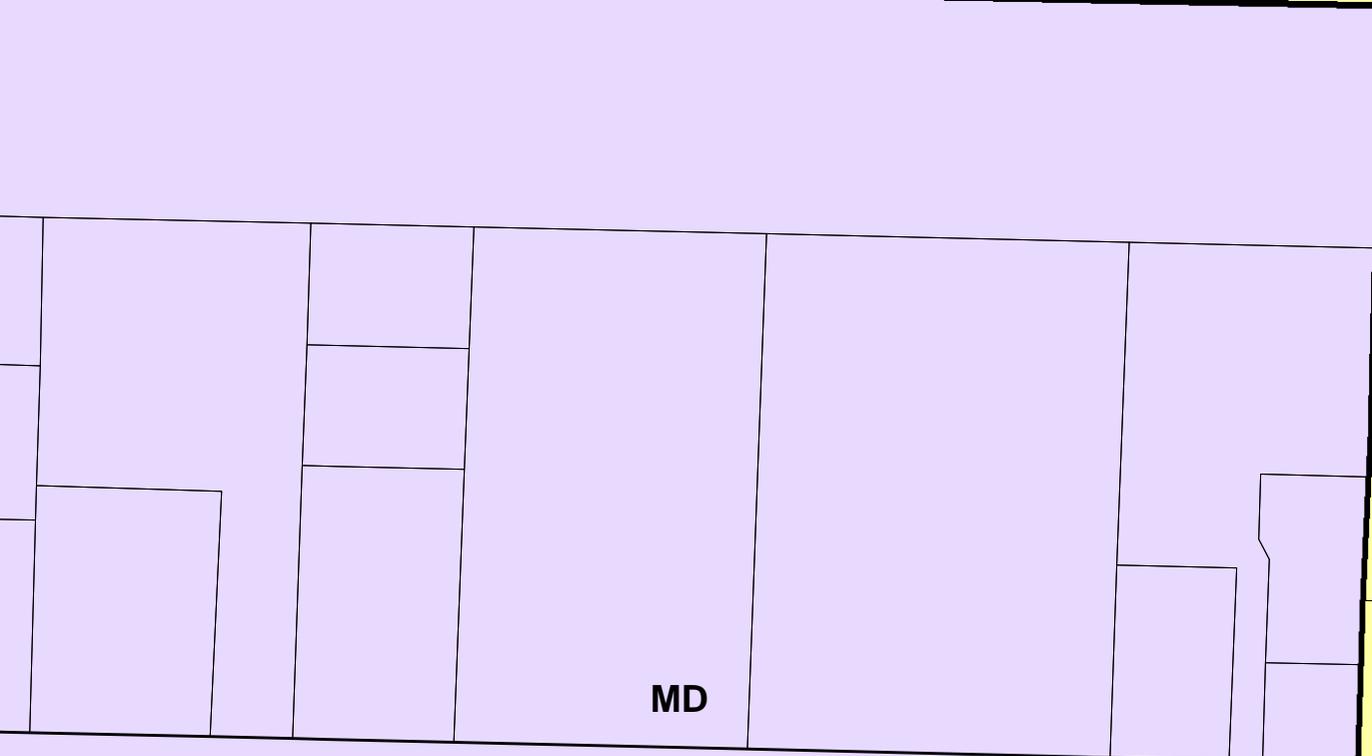
5. *Is balance maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan: Why is vacant land in the proposed zone not adequate in size, configuration or other characteristics to support the proposed use or development? With the Zone Map Amendment eliminate all available vacant land from a zoning designation?*

Response: From the inventory listed of vacant land in Table 8-3 of the compressive plan it appears that there was in February 2011 approximately 36.4 acres of potential redevelopment acres within the Low Density Residential designation. It is unclear if the subject parcel would have been included in this inventory because it contained a non-conforming commercial/industrial use at the time of the inventory. Assuming that the above inventory included the subject parcel there would be a removal of .41 acres from the total acreage available. This land would not be lost for residential development but would be converted to a Medium Density designation of which there were approximately 8 acres of redevelopment land available within the city limits. Table 8-4 provides and inventory of available lands within the UGB and in the residential designation there are a total of 921 acres available. Again, the change in designation would not significantly affect this inventory. In any case, the conversion would not significantly impact the supply of vacant land in either designation and the applicants proposed zoned change should be approved.

6. *Does the proposed zone amendment satisfy all applicable provisions of Oregon Administrative Rules?*

Response: The subject parcel is designated residential in the Stayton Area Comprehensive Plan and zoned Low Density Residential in the Stayton Zoning Ordinance. The City of Stayton has a Comprehensive Plan that has been acknowledged by the State of Oregon and is compliance with all applicable Goals and Policies. The applicants request to change the zone from Low Density to Medium Density does not affect the Comprehensive plan designation and would not require a exception to the current plan designation. With the retention of the Residential Designation the property would be consistent with the Oregon Administrative Rule governing the process for the designation of zoning boundaries.

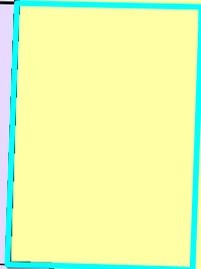
Based upon the above discussion and findings, the applicants proposal to change the zone from Low Density Residential to Medium Density Residential on the subject parcel should be approved. If there are questions or a need for further clarification please call Norman Bickell at (503) 510-1742 or email nbickell0027@aol.com.



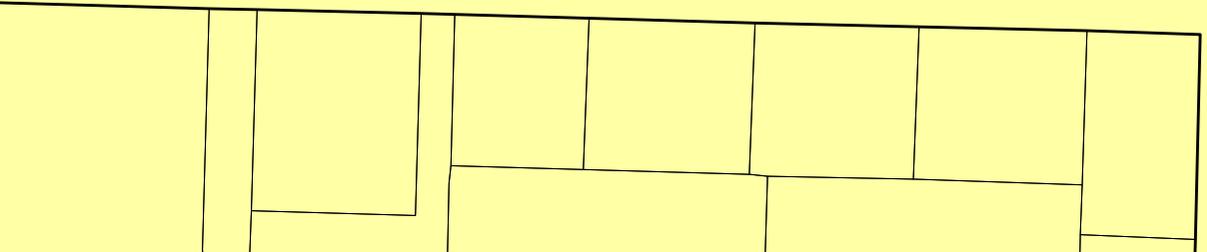
MD



E SANTIAM ST



E JEFFERSON ST



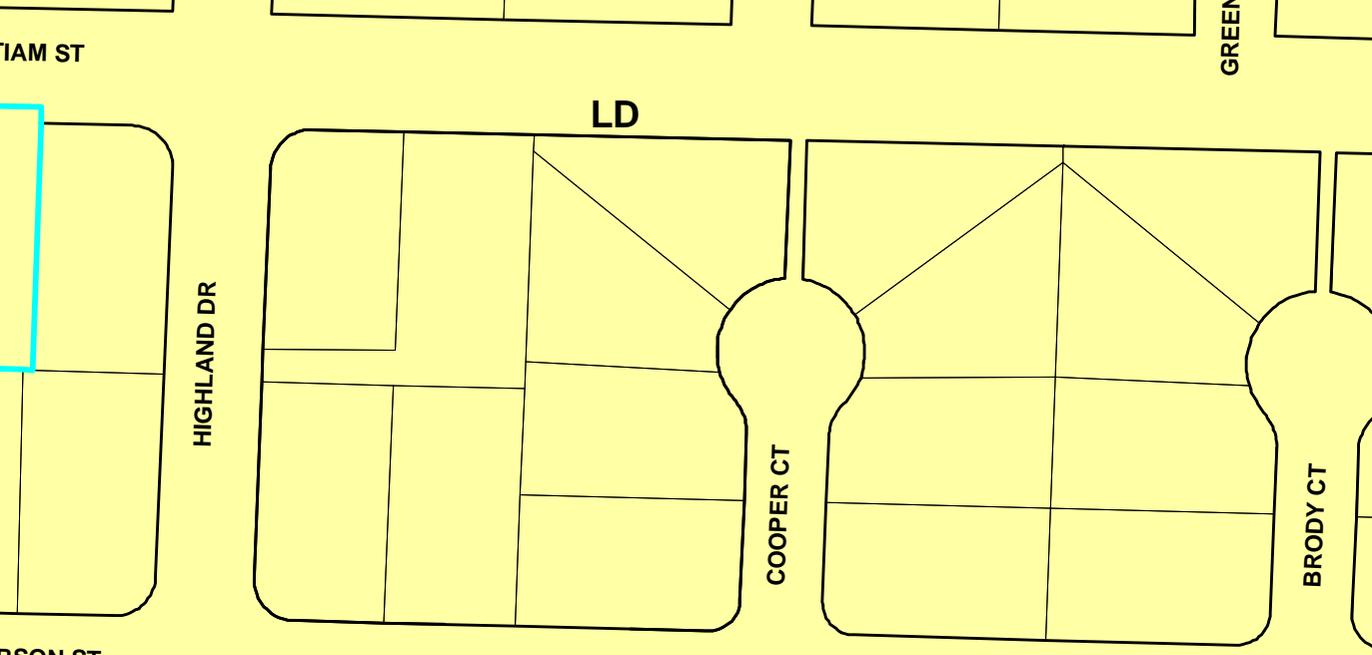
15TH AV



HIGHLAND DR

STAYTON PL

GREEN ACRES CT

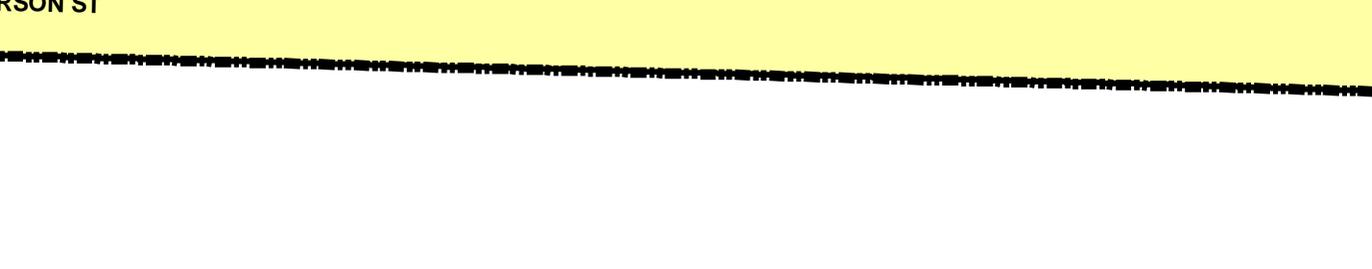


LD

HIGHLAND DR

COOPER CT

BRODY CT



Memo

Date: February 9, 2016
To: Mr. Richard Koenig
From: Karl Birky, PE, PTOE
Re: Transportation Planning Rule - Santiam St Site



I thank you for asking ATEP, Inc to provide this Transportation Planning Rule analysis for the zone change of tax lot 202 of tax map 9S 1W Sec 11CB you are requesting. The 0.41 acre site is on the south side of Santiam St, approximately 100 feet west of Highland Dr in Stayton, OR. The change in zoning you are requesting is from LD (Low Density Residential) to MD (Medium Density Residential). Lot 201, west of tax lot 202, is zoned MD and the lot just east of tax lot 202 is zoned LD.

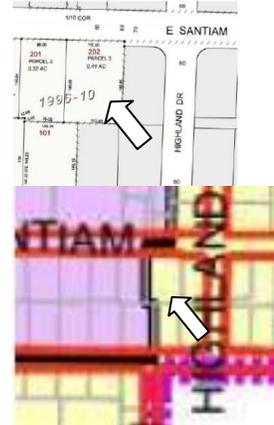
The purpose of LD parcels is "To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre." The purpose of MD parcels is "To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre."

The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and/or is being planned for the future in the City. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate significantly more traffic than is expected in a residential neighborhood. Cities use the ITE Trip Generation Manual to estimate the trip generation of a variety of uses. This study will use the manual to estimate trip generation on the site.

A single family home generates 9.52 trips per day. 0.75 of those trips will be during the AM Peak hour and 1.00 trips will occur during the PM Peak hour. In this instance the parcel is zoned LD and is estimated to generate 9.52 trips per day. If the zoning is changed to MD, the City Development Code would allow 4 dwelling units on the site. An apartment unit generates 6.65 trips per day. 0.51 during the AM Peak hour and 0.62 trips during the PM Peak hour. The allowed 4 dwelling units would generate 27 trips per day, 2 during the AM Peak hour and 2 during the PM Peak Hour. During the peak traffic periods (AM Peak and PM Peak) there would be an estimated 1 additional vehicle using the transportation system.

It is the conclusion of this analysis that changing the zoning of the parcel at 1510 E Santiam St to MD will not generate traffic volumes that "significantly" affect the transportation system and the requested zone change may be granted. I can be reached at 503-364-5066 if there is additional information that you might find helpful. I thank you for asking ATEP to provide this analysis.

Karl Birky, PE, PTOE
Traffic Engineer
Associated Transportation Engineering & Planning, Inc.

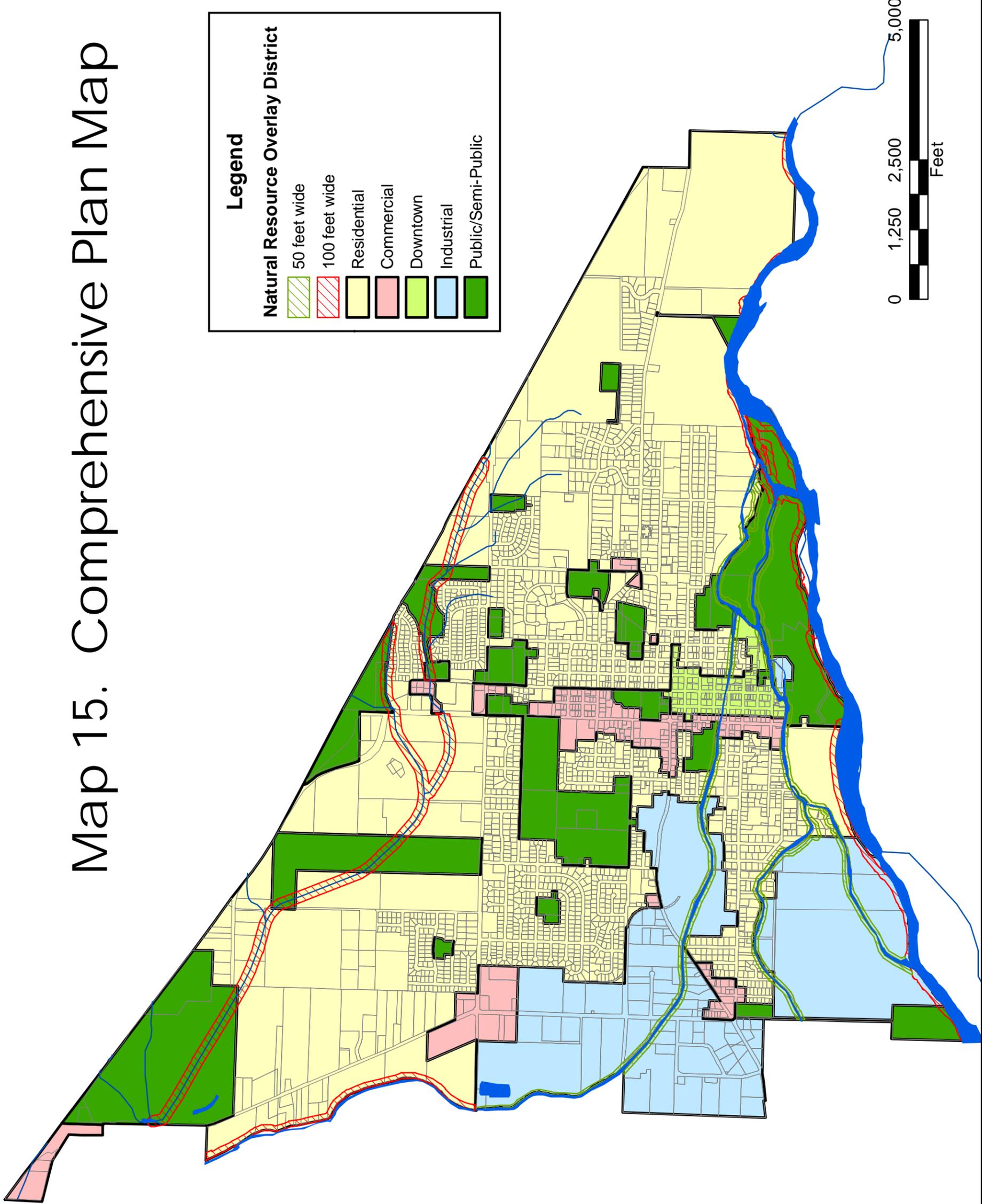


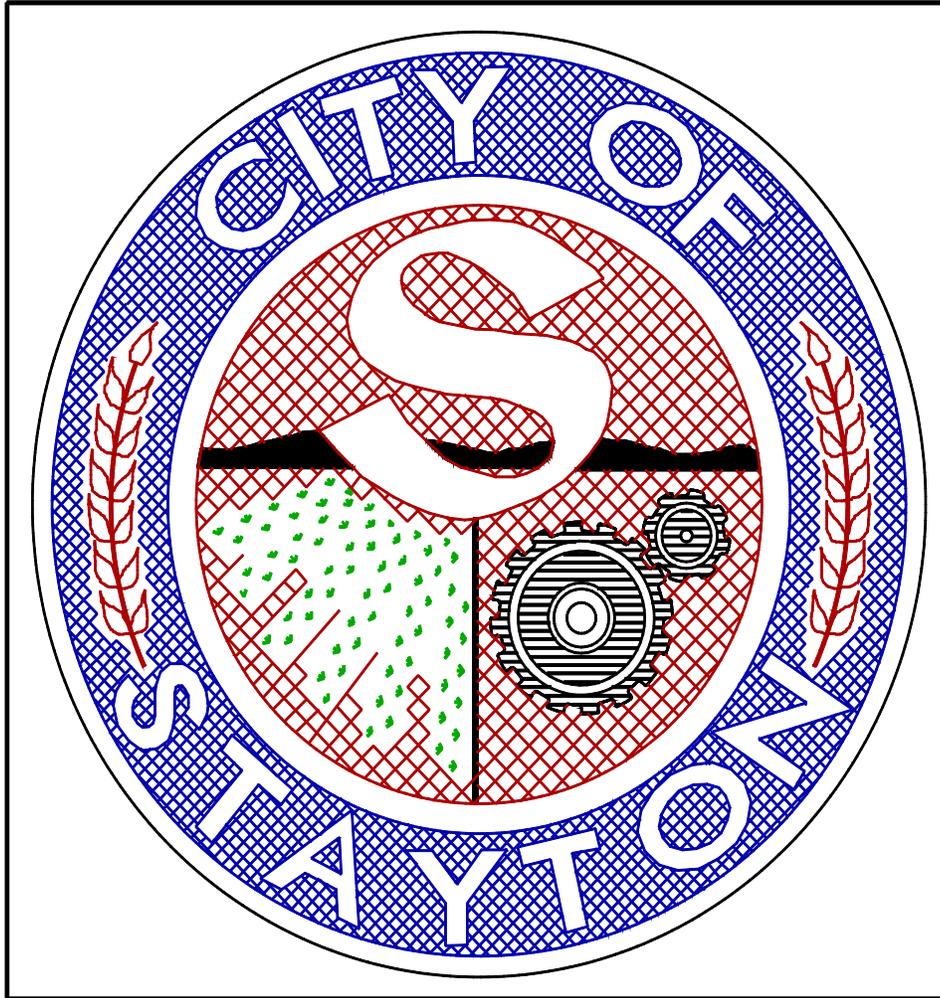
Map 15. Comprehensive Plan Map

Legend

Natural Resource Overlay District

- 50 feet wide
- 100 feet wide
- Residential
- Commercial
- Downtown
- Industrial
- Public/Semi-Public





CHAPTER 17.16

ZONING

Adopted Ord. 894, January 2, 2007
Amended Ord. 898, August 20, 2007
Amended Ord. 901, April 16, 2008
Amended Ord. 902, May 7, 2008
Amended Ord. 904, June 16, 2008
Amended Ord. 907, January 14, 2009
Amended Ord. 913, September 2, 2009
Amended Ord. 930, November 18, 2010
Amended Ord. 949, April 17, 2013
Amended Ord. 962, January 1, 2014
Amended Ord. 963, December 18, 2013

CHAPTER 17.16

ZONING

SECTIONS

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17.16.010 PURPOSE

This chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City, and not limited to, but specifically to achieve the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business, and industrial districts, and to enhance the quality of the desired environment in them by:
 - a. Preventing the intrusion of inharmonious uses.
 - b. Preventing the encroachment on desirable open space appurtenant to each district.
 - c. Providing for safe and efficient movement of existing and future traffic.
 - d. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered, or premature development occurs.
4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
5. To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
6. To promote within various City areas an attractive and pleasing appearance and to aid in the development of the City by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly, and attractive.
7. To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base area wide, thereby enlarging the opportunity for private investment.

17.16.020 BASIC PROVISIONS

1. **COMPLIANCE WITH CODE REQUIRED.** A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. **CLASSIFICATION OF ZONES.** In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Downtown (Added Ord. 902, May 7, 2008)

- CCMU Central Core Mixed Use (Added Ord. 902, May 7, 2008)
- DCMU Downtown Commercial Mixed Use (Added Ord. 930, November 18, 2010)
- DRMU Residential Mixed Use (Added Ord. 902, May 7, 2008)
- DMD Downtown Medium Density Residential (Added Ord. 902, May 7, 2008)

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

3. **OFFICIAL ZONING MAP**

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of April 1, 2013 and thereafter as the map may be modified in accordance with the provisions of this title. (Amended Ord 949, April 17, 2013)
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

4. **ZONING OF ANNEXED LAND**

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

17.16.030 GENERAL REQUIREMENTS

1. **MINIMUM REQUIREMENTS.** In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **MINIMUM STREET WIDTH.** All street rights-of-way shall conform to requirements in Chapter 17.26.
3. **LOTS ABUTTING A PARTIAL STREET**
 - a. No building permit shall be issued for a building or structure on a lot which abuts that side of a partially dedicated street that has not yet been dedicated or condemned.
 - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this title.
4. **STREET DEDICATIONS AND PUBLIC IMPROVEMENTS.** Street dedications and public improvements are to be installed in accordance with the provisions of Chapters 12.04 and 12.08.
5. **BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET.** Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon:
 - a. A public street
 - b. City-approved easement in accordance with 17.26.020.4.f. An easement shall not serve more than 4 dwelling units.

17.16.060 DISTRICT PURPOSES

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density.
4. **DOWNTOWN MEDIUM DENSITY RESIDENTIAL.** To provide for compact residential development in proximity to the downtown core, subject to design requirements to assure a high level of quality. Density of development shall not be less than 10 dwelling units per acre and not exceed 15 dwelling units per acre. (Added Ord. 902, May 7, 2008)
5. **COMMERCIAL RETAIL.** To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s). (Ord. 898, August 20, 2007)
6. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s). (Ord. 898, August 20, 2007)
7. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
8. **CENTRAL CORE MIXED USE.** To promote compact commercial and mixed commercial-residential development within the central downtown area of the city. This district encompasses the existing core area of the downtown, centered on 3rd Avenue. (Added Ord. 902, May 7, 2008)
- 8-A **DOWNTOWN COMMERCIAL MIXED USE.** To promote compact commercial and mixed commercial-residential development the portion of the 2nd Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments. (Added Ord. 930, November 18, 2010)
9. **DOWNTOWN RESIDENTIAL MIXED USE.** To provide opportunities for residential, commercial and mixed use developments as part of the downtown area. This designation is applied to property north, west and east of the 3rd Avenue central core area, intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments. (Added Ord. 902, May 7, 2008)

10. **INDUSTRIAL COMMERCIAL.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
11. **LIGHT INDUSTRIAL.** To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
12. **INDUSTRIAL AGRICULTURE.** To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
13. **PUBLIC/SEMI-PUBLIC.** To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
14. **NATURAL RESOURCES OVERLAY DISTRICT.** To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.
15. **FLOODPLAIN OVERLAY.DISTRICT.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

17.16.070 DISTRICT REGULATIONS

1. **PERMITTED AND CONDITIONAL USES.** The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Table 17.16.070.1 Permitted Land Use

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
RESIDENTIAL USES														
1	Single-Family Detached Dwellings ¹²	P ¹	P ¹	P ¹										
1a	Single-Family Attached Dwellings		S ¹	S ¹			C/S ¹	S ¹	S ¹					
2	Manufactured Home ¹²	P ¹	P	P ¹										
3	Duplex		P ¹³	P ¹³			C ¹	P ¹	P ¹					
4	Triplex		S ¹	S ¹			C/S ¹	S ¹	S ¹					
5	Multi-Family Dwellings			S ¹	S ²	S ²	C/S ¹	S ¹	S ¹					
6	Mobile Home Park		S	S										
7	Dwelling as a caretaker residence											S		
8	Residential Group Home	P	P	P ¹										
9	Residential Facilities		S	S	S		C ¹	P ¹	P ¹					
COMMERCIAL USES														
Retail Trade														
10	Retail Stores not specifically listed below				S	S	S	S	S					
11	Automobile Dealers				C/S	S								

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
12	Automotive Parts, Accessories, & Tire Stores				S	S	S	S	S					
13	Building Material & Supplies Dealers				S	S	S	S	S					
14	Lawn and Garden Equipment & Supplies Stores				S	S	S	S	S		S		S	
15	Food & Beverage Stores				S ³	S	S	S	S	S ⁴				
16	Gasoline Stations				S	S				S				
17	General Merchandise Stores				S ³	S	S	S	S					
18	Gift & Novelty stores				S	S	S	S	S	S				
19	Manufactured Home Dealers										S			
20	Direct Selling Establishments (except food)					S					C			
Finance and Insurance														
21	Commercial Banking & Related Activities				S	S	S	S	S	S ¹⁴				
22	Securities, Other Financial Investments & Related Activities				S	S	S	S	S					
23	Insurance Carriers & Related Activities				S	S	S	S	S					
Professional, Scientific and Technical Services														
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services				S	S	S	S	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners				S	S	S	S	S					
26	Outpatient Care Centers				S	S	S	S	S		S			
27	Medical & Diagnostic Laboratories					S	S	S	S		S			
28	Home Health Care Services					S	S	S	S		S			
29	Architectural, Engineering, & Related Services				S	S	S	S	S		S			
30	Specialized Design Services				S	S	S	S	S		S			
30a	Photographic Services				S	S	S	S	S		S			

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services				S	S	S	S	S					
32	Scientific Research & Development Services				C/S	S	S	S	S		S			
33	Veterinary & Pet Care Services				S	S	S	S	S					
33a	Other Professional Services				S	S	S	S	S		S			
Information														
34	Offices of Publishing Industries (except internet)					S	S	S	S		S			
35	Radio & Television Broadcasting Offices & Studios				S	S	S	S	S					
36	Internet Publishing & Broadcasting				S	S	S	S	S					
37	Telecommunications except Broadcast and Telephone Towers				S	S	S	S	S		S			
37a	Broadcast or Telephone Tower		C/S		C/S	C/S	C/S	C/S	C/S					
38	Libraries & Archives					S	S	S	S					S
Real Estate and Rental and Leasing														
39	Offices of Real Estate Sales & Rental Companies				S	S	S	S	S					
40	Self-Storage Facilities					C/S					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services					C/S		S			S			
42	Consumer Goods Rental					S	S	S	S					
43	General Rental Centers					S								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services										S	S		

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Management of Companies and Enterprises														
45					S	S	S	S	S					
Arts, Entertainment and Recreation														
46					S	S	C/S	C/S	C/S				S ⁵	S ⁶
46a					S	S	S	S	S					
47							S	S	S					S
48													S	
49														S
50					S	S	C/S			S				
51										S			S	
52	C	C	C	C	S	S	S	S	S	S				
53					S	S	S	S	S					
54						S								
Administrative Support Services														
55					S	S	S		S					
56						S	S		S		S			
57					S	S	S		S					
58					S	S	S		S					
59					S	S	S		S					
60											S	S		
61						S					S			
62						S					S		S	
Other Services														
63					S	S		S						
63a					S	S								

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
64						C/S		S			S	S		
65					C/S	S					S			
66					C/S	S					S			
67						S								
68											S	S		
69						S	S	S	S		S			
70					S	S	S	S	S					
71					S	S	S	S	S					
72														S
73					S	S	S	S	S					
74					S	S	S	S	S					
75					S	S	S	S	S					S
INDUSTRIAL USES														
Manufacturing														
76					S	S					S	S	C/S ⁷	
77											S	S		
78												C/S		
79											S	S		
79a												C/S		
80												S		
81													S	
82					S ⁸		S	S						

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing											C/S		
84	Primary Metal Manufacturing											C/S		
85	Fabricated Metal Product Manufacturing									S	S	S		
86	Machinery Manufacturing									S	S	S		
87	Computer & Electronic Product Manufacturing									S	S	S		
88	Electrical Equipment, Appliance & Component Manufacturing									S	S	S		
89	Transportation Equipment Manufacturing									S	S	S		
90	Furniture & Related Product Manufacturing									S	S	S		
91	Miscellaneous Manufacturing									S	S	S		
Construction														
92	Building Construction Contractors										S	S		
93	Heavy & Civil Engineering Construction Contractors										S	S		
94	Specialty Trade Contractors										S	S		
Transportation and Warehousing														
95	Air Transportation (passenger or freight)											C/S ⁹		C/S
96	Rail Transportation											S		
97	Truck Transportation (general freight & specialized freight)										S	S		
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)				C/S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing										S	S		
100	Postal Service					S	S	S	S		S	S		S

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
101					C/S	S	S	S	S					
102											S	S		
103											S	C/S		
104											S			
Wholesale Trade														
105						C/S								
106						S					S			
107												S		C/S
108											S	S	S	S
109											S	S		S
110														S
Waste Management and Remediation Services														
111	S	S	S	S	S	S	S	S	S	S	S	S	S	S
112												S		S
113														S
114												C/S		
115												S		S ⁶
AGRICULTURAL USES														
116													S	
PUBLIC INSTITUTIONS														
Public Administration														
117					S	S	S	S	S					S
Health and Social Assistance														
118														S
119	C	C	C/S		C/S	S								

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Educational Services														
120	Day Care Facility	C/S	C/S		S	S	S	S	S		S	S ¹⁰		S ¹⁰
121	Family Child Care Center	P	P			P	P	P	P					
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools				S	S	S	S	S					S
123	Business Schools & Computer & Management Training				S	S	S	S	S					
124	Technical, Trade or Other Schools & Instructions				S	S	S	S	S					
125	Educational Support Services				S	S	S	S	S					S
Religious and Civic Organizations														
126	Places of Worship					S	S	S	S					S
127	Social & Civic Organizations				S	S	S	S	S					
ACCESSORY & OTHER USES														
128	Antennas > 55 feet high	C	C	C	P	P	P	P	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P ¹	P	P	P	P	P					
131	Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
132	Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	P
133	Open Storage Areas				P	P								P
134	Outdoor Storage Yard													P

Notes to Table 17.16.070.1

- ¹ Subject to design requirements, see Chapter 17.20
- ² Only as part of mixed use development, and not on the ground floor
- ³ Limited to 10,000 square feet gross floor area
- ⁴ Convenience stores only

- ⁵ Limited to arenas and fairgrounds
- ⁶ Only owned by a public/semi-public entity
- ⁷ Fruit and Vegetable Canning, Pickling, Freezing, and Drying only
- ⁸ Quick printing or under 10,000 square feet gross floor area
- ⁹ Heliport only
- ¹⁰ As an accessory use only
- ¹¹ Only if no employees other than residents, otherwise, C
- ¹² Only one single family or manufactured home per lot
- ¹³ Site plan review is required if there is more than one duplex on a parcel.
- ¹⁴ With no less than two drive-thru lanes and a drive-up automatic teller machine.

(Table amended by Ord. 902, May 7, 2008, Ord. 907, January 14, 2009, Ord. 913, September 2, 2009, Ord. 930, November 18, 2010)
 (Table amended and footnote 14 added by Ord. 963, December 18, 2013)

2. DIMENSIONAL REQUIREMENTS FOR LOTS.

- a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

Table 17.16.070.2 Minimum Dimensional Requirements for Lots

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Lot Area (square feet) ¹	8,000 ²	7,000 ³	6,000	7,000	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 ⁴	70 ⁴	60 ⁴	40	0	0	0	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	0	0	0	0	0	0	0

(Table amended by Ord. 902, May 7, 2008, Ord. 930, November 18, 2010)

Notes to Table 17.16.070.2

- ¹ The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:
 - a. Protect natural drainage ways.
 - b. Provide drainage or utility easement.
 - c. Protect future right-of-way.
 - d. Protect unbuildable steep slope areas above 15 percent slope.

e. Protect flood plain hazard or wetland areas.

² 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue

³ A tri-plex requires a minimum lot area of 10,500 square feet

⁴ 40 feet for lots with frontage on a cul-de-sac

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

Table 17.16.070.3 Dimensional Requirements for Structures

	LD	MD	HD	DMD	CR	CG	ID	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) ¹	20 ²	20 ²	20 ²	-- ⁸	0	0	0	-- ⁸	-- ⁸	-- ⁸	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- ⁸	0 ³	0 ³	0 ³	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20	15	15	-- ⁸	0 ³	0 ³	0 ³	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ⁸	60 ⁷	60 ⁷	60 ⁷	-- ⁸	-- ⁸	-- ⁸	-- ⁴	-- ⁴	-- ⁴	60 ⁷

(Table amended by Ord. 902, May 7, 2008 Ord. 930, November 18, 2010)

Notes to Table 17.16.070.3

¹ Front setbacks are also subject to the requirements of Section 17.20.080

² 25 feet to a garage entrance, except a garage on a back lot or flag lot. (Ord. 898, August 20, 2007)

³ 10 feet when adjacent to a residential district, or as may be established through a site plan review

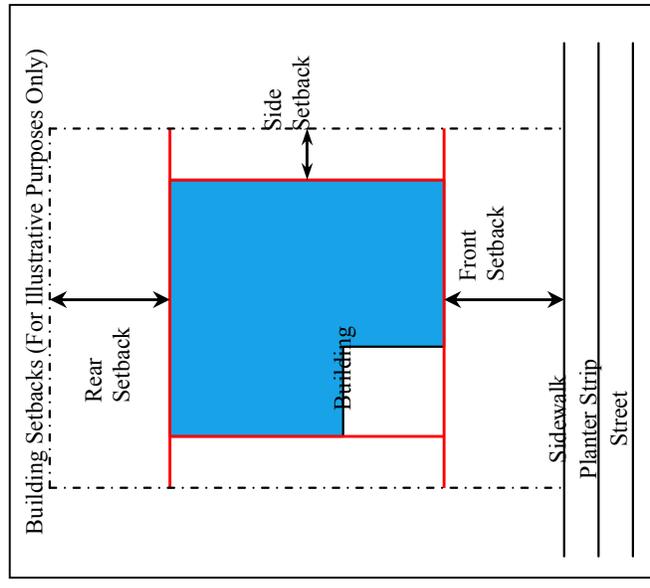
⁴ As may be established through a site plan review

⁵ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.

⁶ Or 2 ½ stories

⁷ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.

⁸ See the requirements of Section 17.16.080 further details and requirements. (Added Ord. 902, May 7, 2008)



City of Stayton

TRANSPORTATION SYSTEM DEVELOPMENT
CHARGE UPDATE

December 1, 2014 Draft for City Council Public Hearing

Prepared by the City of Stayton
Public Works Department and Planning & Development Department

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Three new projects have been added to Table 2, compared to Capital Improvement Projects list in the 2007 SDC methodology. These projects reflect efforts by the City to refine plans for improvements to Shaff Road and Wilco Road. The City has prepared preliminary plans for improvements to these two collector streets in order to provide guidance to property owners as land is developed and to apply for grants from state and federal agencies. The City has estimated the costs of the planned improvements and estimated that half of the costs of the proposed improvements may be allocated to growth.

Table 3 shows the current and forecast numbers of trips in Stayton. The current trips are based on the City's 2014 estimate of the number of housing units and the amount of commercial and industrial development. These figures are further developed in Tables 4 and 5 below. The City assumes that 35% of the trips in the city are vehicles that pass through the City, without having an origin or destination within the City, continuing the assumption in the 2007 SDC methodology.

Table 3--Current and Forecast PM Peak Hour Trips

	2004	2014	New Trips		
			2025	2035	2045
Trips that begin/end in Stayton	6,048	7,104	9,093	9,998	11,077
Trips that pass thru Stayton	3,257	4,618	5,910	6,499	7,200
Totals	9,305	11,722	15,003	16,496	18,277
Net New Trips	--	--	3,280	4,774	6,554
Share of Total Trips (% assigned to 2014 demand vs. % assigned to New Trips to serve future growth)		71%		29%	

Source: City of Stayton, *Final Draft-Transportation System Plan*, H. Lee & Associates, April 2004.
Pass through trips are estimated as 65% of in-City trips.

The total number of PM Peak-Hour trips is derived from the City's Land Use and Housing chapters in the 2013 Comprehensive Plan Update, coupled with assumptions about the intensity and type of non-residential development. Table 4 shows the calculation of current existing residential trips and Table 5 shows the calculation of current commercial and industrial trips.

Table 4 - Calculation of Current Residential PM Peak-Hour Trips

	2000	2010	2014	Weekday PM Peak Hour Trip Rate	2014 PM Peak Hour Trips
Population	6,816	7,644	7,667		
Housing Units					
Single Family Units	1,896	2,301	2,328	1.01	2,351
Multi-Family Units	596	607	607	0.62	376
Manufactured Homes	176	148	148	0.59	
Totals	2,668	3,056	3,083		2,815

Table 5 - Calculation of Current Non-Residential PM Peak-Hour Trips

Zoning Type	Developed Acreage	Building Square Footage	ITE PM Peak Hour Trip Rate (Discounting Pass-by Trips)	2014 PM Peak-Hour Trips
Commercial	58	482,400	6.00	2,894
Industrial	163	1,423,600	0.98	1,395
Totals	221	1,906,000		4,290

Table 6 shows the calculation of future trips from residential uses. The projected population growth and household size from the Marion County Coordinated Population Projections for 2030 were used to project the population and number of households. The housing needs in 2030, from the 2013 Comprehensive Plan update was used as the basis for projecting future inventories of various housing types.

Table 6 - Forecast of New Residential PM Peak-Hour Trips

	2014	2025	2035	2045	Weekday PM Peak Hour Trip Rate	Net New Peak PM Trips 2025	Net New Peak PM Trips 2035	Net New Peak PM Trips 2045
Population	7,667	10,518	12,266	14,305				
Single Family Units	2,328	3,133	3,632	3,498	1.01	813	1,317	1,182
Multi-Family Units	607	723	838	1,566	0.62	72	143	595
Manufactured Homes	148	161	163	157	0.59	8	9	5
Totals	3,083	4,017	4,657	5,221		893	1,469	1,781

Table 7 shows the calculation of future trips from commercial and residential uses. In projecting future non-residential development an assumption was made that the current ratio of floor space per acre of developed land would continue. Data from the Land Use chapter in the 2013 Comprehensive Plan update was used for the amount of vacant land zoned commercial and industrial. Finally it was assumed that pace of commercial and industrial development would mirror that for residential development.

Table 7 - Forecast of New Commercial & Industrial PM Peak-Hour Trips

Zoning Type	Undeveloped Acreage	Gross to Net Acres [^]	Floor to Land Area Ratio (FAR) [*]	Building Square Footage	ITE PM Peak Hr Trip Rate (Discounting by Trips) ^{^^}	2035 Net New PM Peak Hr	2045 Net New PM Peak
Commercial	42	0.75	8,317	261,470	6.00	1,020	1,569
Industrial	79	0.92	8,734	634,768	0.98	404	622
Totals	121			896,239		1,424	2,191

[^] 20 percent of land for public rights of way.

^{*} 50% of net buildable land reserved for landscaping and off-street parking.

^{^^} Kittelson & Associates estimates.

UPDATE OF THE IMPROVEMENT FEE

Of the approximately \$26.5 million of total project costs, only approximately \$10.567 million (39 percent) is used to calculate the updated improvement fee. The costs of the improvements projects allocated to growth in Table 2 is included in Table 8, below. In addition to the improvement projects from Table 2, the cost of updating the Transportation System Plan has been included.

Using the results of Tables 2 and 3, we divide the capital improvement costs allocated to growth by the increase in the number of trips expected over the planning horizon (Table 3 above), which is

APPENDIX

Summary of 9th Ed. ITE Trip Generation Manual

ITE Code	Land Use	Measured by	Avg.	Adjustment Factor
30	Truck Terminal	Acres	6.55	100%
110	General Light Industrial	1000 Sq. Ft. GFA	0.97	100%
120	General Heavy Industrial	1000 Sq. Ft. GFA	0.68	100%
130	Industrial Park	1000 Sq. Ft. GFA	0.85	100%
140	Manufacturing	1000 Sq. Ft. GFA	0.73	100%
150	Warehousing	1000 Sq. Ft. GFA	0.45	100%
151	Mini-Warehouse	1000 Sq. Ft. GFA	0.26	100%
210	Single-Family Detached Housing	Dwelling Units	1.00	100%
220	Apartment	Dwelling Units	0.62	100%
221	Low-Rise Apartment	Occupied Dwelling Units	0.58	100%
222	High-Rise Apartment	Dwelling Units	0.35	100%
223	Mid-Rise Apartment	Dwelling Units	0.39	100%
230	Residential Condominium/Townhouse	Dwelling Units	0.52	100%
231	Low-Rise Residential Condominium/Townhouse	Dwelling Units	0.78	100%
232	High-Rise Residential Condominium/Townhouse	Dwelling Units	0.38	100%
233	Luxury Condominium/Townhouse	Dwelling Units	0.55	100%
240	Mobile Home Park	Occupied Dwelling Units	0.59	100%
251	Senior Adult Housing - Detached	Occupied Dwelling Units	0.27	100%
252	Senior Adult Housing - Attached	Dwelling Units	0.25	100%
253	Congregate Care Facility	Dwelling Units	0.17	100%
310	Hotel	Rooms	0.60	100%
311	All Suites Hotel	Rooms	0.40	100%
320	Motel	Rooms	0.47	100%
412	County Park	Acres	0.09	100%
416	Campground/Recreational Vehicle Park	Occupied Camp Sites	0.27	100%
417	Regional Park	Acres	0.20	100%
430	Golf Course	Acres	0.30	100%
445	Multiplex Movie Theater	Movie Screens	13.64	100%
491	Racquet/Tennis Club	1000 Sq. Ft. GFA	0.84	100%
492	Health/Fitness Club	1000 Sq. Ft. GFA	3.53	100%
493	Athletic Club	1000 Sq. Ft. GFA	5.96	100%

ITE Code	Land Use	Measured by	Avg.	Adjustment Factor
495	Recreational Community Center	1000 Sq. Ft. GFA	2.74	100%
520	Elementary School	Students	0.15	100%
522	Middle School/Junior High School	1000 Sq. Ft. GFA	1.19	100%
530	High School	1000 Sq. Ft. GFA	0.97	100%
534	Private School (K-8)	Students	0.60	100%
536	Private School (K-12)	Students	0.17	100%
540	Junior/Community College	1000 Sq. Ft. GFA	2.54	100%
560	Church	1000 Sq. Ft. GFA	0.55	100%
565	Day Care Center	1000 Sq. Ft. GFA	12.34	100%
590	Library	1000 Sq. Ft. GFA	7.30	100%
610	Hospital	1000 Sq. Ft. GFA	0.93	100%
620	Nursing Home	1000 Sq. Ft. GFA	0.74	100%
630	Clinic	1000 Sq. Ft. GFA	3.78	100%
710	General Office Building	Full-time Doctors	1.49	100%
714	Corporate Headquarters Building	1000 Sq. Ft. GFA	1.41	100%
715	Single Tenant Office Building	1000 Sq. Ft. GFA	1.74	100%
720	Medical-Dental Office Building	1000 Sq. Ft. GFA	3.57	100%
731	State Motor Vehicles Department	1000 Sq. Ft. GFA	17.09	100%
732	United States Post Office	1000 Sq. Ft. GFA	11.22	100%
760	Research and Development Center	1000 Sq. Ft. GFA	1.07	100%
812	Building Materials and Lumber Store	1000 Sq. Ft. GFA	4.49	100%
813	Free-Standing Discount Superstore	1000 Sq. Ft. GFA	4.35	73%
814	Variety Store	1000 Sq. Ft. GFA	6.82	66%
815	Free-Standing Discount Store	1000 Sq. Ft. GFA	4.98	83%
816	Hardware/Paint Store	1000 Sq. Ft. GFA	4.84	74%
817	Nursery (Garden Center)	1000 Sq. Ft. GFA	6.94	100%
818	Nursery (Wholesale)	1000 Sq. Ft. GFA	5.17	100%
820	Shopping Center (*Derived)	1000 Sq. Ft. GFA	3.71	66%
823	Factory Outlet Center	1000 Sq. Ft. GFA	2.29	100%
841	New Car Sales	1000 Sq. Ft. GFA	2.62	100%
843	Automobile Parts Sales	1000 Sq. Ft. GFA	5.98	72%
848	Tire Store	1000 Sq. Ft. GFA	4.15	72%
849	Tire Superstore (formerly Wholesale Tire Store)	1000 Sq. Ft. GFA	2.11	72%
850	Supermarket	1000 Sq. Ft. GFA	9.48	64%
851	Convenience Market (Open 24 Hours)	1000 Sq. Ft. GFA	52.41	49%
852	Convenience Market (Open 15-16 Hours)	1000 Sq. Ft. GFA	34.57	49%
853	Convenience Market with Gasoline Pumps	1000 Sq. Ft. GFA	50.92	34%
854	Discount Supermarket	1000 Sq. Ft. GFA	8.34	79%

ITE Code	Land Use	Measured by	Avg.	Adjustment Factor
857	Discount Club	1000 Sq. Ft. GFA	4.18	63%
876	Apparel Store	1000 Sq. Ft. GFA	3.83	100%
880	Pharmacy/Drugstore without Drive-Through Window	1000 Sq. Ft. GFA	8.40	47%
881	Pharmacy/Drugstore with Drive-Through Window	1000 Sq. Ft. GFA	9.91	51%
890	Furniture Store	1000 Sq. Ft. GFA	0.45	47%
896	Video Stores (*Derived)	1000 Sq. Ft. GFA	13.60	100%
911	Walk-in Bank	1000 Sq. Ft. GFA	12.13	100%
912	Drive-in Bank	1000 Sq. Ft. GFA	24.30	65%
931	Quality Restaurant	1000 Sq. Ft. GFA	7.49	56%
932	High-Turnover (Sit-Down) Restaurant	1000 Sq. Ft. GFA	9.85	57%
933	Fast-Food Restaurant without Drive-Through Window	1000 Sq. Ft. GFA	26.15	50%
934	Fast-Food Restaurant with Drive-Through Window	1000 Sq. Ft. GFA	32.65	50%
925	Drinking Place	1000 Sq. Ft. GFA	11.34	100%
941	Quick Lubrication Vehicle Shop	Servicing Positions	5.19	100%
942	Automobile Care Center	1000 Sq. Ft. GFA	3.11	100%
944	Gasoline/Service Station	Vehicle Fueling Positions	13.87	58%
945	Gasoline/Service Station with Convenience Market	1000 Sq. Ft. GFA	97.47	44%
946	Gasoline/Service Station with Convenience Market and Car Wash	Vehicle Fueling Positions	13.86	100%
948	Automated Car Wash	1000 Sq. Ft. GFA	14.12	100%

The adjustment factor accounts for pass-by trips.

Single-Family Detached Housing (210)

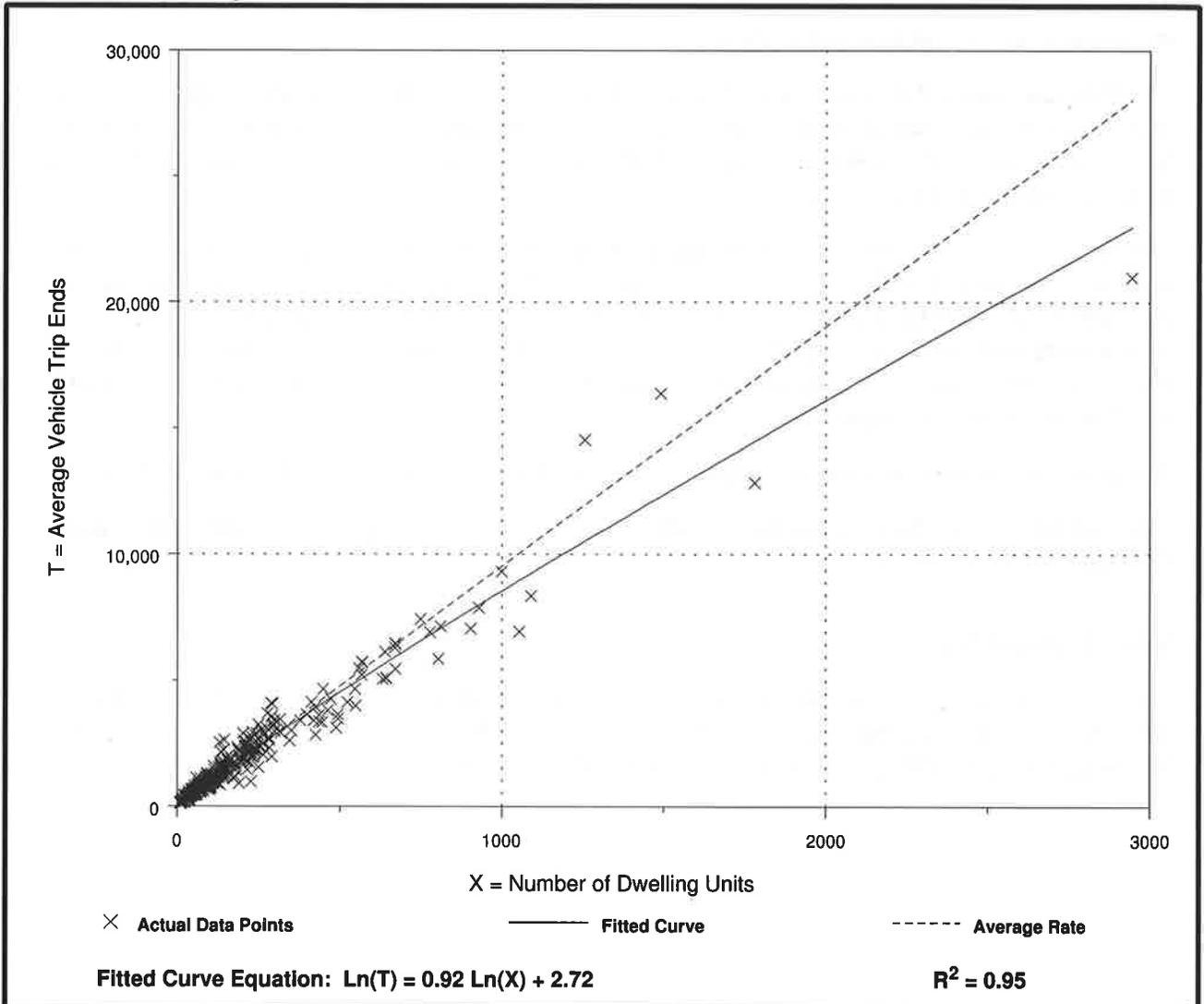
**Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday**

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

Data Plot and Equation



Single-Family Detached Housing (210)

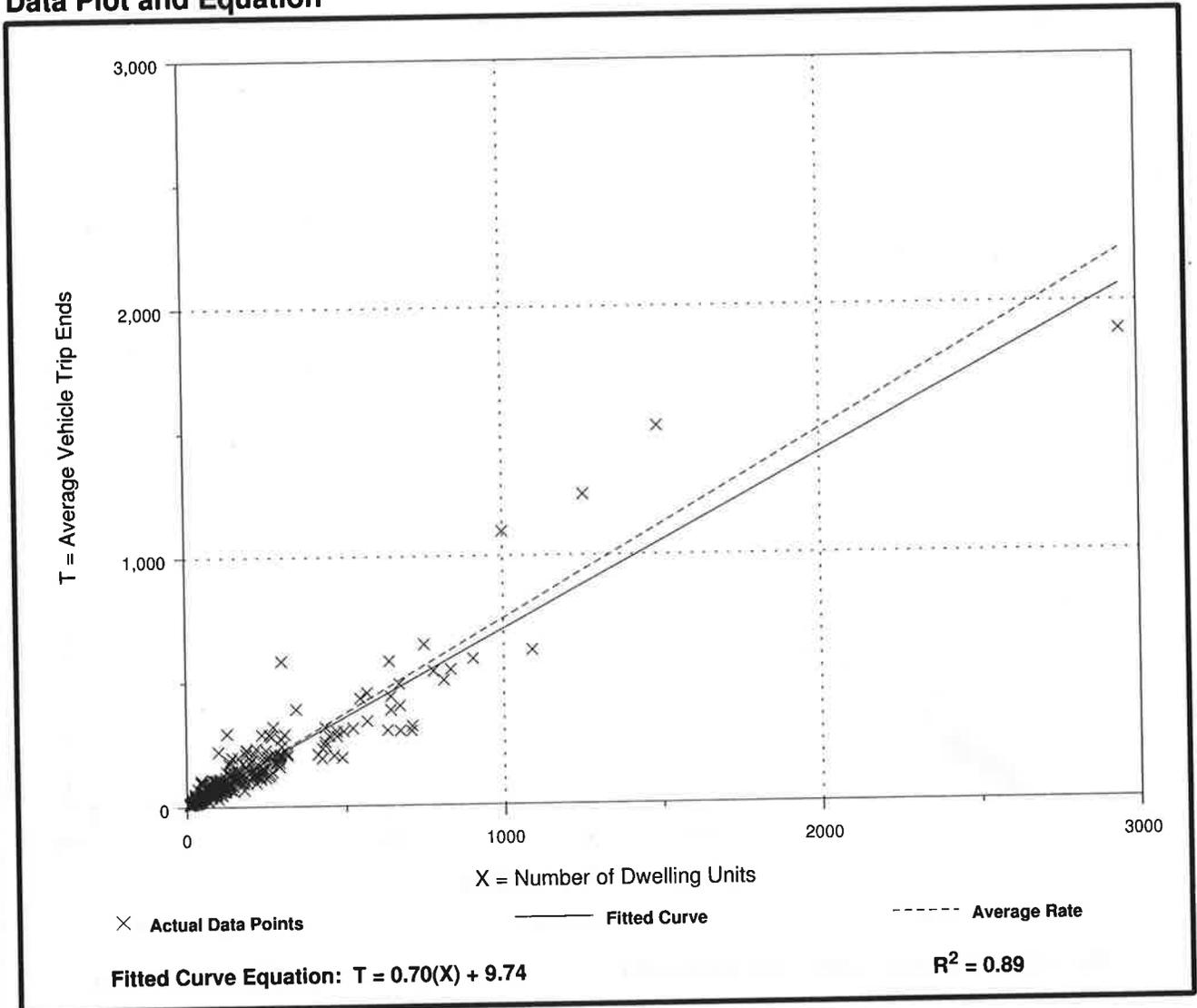
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 292
 Avg. Number of Dwelling Units: 194
 Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Single-Family Detached Housing (210)

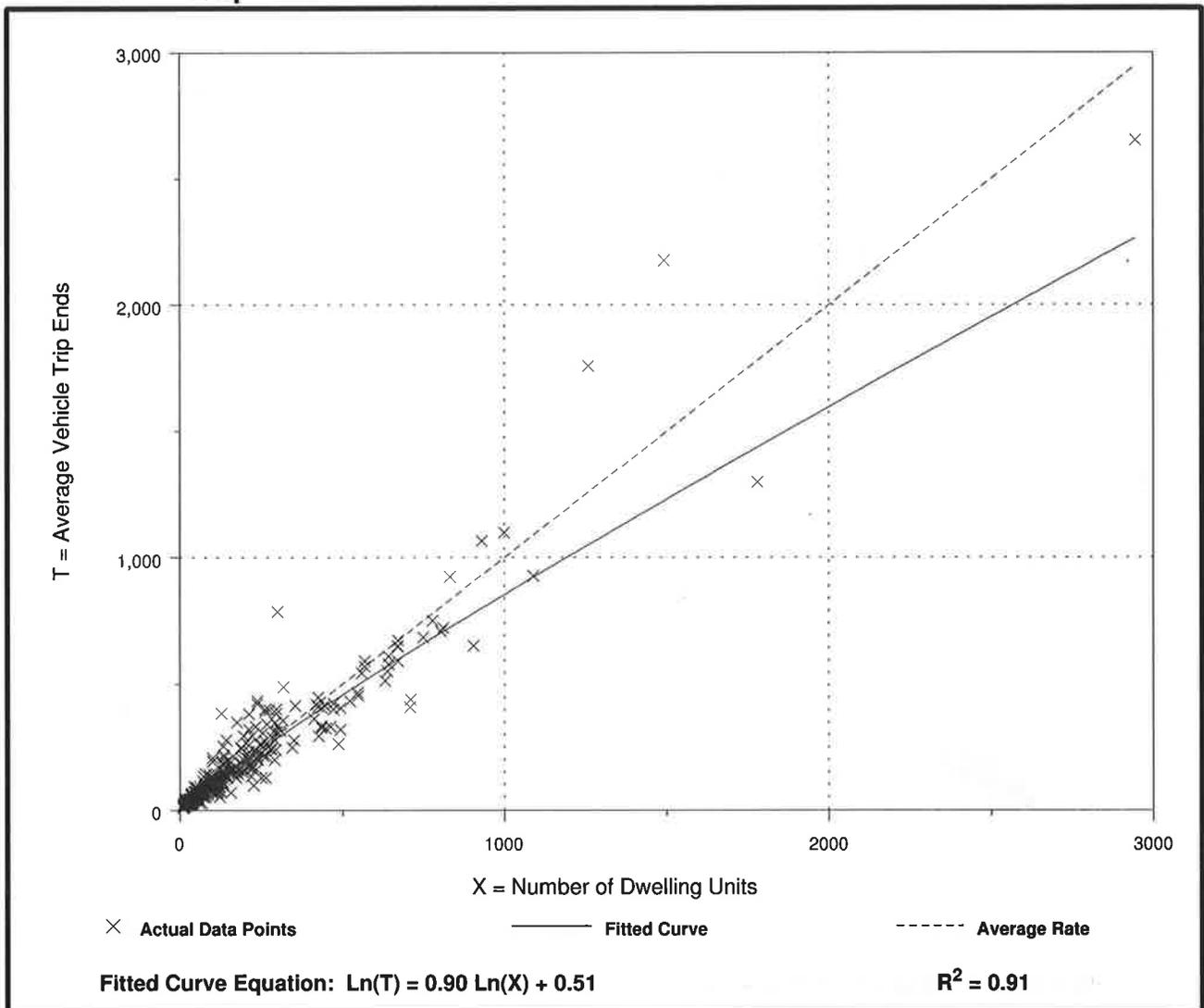
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 321
 Avg. Number of Dwelling Units: 207
 Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.00	0.42 - 2.98	1.05

Data Plot and Equation



Apartment (220)

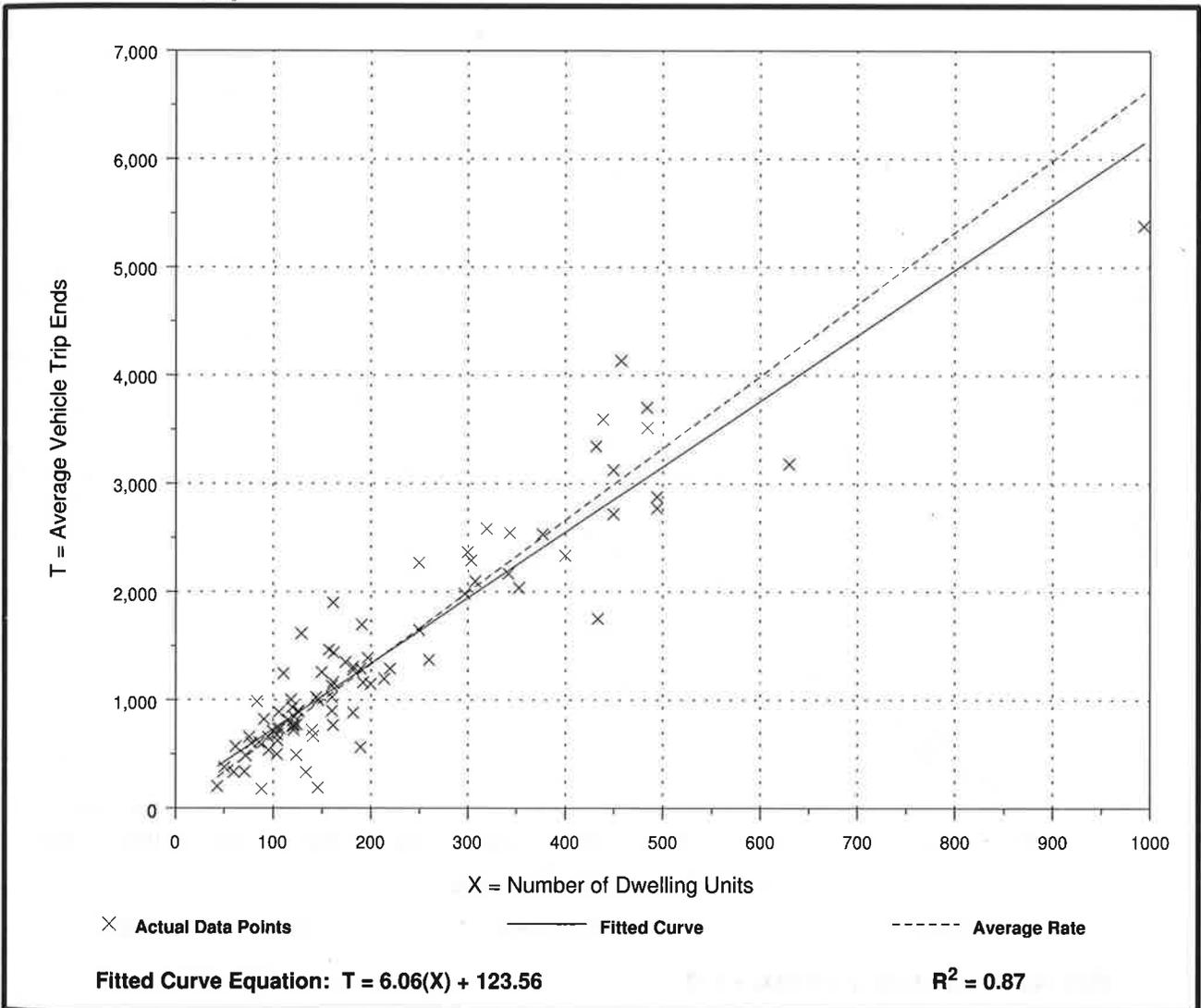
Average Vehicle Trip Ends vs: Dwelling Units On a: Weekday

Number of Studies: 88
 Avg. Number of Dwelling Units: 210
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.65	1.27 - 12.50	3.07

Data Plot and Equation



Apartment (220)

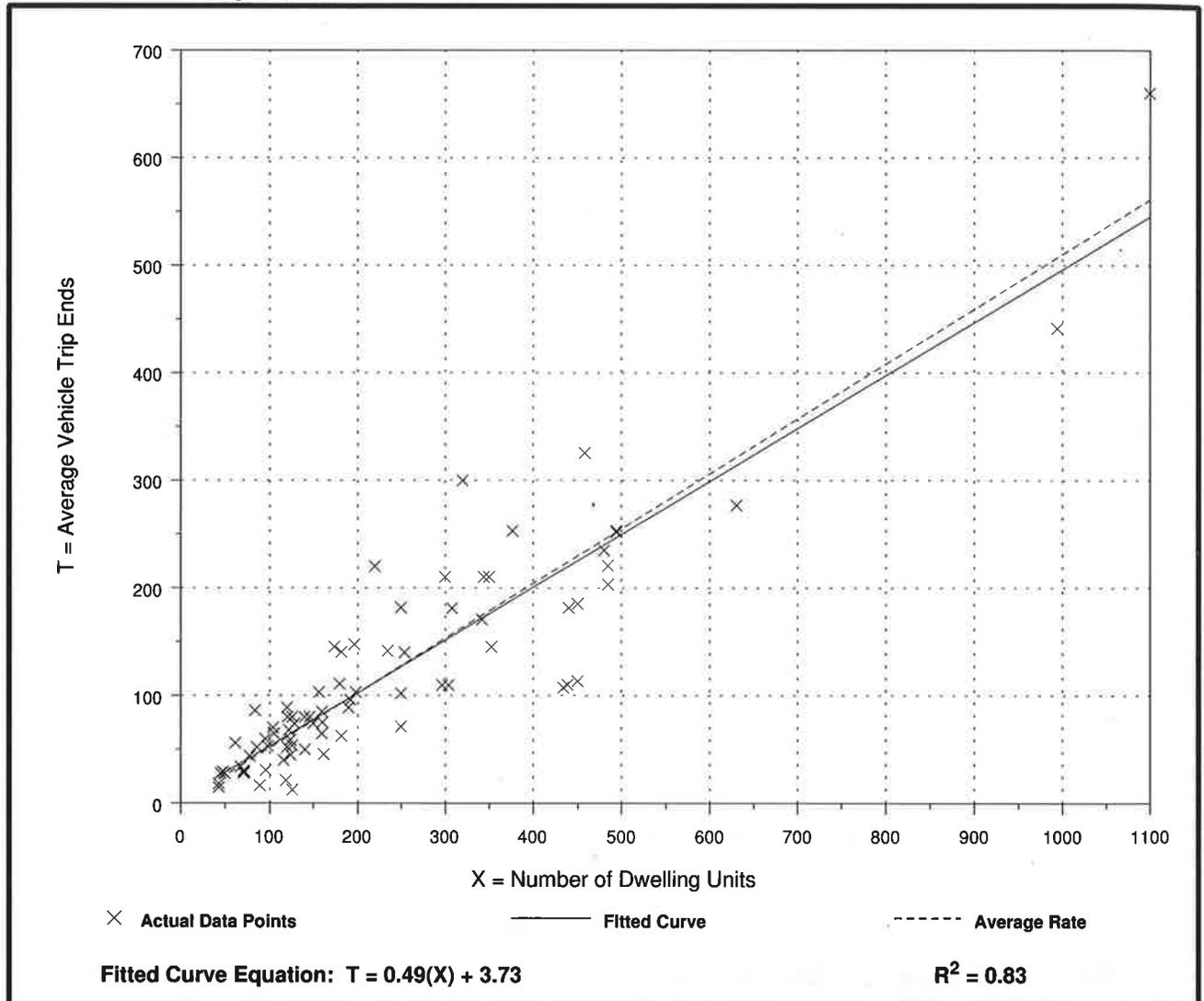
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 78
 Avg. Number of Dwelling Units: 235
 Directional Distribution: 20% entering, 80% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.10 - 1.02	0.73

Data Plot and Equation



Apartment (220)

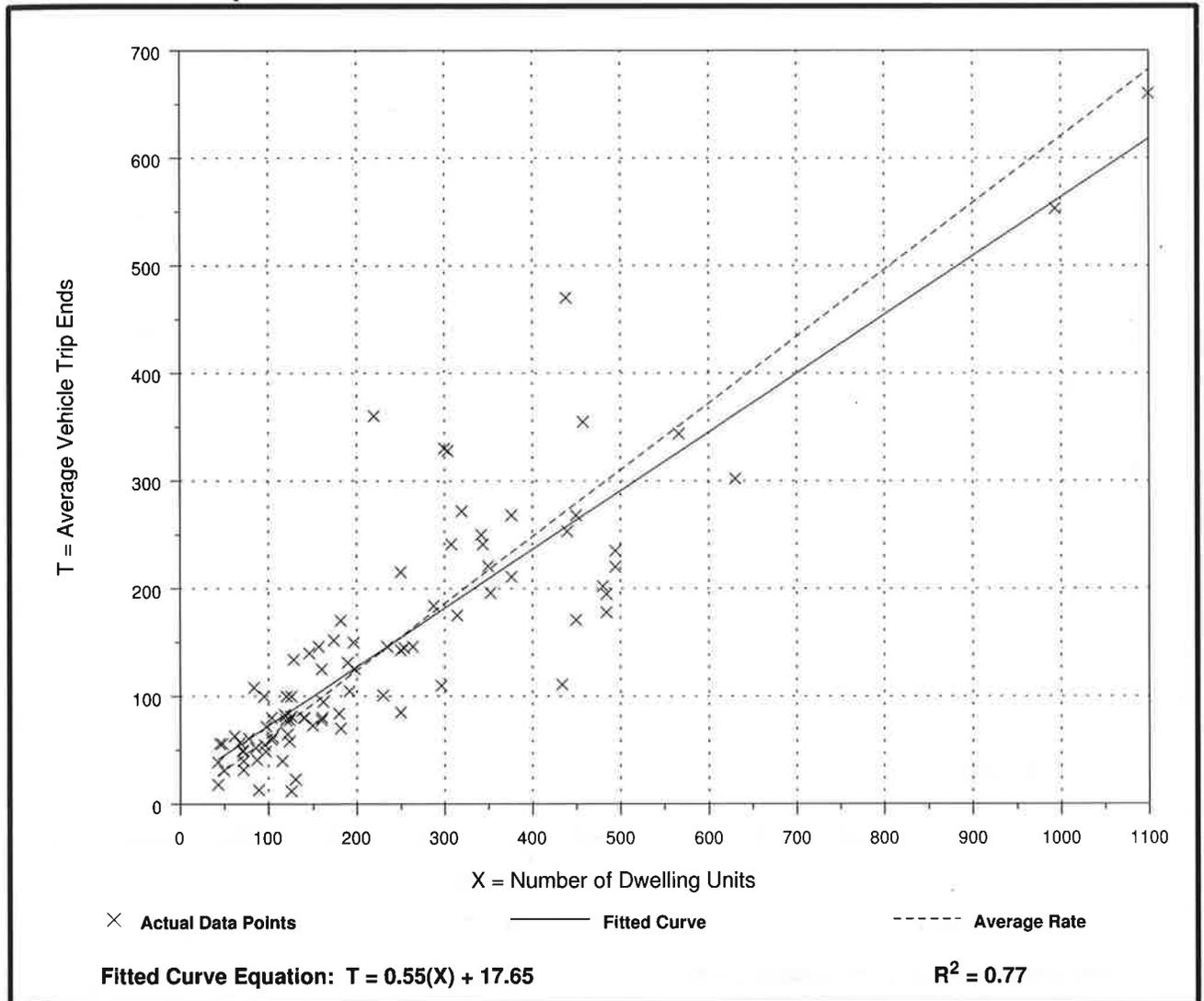
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 90
 Avg. Number of Dwelling Units: 233
 Directional Distribution: 65% entering, 35% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.62	0.10 - 1.64	0.82

Data Plot and Equation



BEFORE THE STAYTON PLANNING COMMISSION

In the matter of)
The application for) Official Zoning Map Amendment
Richard and Diane Koenig Trust) File # 12-05/16
)
)

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 June 27, 2016. At that hearing the Planning Commission reviewed Land Use File #12-05/16, application for Official Zoning Map amendment and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property and the applicant is the Richard and Diane Koenig Trust.
2. The property is Parcel 3 of Partition Plat 96-10 and is shown as tax lot 202, on Map 91W11CB.
3. The property is located at 1510 E Santiam St.
4. The property is zoned Low Density Residential (LD).
5. The property is 18,001 square feet in area with 112 feet of frontage on E Santiam St. The property was formerly used as the shop of a construction contracting company and is developed with a 1,416 square foot building and gravel-surfaced storage area.
6. The neighboring properties to the south are zoned LD and Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned MD and is developed with a duplex. The neighboring properties to the north, across E Santiam St, are zoned MD and LD 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.

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 Public Works. The County requested conditions of approval that address the development of the parcel. Those conditions were not included below, because no development is proposed at this time.

C. PUBLIC COMMENTS

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

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 a 12-inch water line on the north side of E Santiam St. There is an 8-inch sewer main on the south side of E Santiam St. There is a 24-inch storm drain line in an easement along the east side of the subject property with three catch basins on the south side of E Santiam St.

- 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 Karl Birky, PE, PTOE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

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

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. This property has previously been used as commercial use, though the commercial use was discontinued and could not be resumed.

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

Findings: The Comprehensive Plan notes that there were 78 vacant lots zoned Low Density Residential comprising 86 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The Planning Department reports development activity has resulted in a current inventory of 75 vacant lots zoned LD with total land area of 104 acres and 18 vacant lots zoned Medium Density with a total land area of 7.7 acres.

- 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.



Ellen Nunez,
Planning Commission Chairperson

6-27-16

Date



Dan Fleishman,
Director of Planning and Development

6/28/16

Date

ORDINANCE NO. 997
AN ORDINANCE CHANGING THE ZONING OF
THE PROPERTY AT 1510 E SANTIAM ST

WHEREAS, the Richard and Diane Koenig Trust is the owner of 1510 E Santiam St, Stayton, Oregon and has 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 202, township 9, Range 1 West of the Willamette Meridian, Section 11CB, Stayton, Oregon;

WHEREAS, the subject property is 18,001 square feet or 0.41 acres in size with 112 feet of frontage on E Santiam St;

WHEREAS, the subject property was formerly used as the shop of a construction contracting company and is developed with a 1,416 square foot building and gravel-surfaced storage area;

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

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 June 27, 2016, 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 August 1, 2016, 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 a 12-inch water line on the north side of E Santiam St. There is an 8-inch sewer main on the south side of E Santiam St. There is a 24-inch storm drain line in an easement along the east side of the subject property with three catch basins on the south side of E Santiam St.

- 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 Karl Birky, PE, PTOE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

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

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. This property has previously been used as commercial use, though the commercial use was discontinued and could not be resumed.

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

Findings: The Comprehensive Plan notes that there were 78 vacant lots zoned Low Density Residential comprising 86 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The Planning Department reports development activity has resulted in a current inventory of 75 vacant lots zoned LD with total land area of 104 acres and 18 vacant lots zoned Medium Density with a total land area of 7.7 acres.

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

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

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 the southeast corner of Parcel 3 in Partition Plat No 96-10 as recorded in the Marion County Deed Records and proceeding northerly to the centerline of E Santiam St; thence westerly along the centerline of E Santiam St a distance of 112 feet; thence southerly to the southwest corner of Parcel 3 in Partition Plat No 96-10; thence easterly along the south line of Parcel 3 in Partition Plat 96-10 112 feet to the southeast corner of Parcel 3 in Partition Plat No 96-10 and 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 1st day of August, 2016.

CITY OF STAYTON

Signed: _____, 2016

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2016

ATTEST: _____
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 1, 2016
SUBJECT: Proposed Code Amendment regarding Creation of New Mixed Use Zoning District

ISSUE

The issue before the City Council is a public hearing on legislative amendments to the Land Use and Development Code to create a new zone. Following the public hearing, the Council will be requested to consider an ordinance to amend the Code and the Official Zoning Map.

BACKGROUND INFORMATION

The Planning Commission was approached at its April meeting by the owner of the property at the northwest corner of Wilco Road and W Washington St about the possibility of mixed use development that would not fit into the current zoning classifications. The Commission at that time expressed a willingness to amend the Code to accommodate that type of development.

Staff prepared some ideas for the Planning Commission to review at its May meeting and following a few minor changes, the Planning Commission proceeded with the public hearing process.

ANALYSIS

The proposed amendments accomplish the following:

- Create a new definition of “Live-Work Unit.”
- Add a new zone to the list of zones that are considered Commercial Zones
- Describe the purpose of the Commerce Park Zone
- Add the Commerce Park Zone to Table 17.16.070.1, and lists the uses that are permitted
- Add the use “Dwelling as part of a live-work unit” to the land use table and indicates which zones live-work unit would be permitted
- Assume that the amendment regarding crop production will have been enacted
- Add the Commerce Park Zone to Table 17.16.070.2 and 17.16.070.3
- Create a new Section 17.15.110 with a handful of use restrictions in the Commerce Park Zone

The Official Zoning Map must also be amended to create this new zone. A map showing the location of the proposed zone is attached. The Planning Commission has recommended that the new zone be located at the northwest corner of the intersection of Wilco Rd and W Washington St, encompassing about two acres of land.

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 first consideration of Ordinance 998

Move to approve Ordinance No 998 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 998 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 998 will be brought before the Council for a second consideration at the August 15, 2016 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 998 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. 998 will be brought before the Council for a second consideration at its August 15, 2016 meeting.

3. Return the Ordinance to Staff for further refinement

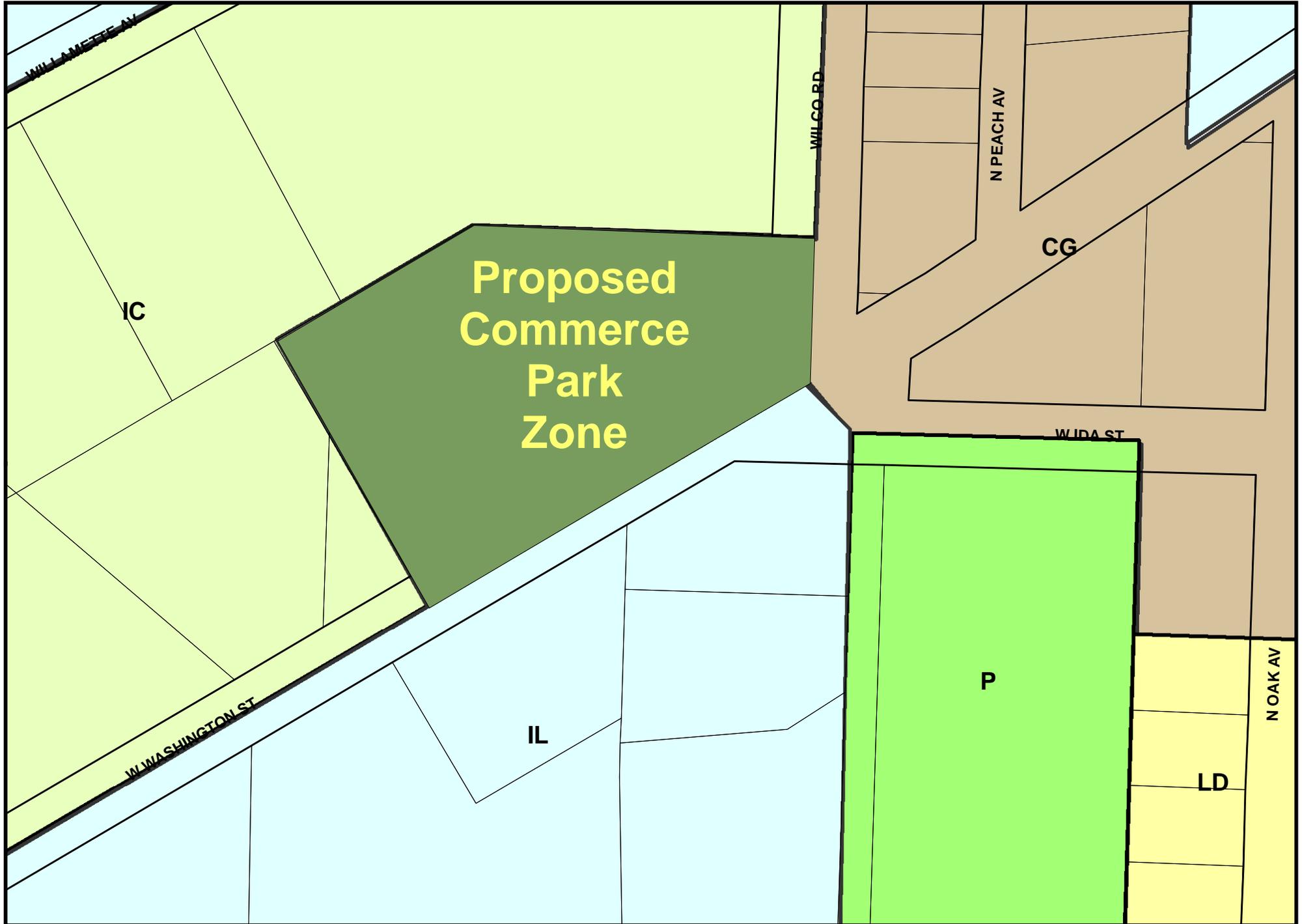
Move to direct staff to modify Ordinance No. 998 with the following changes ... and present the Ordinance to the City Council for further discussion and consideration at the August 15 meeting.

4. Retain the Code unchanged

No motion is necessary.

5.

Map Showing Location of Proposed New Commerce Park Zone



ORDINANCE NO. 998

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17,
TO ESTABLISH A COMMERCE PARK ZONE**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 16, establishes the various zones within the City;

WHEREAS, the northwest corner of Wilco Road and W Washington St has been a vacant lot of record for over forty years without any development activity;

WHEREAS, The proposed new zone would allow greater flexibility for mixed use development;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code and following a public hearing, has recommended that the Stayton City Council enact proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17 Amended. Stayton Municipal Code, Title 17, Chapters 4 and 16 are hereby amended as shown on Exhibit A attached hereto and incorporated herein.

Section 2. Official Zoning Map Amended. The Official Zoning Map is amended as follows:

Area to be changed from Commercial General to Commerce Park

Beginning at the intersection of the centerlines of Wilco Road and W Washington St and proceeding northerly along the centerline of Wilco Rd approximately 152 feet to a point on the extension of the northerly lot line of Lot 4 Block 1 of Stayton Industrial Park; thence westerly along extension of the northerly lot line of Lot 4 Block 1 of Stayton Industrial Park and along the northerly lot lines of Lot 4 and Lot 5 of Block 1 of Stayton Industrial Park to the northerly corner of Lot 5 Block 1 of Stayton Industrial Park; thence southwesterly to the northwester corner of Lot 5 Block 1 of Stayton Industrial Park; thence southeasterly along the west line of Lot 5 Block 1 of Stayton Industrial Park and an extension of the west line of Lot 5 block 1 to the centerline of W Washington St; thence northeasterly along the centerline of W Washington St to the Centerline of Wilco Rd and the point of beginning.

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

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

ADOPTED BY THE STAYTON CITY COUNCIL this 1st day of August, 2016.

CITY OF STAYTON

Signed: _____, 2016

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2016

ATTEST: _____
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

17.04.100**DEFINITIONS**

LIVE-WORK UNIT: a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

17.16.020**BASIC PROVISIONS**

1. **COMPLIANCE WITH CODE REQUIRED.** A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. **CLASSIFICATION OF ZONES.** In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Downtown (Added Ord. 902, May 7, 2008)

- CCMU Central Core Mixed Use (Added Ord. 902, May 7, 2008)
- DCMU Downtown Commercial Mixed Use (Added Ord. 930, November 18, 2010)
- DRMU Residential Mixed Use (Added Ord. 902, May 7, 2008)
- DMD Downtown Medium Density Residential (Added Ord. 902, May 7, 2008)

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development
- CP Commerce Park

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

3. **OFFICIAL ZONING MAP**

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of April 1, 2013 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

4. **ZONING OF ANNEXED LAND**

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

17.16.060**DISTRICT PURPOSES**

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density.
4. **DOWNTOWN MEDIUM DENSITY RESIDENTIAL.** To provide for compact residential development in proximity to the downtown core, subject to design requirements to assure a high level of quality. Density of development shall not be less than 10 dwelling units per acre and not exceed 15 dwelling units per acre.
5. **COMMERCIAL RETAIL.** To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
6. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
7. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.

[7-A COMMERCE PARK. To provide for a mix of retail and other commercial uses as well as small-scale light manufacturing. Residential uses are permitted, provided they are part of live-work development.](#)

8. **CENTRAL CORE MIXED USE.** To promote compact commercial and mixed commercial-residential development within the central downtown area of the city. This district encompasses the existing core area of the downtown, centered on 3rd Avenue.
- 8-A **DOWNTOWN COMMERCIAL MIXED USE.** To promote compact commercial and mixed commercial-residential development the portion of the 2nd Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.
9. **DOWNTOWN RESIDENTIAL MIXED USE.** To provide opportunities for residential, commercial and mixed use developments as part of the downtown area. This designation is applied to property north, west and east of the 3rd Avenue central core area, intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units

per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.

10. INDUSTRIAL COMMERCIAL. To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
11. LIGHT INDUSTRIAL. To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
12. INDUSTRIAL AGRICULTURE. To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
13. PUBLIC/SEMI-PUBLIC. To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
14. NATURAL RESOURCES OVERLAY DISTRICT. To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.
15. FLOODPLAIN OVERLAY.DISTRICT. To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

17.16.070 DISTRICT REGULATIONS

1. PERMITTED AND CONDITIONAL USES. The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
 C = Conditional Use
 S = Permitted Use after Site Plan Review for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures
 C/S = Conditional Use after Site Plan Review
 = Prohibited Use

Table 17.16.070.1 Permitted Land Use

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
	RESIDENTIAL USES															
1	Single-Family Detached Dwellings ¹²	P ¹	P ¹		P ¹											
1a	Single-Family Attached Dwellings			S ¹	S ¹				C/S ¹	S ¹	S ¹					
2	Manufactured Home ¹²	P ¹	P		P ¹											
3	Duplex		P ¹³		P ¹³				C ¹	P ¹	P ¹					
4	Triplex		S ¹		S ¹				C/S ¹	S ¹	S ¹					
5	Multi-Family Dwellings			S ¹	S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
6	Mobile Home Park		S	S												
7	Dwelling as a caretaker residence													S		
<u>7a</u>	<u>Dwelling as part of a live-work unit</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>		
8	Residential Group Home	P	P		P ¹											
9	Residential Facilities		S	S	S				C ¹	P ¹	P ¹					
	COMMERCIAL USES															
	Retail Trade															
10	Retail Stores not specifically listed below					S	S	<u>S</u>	S	S	S					
11	Automobile Dealers					C/S	S	<u>S</u>								

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
12	Automotive Parts, Accessories, & Tire Stores					S	S	<u>S</u>	S	S	S					
13	Building Material & Supplies Dealers					S	S	<u>S</u>	S	S	S					
14	Lawn and Garden Equipment & Supplies Stores					S	S	<u>S</u>	S	S	S		S		S	
15	Food & Beverage Stores					S ³	S	<u>S³</u>	S	S	S	S ⁴				
16	Gasoline Stations					S	S	<u>S</u>				S				
17	General Merchandise Stores					S ³	S	<u>S</u>	S	S	S					
18	Gift & Novelty stores					S	S	<u>S</u>	S	S	S	S				
19	Manufactured Home Dealers							<u>S</u>					S			
20	Direct Selling Establishments (except food)						S	<u>S</u>					C			
Finance and Insurance																
21	Commercial Banking & Related Activities					S	S	<u>S</u>	S	S	S	S ¹⁴				
22	Securities, Other Financial Investments & Related Activities					S	S	<u>S</u>	S	S	S					
23	Insurance Carriers & Related Activities					S	S	<u>S</u>	S	S	S					
Professional, Scientific and Technical Services																
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services					S	S	<u>S</u>	S	S	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners					S	S	<u>S</u>	S	S	S					
26	Outpatient Care Centers					S	S	<u>S</u>	S	S	S		S			
27	Medical & Diagnostic Laboratories						S	<u>S</u>	S	S	S		S			
28	Home Health Care Services						S	<u>S</u>	S	S	S		S			
29	Architectural, Engineering, & Related Services					S	S	<u>S</u>	S	S	S		S			
30	Specialized Design Services					S	S	<u>S</u>	S	S	S		S			
30a	Photographic Services					S	S	<u>S</u>	S	S	S		S			

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services					S	S	<u>S</u>	S	S	S					
32	Scientific Research & Development Services					C/S	S	<u>S</u>	S	S	S		S			
33	Veterinary & Pet Care Services					S	S	<u>S</u>	S	S	S					
33a	Other Professional Services					S	S	<u>S</u>	S	S	S		S			
Information																
34	Offices of Publishing Industries (except internet)						S	<u>S</u>	S	S	S		S			
35	Radio & Television Broadcasting Offices & Studios					S	S	<u>S</u>	S	S	S					
36	Internet Publishing & Broadcasting					S	S	<u>S</u>	S	S	S					
37	Telecommunications except Broadcast and Telephone Towers					S	S	<u>S</u>	S	S	S		S			
37a	Broadcast or Telephone Tower			C/S		C/S	C/S	<u>C/S</u>	C/S	C/S	C/S					
38	Libraries & Archives						S	<u>S</u>	S	S	S					S
Real Estate and Rental and Leasing																
39	Offices of Real Estate Sales & Rental Companies					S	S	<u>S</u>	S	S	S					
40	Self-Storage Facilities						C/S	<u>C/S</u>					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services						C/S	<u>C/S</u>		S			S			
42	Consumer Goods Rental					C/S	S	<u>S</u>	S	S	S					
43	General Rental Centers						S	<u>S</u>								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services							<u>S</u>					S	S		

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Management of Companies and Enterprises																
45	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies					S	S	<u>S</u>	S	S	S					
Arts, Entertainment and Recreation																
46	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities					S	S	<u>S</u>	C/S	C/S	C/S				S ⁵	S ⁶
46a	Fitness and Recreation Sports Centers					S	S	<u>S</u>	S	S	S					
47	Museums, Historical Sites, & Similar Institutions								S	S	S					S
48	Golf Courses														S	
49	Public Parks															S
50	Hotel, Motel, Inn					S	S	<u>S</u>	C/S			S				
51	RV Parks and Recreational Camps											S			S	
52	Bed & Breakfast	C	C	C	C	S	S		S	S	S	S				
53	Eating & Drinking Places					S	S	<u>S</u>	S	S	S	S				
54	Caterers & Mobile Food Services						S	<u>S</u>								
Administrative Support Services																
55	Office Administrative Services					S	S	<u>S</u>	S		S					
56	Employment Services						S	<u>S</u>	S		S		S			
57	Business Support Services					S	S	<u>S</u>	S		S					
58	Travel Arrangement & Reservation Services					S	S	<u>S</u>	S		S					
59	Investigation & Security Services					S	S	<u>S</u>	S		S					
60	Exterminating & Pest Control Service							<u>S</u>					S	S		
61	Janitorial, Carpet & Upholstery Cleaning Services						S	<u>S</u>					S			
62	Landscaping Services						S	<u>S</u>					S		S	
Other Services																
63	General Automotive Repair					S	S	<u>S</u>		S						

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
63a	Heavy Automotive Repair						S	<u>S</u>								
64	Automotive Body, Paint, Interior, and Glass Repair						C/S	<u>C/S</u>		S			S	S		
65	Automobile Oil Change & Lubrication Shops					C/S	S	<u>S</u>					S			
66	Car Washes					C/S	S	<u>S</u>					S			
67	Electronic & Precision Equipment Repair & Maintenance						S	<u>S</u>								
68	Commercial & Industrial Machinery & Equipment (except Automotive & Electric) Repair & Maintenance							<u>S</u>					S	S		
69	Personal & Household Goods Repair & Maintenance						S	<u>S</u>	S	S	S		S			
70	Personal Care Services					S	S	<u>S</u>	S	S	S					
71	Funeral Homes & Funeral Services					S	S	<u>S</u>	S	S	S					
72	Cemeteries & Crematories															S
73	Dry Cleaning & Laundry Services					S	S	<u>S</u>	S	S	S					
74	Photofinishing					S	S	<u>S</u>	S	S	S					
75	Parking Lots and Garages					S	S	<u>S</u>	S	S	S					S
INDUSTRIAL USES																
	Manufacturing															
76	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)					S	S	<u>S</u>					S	S	C/S ⁷	
77	Beverage Manufacturing							<u>S</u>					S	S		
78	Textile Mills & Textile Product Mills							<u>C/S</u>						C/S		
79	Apparel & Leather Manufacturing							<u>S</u>					S	S		
79a	Wood Products Manufacturing							<u>C/S</u>						C/S		

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
80	Paper Mills & Paperboard Mills							S						S		
81	Converted Paper Product Manufacturing							<u>S</u>						S		
82	Printing & Related Support Activities					S ⁸	S ⁸	<u>S⁸</u>	S ⁸	S ⁸	S ⁸		S	S		
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing													C/S		
84	Primary Metal Manufacturing													C/S		
85	Fabricated Metal Product Manufacturing							<u>S</u>					S	S		
86	Machinery Manufacturing							<u>S</u>					S	S		
87	Computer & Electronic Product Manufacturing							<u>S</u>					S	S		
88	Electrical Equipment, Appliance & Component Manufacturing							<u>S</u>					S	S		
89	Transportation Equipment Manufacturing							<u>S</u>					S	S		
90	Furniture & Related Product Manufacturing							<u>S</u>					S	S		
91	Miscellaneous Manufacturing							<u>S</u>					S	S		
	Construction															
92	Building Construction Contractors							<u>S</u>					S	S		
93	Heavy & Civil Engineering Construction Contractors							<u>S</u>					S	S		
94	Specialty Trade Contractors							<u>S</u>					S	S		
	Transportation and Warehousing															
95	Air Transportation (passenger or freight)							<u>C/S⁹</u>						C/S ⁹		C/S
96	Rail Transportation													S		
97	Truck Transportation (general freight & specialized freight)							<u>S</u>					S	S		

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)					C/S	S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing							<u>S</u>					S	S		
100	Postal Service						S	<u>S</u>	S	S	S					S
101	Couriers & Messenger Service					C/S	S	<u>S</u>	S	S	S					
102	Warehousing & Storage (except self-storage)							<u>S</u>					S	S		
103	Automotive Wrecking Yard, Junkyard												S	C/S		
104	Boat & RV Storage												S			
Wholesale Trade																
105	Merchant Wholesalers						C/S	<u>C/S</u>								
106	Wholesale Electronic Markets & Agents & Brokers						S	<u>S</u>					S			
107	Electric Power Generation Facilities													S		C/S
108	Electricity Transmission & Distribution Facilities												S	S	S	S
109	Natural Gas Distribution Facilities												S	S		S
110	Water or Sewage Treatment Plants															S
Waste Management and Remediation Services																
111	Water or Sewage Collection or Distribution Facilities & Pump Stations	S	S	S	S	S	S	<u>S</u>	S	S	S	S	S	S	S	S
112	Solid Waste Collection Facilities													S		S
113	Solid Waste Treatment and Disposal															S
114	Waste Remediation Services													C/S		
115	Materials Recovery Facilities							<u>S</u>						S		S ⁶
AGRICULTURAL USES																
116	Crop Production							<u>S¹⁵</u>					S ¹⁵	S ¹⁵	S	

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	<u>CP</u>	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
	PUBLIC INSTITUTIONS															
	Public Administration															
117	Justice, Public Order, & Safety Activities					S	S	<u>S</u>	S	S	S					S
	Health and Social Assistance															
118	Hospitals					C/S	S	<u>S</u>								S
119	Nursing & Residential Care Facilities	C	C	C/S												
	Educational Services															
120	Day Care Facility	C/S	C/S	C/S		S	S	<u>S</u>	S	S	S		S	S ¹⁰		S ¹⁰
121	Family Child Care Center	P	P	P					P	P	P					
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools					S	S	<u>S</u>	S	S	S					S
123	Business Schools & Computer & Management Training					S	S	<u>S</u>	S	S	S					
124	Technical, Trade or Other Schools & Instructions					S	S	<u>S</u>	S	S	S					
125	Educational Support Services					S	S	<u>S</u>	S	S	S					S
	Religious and Civic Organizations															
126	Places of Worship								S	S	S					S
127	Social & Civic Organizations					S	S	<u>S</u>	S	S	S					
	ACCESSORY & OTHER USES															
128	Antennas > 55 feet high	C	C	C		P	P	<u>P</u>	P	P	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C		C/S	C/S	<u>C/S</u>	C/S	C/S	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P ¹¹		P	P		P	P	P					
131	Accessory Uses	P	P	P		P	P	<u>P</u>	P	P	P	P	P	P	P	P
132	Accessory Structures	P	P	P		P	P	<u>P</u>	P	P	P	P	P	P	P	P
133	Open Storage Areas					P	P	<u>P</u>					P	P	P	P
134	Outdoor Storage Yard												P	P		

Notes to Table 17.16.070.1

- ¹ Subject to design requirements, see Chapter 17.20
- ² Only as part of mixed use development, and not on the ground floor
- ³ Limited to 10,000 square feet gross floor area
- ⁴ Convenience stores only
- ⁵ Limited to arenas and fairgrounds
- ⁶ Only owned by a public/semi-public entity
- ⁷ Fruit and Vegetable Canning, Pickling, Freezing, and Drying only
- ⁸ Quick printing or under 10,000 square feet gross floor area
- ⁹ Heliport only
- ¹⁰ As an accessory use only
- ¹¹ Only if no employees other than residents, otherwise, C
- ¹² Only one single family or manufactured home per lot
- ¹³ Site plan review is required if there is more than one duplex on a parcel.
- ¹⁴ With no less than two drive-thru lanes and a drive-up automatic teller machine.
- ¹⁵ Indoors only.

2. DIMENSIONAL REQUIREMENTS FOR LOTS.

- a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

Table 17.16.070.2 Minimum Dimensional Requirements for Lots

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Lot Area (square feet) ¹	8,000 ²	7,000 ³	6,000	7,000	0	0	0	<u>0</u>	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 ⁴	70 ⁴	60 ⁴	40	0	0	0	<u>0</u>	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	<u>0</u>	0	0	0	0	0	0	0

Notes to Table 17.16.070.2

- ¹ The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:
 - a. Protect natural drainage ways.
 - b. Provide drainage or utility easement.

- c. Protect future right-of-way.
- d. Protect unbuildable steep slope areas above 15 percent slope.
- e. Protect flood plain hazard or wetland areas.

² 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue

³ A tri-plex requires a minimum lot area of 10,500 square feet

⁴ 40 feet for lots with frontage on a cul-de-sac

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

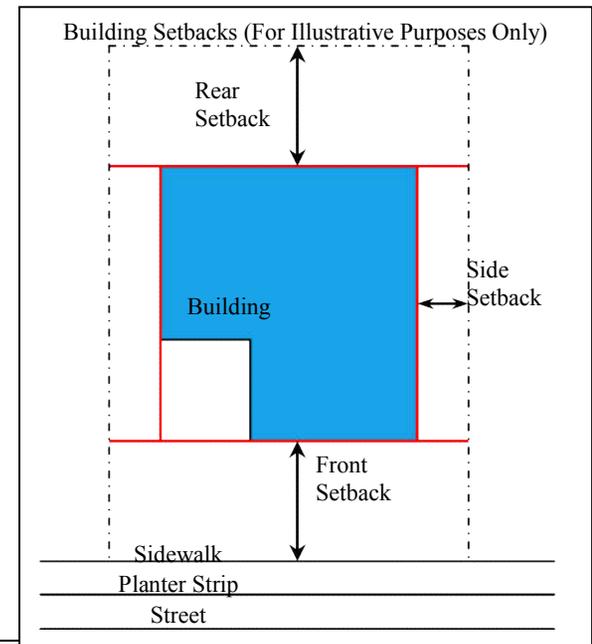
- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

Table 17.16.070.3 Dimensional Requirements for Structures

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) ¹	20 ²	20 ²	20 ²	-- ⁸	0	0	0	<u>0</u>	-- ⁸	-- ⁸	-- ⁸	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- ⁸	0 ³	0 ³	0 ³	<u>0</u> ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20	15	15	-- ⁸	0 ³	0 ³	0 ³	<u>0</u> ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ⁸	60 ⁷	60 ⁷	60 ⁷	<u>--</u> ⁴	-- ⁸	-- ⁸	-- ⁸	-- ⁴	-- ⁴	-- ⁴	60 ⁷

Notes to Table 17.16.070.3

- ¹ Front setbacks are also subject to the requirements of Section 17.20.080
- ² 25 feet to a garage entrance, except a garage on a back lot or flag lot.
- ³ 10 feet when adjacent to a residential district, or as may be established through a site plan review
- ⁴ As may be established through a site plan review
- ⁵ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
- ⁶ Or 2 ½ stories
- ⁷ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
- ⁸ See the requirements of Section 17.16.080 further details and requirements.



4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.
- a. Within the Low Density and Medium Density Residential Districts, all new single-family dwelling, subject to the following development standards:
- 1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
 - 2) (Repealed Ord. 898, August 20, 2007)
 - 3) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:
 - a) Attached or detached garage with exterior materials matching the home. (Ord. 898, August 20, 2007)
 - b) Gutters and downspouts.
 - 4) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:
 - a) Dormers or gables.
 - b) Cupolas.
 - c) Bay or bow windows.
 - d) Exterior shutters.
 - e) Recessed entries.
 - f) Front porch of at least 100 square feet, which may extend into the required front yard.
 - g) Covered porch entries.
 - h) Pillars or posts in the front entry area.
 - i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
 - j) Front-side exterior brickwork or masonry.
 - 5) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.
- b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:
- 1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.
 - 2) Width. The manufactured home must be at least 24 feet in width.
 - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.
 - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.

- 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
- 6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- 7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
- 8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
- 9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
- 11) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.

17.16.110**COMMERCE PARK ZONE**

1. PURPOSE. The purpose of the Commerce Park Zone is to provide opportunities for mixed use development in a flexible manner on a campus-like setting. The uses permitted include, smaller-scale industrial uses as well as most commercial uses. Residential uses are permitted as part of live-work developments where the commercial and residential spaces are part of the same occupancy.
2. USE RESTRICTIONS. In addition to the restriction contained in section 17.16.070, the following additional restrictions apply with the Commerce Park Zone.
 - a. Within the CP Zone the maximum ground coverage of any individual buildings shall be 30,000 square feet.
 - b. Within the CP Zone, each manufacturing use is limited to 10,000 gross floor area.
 - c. The site design and architectural standards of Section 17.20.200.3 and 17.20.200.4 do not apply. The site design and architectural standards of Section 17.20.230.2 and 17.20.230.3 shall apply.



CITY OF STAYTON

MEMORANDUM

TO: Mayor Henry A Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 1, 2016
SUBJECT: Consideration of Adoption of a Property Maintenance Code

ISSUE

The issue before the City Council is the consideration of adoption of property maintenance standards within the Stayton Municipal Code. The issue was on the agenda for the July 18 meeting, but due to several Council members not being present, those in attendance deferred any action until the full Council could be part of the discussion.

BACKGROUND INFORMATION

Aside from the provisions within Title Chapter 8.04 regarding dangerous, derelict and abandoned buildings and noxious vegetation, the Stayton Municipal Code does not contain provisions regarding the maintenance of property, either the exterior appearance or its suitability for habitation. While state law spells out certain minimum conditions for residential rental units, the statute does not provide for municipal enforcement of these standards.

Staff has received a number of complaints in recent years regarding the condition of a rental unit. These complaints have been routinely referred to Marion County Building Inspection. Under the current City Code the only provisions under which the City may take action are the provisions regarding dangerous structures. Lack of water, broken windows, or inoperable heating systems are not covered under current City Code. The City is currently dealing with one property owner in a case that Marion County Building Inspection did determine the conditions constituted a dangerous building.

Over 40% of the housing units in the City are renter occupied (2010 Census reports 42%; 2014 American Community Survey reports 48%). Adoption of residential rental property standards would provide a basic level of protection to a substantial portion of City's population.

The draft standards that Staff has compiled have been modeled on the municipal codes from Corvallis and Eugene as well as including standards that reflect the requirements of state law. The draft standards include a requirement that tenant provide written notice of alleged code

violations to the landlord before a complaint is filed with the City and prohibits the City from taking action until the landlord has had ten days to respond to the tenant's complaint.

Also, in order to keep a tenant's immigration status from being a barrier to filing a complaint, the draft standards prohibit a City official from reporting a person who files a complaint to immigration officials.

Both of these two larger cities have active housing enforcement programs that are funded by a per unit annual fee assessed against all rental housing. The draft standards presented to Council include such a fee. The City of Eugene charges \$10 per rental unit per year. The City of Corvallis charges \$13 per unit per year. If Stayton charged \$10 per unit per year and collected 75% of that without the need for any follow-up, then the annual revenue would be about \$15,000. If Council wishes to establish such a fee then should be an outreach effort to property owners informing of them that the Council is considering adoption of the standards and fee.

Attached to this staff report is an initial draft of potential Code language for City Council review and discussion. Also attached is ORS 90.320 that establishes minimum habitability standards for residential rental housing in state law.

OPTIONS AND MOTIONS

The City Council is presented with the following options, which are not mutually exclusive

1. Direct Staff to prepare an Ordinance including the Residential Rental Property Standards, with an annual fee

Move to direct staff to present to the City Council an Ordinance including the residential rental property standards and an annual per unit fee to fund the administration of the standards.

2. Direct Staff to prepare an Ordinance including the Residential Rental Property Standards, without an annual fee

Move to direct staff to present to the City Council an Ordinance including the residential rental property standards but exclude any fees

3. Have a more in-depth discussion among the City Council prior to preparation of an Ordinance

Move to place discussion of this issue on the August 15 City Council agenda.

4. Take No Action

No motion necessary.

TITLE 15 - BUILDINGS AND CONSTRUCTION

Chapter 15.08 RENTAL HOUSING CODE

Sections:

Section 15.08.010 Title.

Section 15.08.020 Purpose.

Section 15.08.030 State of Oregon Residential Landlord and Tenant Act.

Section 15.08.040 Scope.

Section 15.08.050 Dangerous Buildings Code.

Section 15.08.060 Severability.

Section 15.08.070 Liability.

Section 15.08.080 Definitions.

Section 15.08.090 Standards.

Section 15.08.100 Enforcement.

Section 15.08.110 Appeals.

Section 15.08.120 Fees.

Section 15.08.010 Title.

These regulations shall be known as the Stayton Rental Housing Code, may be cited as such, and will be referred to herein as "this Chapter."

Section 15.08.020 Purpose.

The purpose of this Chapter is to provide minimum habitability criteria to safeguard health, property, and public welfare of the owners, occupants, and users of residential rental buildings.

Section 15.08.030 State of Oregon Residential Landlord and Tenant Act.

This code is intended to supplement rather than conflict with the habitability standards of the State of Oregon Residential Landlord and Tenant Act (ORS Chapter 90).

Section 15.08.040 Scope.

- 1) Except as described below, this Chapter shall apply to all buildings or portions thereof which are legally used for human habitation and are covered by a rental agreement.
- 2) Those arrangements identified in the State of Oregon Residential Landlord and Tenant Act as excluded from its authority are also exempted from this Chapter. The following are exempted from this Chapter either through the State of Oregon Residential Landlord and Tenant Act or in addition to it:
 - a) Hotels, motels and lodging houses.
 - b) Hospitals and other medical facilities.

- d) Nursing homes and similar facilities.
- e) Group SR Occupancies.

Section 15.08.050 Dangerous Buildings Code.

Conditions which define a building as dangerous under SMC Title 8, Chapter 8.04 will be abated through the procedures specified in SMC Title 8, Chapter 8.04.

Section 15.08.060 Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this Chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Chapter, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Chapter notwithstanding the parts to be declared unconstitutional and invalid.

Section 15.08.070 Liability.

The City officials charged with the enforcement of this Chapter, acting in good faith and without malice in the discharge of the duties required by this Chapter or other related laws and ordinances shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

Section 15.08.080 Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. Agent: A person authorized by another to act in his/her behalf.
2. Building Code: The currently adopted edition of the State of Oregon Structural Specialty Code.
3. Building Official: The individual(s) designated by the City Administrator to administer and enforce the building codes and inspect buildings.
4. Dangerous Buildings Code: Those provisions of SMC Title 8, Chapter 8.04 adopted for the abatement of unsafe buildings.
5. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation. For purposes of this Chapter, where portions of a residential building are occupied under separate rental agreements, but tenants share eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.
6. Habitable Room: Any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
7. Group SR Occupancies: Special residences where personal care is administered and that are licensed by, or subject to licensure by, or under the authority of the Oregon Department of Human Services or any other State agency.

8. Mechanical Code: The currently adopted edition of the State of Oregon Mechanical Specialty Code.
9. Ordinance Enforcement Officer: The individual designated by the City Administrator to enforce the provisions of this Chapter.
10. Plumbing Code: The currently adopted edition of the State of Oregon Plumbing Specialty Code.
11. Rental Agreement: All agreements, written or oral, concerning the use and occupancy of a dwelling unit and premises.

Section 15.08.090 Standards.

1. Structural Integrity.
 - A. Roofs, floors, walls, foundations, stairways and railings, and all other structural components shall be capable of resisting any reasonable stresses and loads to which these components may be subjected and shall be maintained in good repair.
 - B. Structural components shall be of materials allowed or approved by the Building Code.
2. Plumbing.
 - A. Each dwelling unit shall be provided with access to a toilet, bath or shower, and lavatory in a room or rooms separate from the habitable rooms and which affords privacy, within the building in which the dwelling unit is located.
 - B. Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions.
 - C. Plumbing components shall be of materials allowed or approved by the Plumbing Code.
3. Heating.
 - A. There shall be a permanently installed heat source with the ability to provide a room temperature of 68 degrees Fahrenheit three feet above the floor, measured in the approximate center of the room, in all habitable rooms. Portable space heaters shall not be used to achieve compliance with this section.
 - B. All heating devices or appliances shall be of an approved type and shall conform to applicable law at the time of installation.
 - C. Ventilation for fuel-burning heating appliances shall be as required by the Mechanical Code at the time of installation.
4. Electrical. Electrical lighting, fixtures and outlet and all other electrical equipment shall conform to applicable law at the time of installation and shall be maintained in good working order.
5. Weatherproofing.
 - A. Roof, exterior walls, windows and doors shall be maintained to prevent water leakage into living areas which may cause damage to the structure or its contents or may adversely affect the health of an occupant.

- B. Repairs must be permanent rather than temporary and shall be through generally accepted construction methods.
6. Smoke Detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.
 7. Carbon Monoxide Detectors. Every dwelling unit shall be equipped with an approved and properly functioning carbon monoxide alarm in accordance with applicable rules of the State Fire Marshal if the dwelling unit contains a carbon monoxide source or is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork or a ventilation shaft.
 8. Security. Doors and windows leading into a dwelling unit must be equipped with locks and shall be maintained in a condition so as to restrict access into the dwelling unit.
 9. Buildings and Grounds. Buildings, grounds and appurtenances must be, at the time of the commencement of the rental agreement, in every part safe for normal and reasonably foreseeable uses, and shall be kept clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord shall be kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin.
 10. Interpretations.
 - A. The Ordinance Enforcement Officer is empowered to render interpretations of this Section.
 - B. Such interpretations shall be in conformance with the intent and purpose of this Chapter.

Section 15.08.100 Enforcement.

1. Authority. The Ordinance Enforcement Officer is hereby authorized and directed to enforce all the provisions of this Chapter.
2. Complaint.
 - A. A complaint must be in writing and may be filed in person or by mail, e-mail or fax.
 - B. A complaint must include the following:
 - 1) Name of person filing the complaint; complaints may not be submitted anonymously.
 - 2) Name of the landlord.
 - 3) Address of the alleged violation.
 - 4) A complete description of the alleged violation.
 - 5) A copy of the written notice of the alleged habitability violation that has been sent by the tenant to the landlord.
 - C. A person who files a complaint must be a party to the current rental agreement covering the property in question or an agent of this party.

- D. The Ordinance Enforcement Officer or any other City official shall not report a person who files a complaint to immigration officials.
 - E. Complaints will be processed by Ordinance Enforcement Officer using an administratively adopted written procedure which includes the following:
 - 1) confirmation that the complainant has standing to file a complaint
 - 2) confirmation that the subject of the complaint, if confirmed, would be a violation of this Chapter.
 - 3) confirmation that the landlord has had seven days, plus three days for mailing per ORS 90.150(3), since mailing of the written notice by the tenant to respond to the complaint except that when the violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit, confirmation that the landlord has had 48 hours by written notice from the tenant to respond to the complaint.
 - 4) written notification of the landlord by the Ordinance Enforcement Officer of the complaint.
3. Investigations.
- A. Investigations will be initiated only after the above process has been followed.
 - B. The Ordinance Enforcement Officer will conduct an investigation to confirm the validity of the complaint.
 - C. If the complaint is determined to be not valid, the case will be closed and all parties notified.
 - D. If the complaint is determined to be valid, the Ordinance Enforcement Officer will issue a Notice of Violation and Order of Abatement.
4. Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of this Chapter, the Ordinance Enforcement Officer, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Ordinance Enforcement Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Ordinance Enforcement Officer shall have recourse to the remedies provided by SMC Title 1, Chapter 1.24 to secure entry.
5. Notices and Orders.
- A. For valid complaints, the Ordinance Enforcement Officer shall issue a Notice of Violation and Order of Abatement to the landlord. The Notice and Order shall include the following:
 - 1) Street address.
 - 2) A statement that the Ordinance Enforcement Officer has found the premises to be in violation of this Chapter as alleged in the complaint.
 - 3) A thorough description of the violation.

- 4) Statements advising the landlord that if the required repairs are not completed within seven days, plus three days for mailing from the date of the Notice and Order (48 hours when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit), then Ordinance Enforcement Officer will:
 - a) Record the notice and order against the property.
 - b) Coordinate the issuance of a citation to the landlord to appear in Municipal Court.
 - c) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the issue.
- 5) Statements that the landlord may appeal the notice and order as specified in this Chapter.
- 6) The date by which the repairs must be completed and a reinspection scheduled.
- B. The Notice of Violation and Order of Abatement, and any amended or supplemental Notice and Order, shall be posted on the premises and shall be served to the landlord by first class mail, at the address of record in the Marion County Assessor's records.
6. Failure to Comply. If there is no compliance with the Notice and Order by the specified date, the Ordinance Enforcement Officer will:
 - A. Coordinate the issuance of a citation to the landlord to appear in Municipal Court;
 - B. Record the Notice and Order against the property with all recording costs to be the responsibility of the landlord; and
 - C. Initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the issue with the intent of recovering these costs from the landlord.
7. Compliance.
 - A. Upon compliance with the Order of Abatement, the Ordinance Enforcement Officer will issue a Notice of Compliance to the landlord and to the complainant.
 - B. If a Notice and Order was recorded against the property, Housing Division staff will record the Notice of Compliance against the property.
 - C. If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the issue, the Finance Director will proceed with collecting these costs from the landlord using adopted City procedures.
8. Penalties. Any person violating any of the provisions of this Chapter shall, upon court conviction thereof, be punished by a fine as specified by Council Resolution. Each day that a violation exists is a separate offense.

Section 15.08.110 Appeals.

1. Appeal to City Administrator. Any tenant who has filed a complaint that the Ordinance Enforcement Officer has determined is not valid may file a written appeal to the City Administrator within 10 days of the date the notice was mailed. Any landlord who has been issued a Notice of Violation by the Ordinance Enforcement Officer may file a written appeal

to the City Administrator within 10 days of the date the notice was mailed. The written appeal shall state one or more of the following grounds for the appeal:

2. City Administrator's Decision on the Appeal. The City Administrator shall consider the appeal within 15 days from the date of the City's receipt of the appeal. The City Administrator may, at the City Administrator's sole discretion,
 - A. Remand the issue back to the Ordinance Enforcement Officer for reconsideration,
 - B. Grant the request on appeal, with or without conditions, or
 - C. Deny the request on appeal.

The City Administrator shall issue a written Notice of Decision regarding the appeal. The City Administrator's decision may be appealed, in writing, to the City Council.

3. Appeal to City Council. The City Administrator's decision to approve or deny an appeal may be appealed by the tenant or the landlord to the City Council within 10 days of the mailing of the Notice of Decision. The appeal shall be in writing and shall clearly state the issue being appealed and the grounds for the appeal. The City Council shall consider the appeal at a regularly scheduled meeting, no later than 45 days from the date of the City's receipt of the appeal. The Mayor may invite testimony, at the Mayor's discretion. The City Council may, at its discretion,
 - A. Remand the issue back to the City Administrator for reconsideration,
 - B. Grant the request on appeal, with or without conditions, or
 - C. Deny the request on appeal based on the record.

The City Council's decision is final.

4. Appeal Fee. Any appeal submitted under this Section shall include a \$50.00 filing fee.
5. Scope of Appeal. Appeals may be filed regarding notices, orders, interpretations and decisions made by the Ordinance Enforcement Officer relative to this Chapter.
6. Form of Appeal. An appeal must be in writing and include the following:
 - A. Name of person filing the appeal.
 - B. Copy of the notice and order.
 - C. Copy of the section of this code which is being appealed.
 - D. A complete explanation of the appeal.
 - E. What is requested of the City Administrator or City Council.

7. Appeal Procedure.
 - A. Appeals shall be submitted to the Planning and Development Director. The Planning and Development Director shall confirm that the appeal meets the filing criteria and the appeal request is complete.
 - B. If the filing criteria have not been met, the person filing the appeal will be so notified. The Planning and Development Director, at his/her discretion, may extend the filing

deadline by an additional three days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.

- C. If the filing criteria is met, the Planning and Development Director shall forward the appeal to the City Administrator or schedule a hearing of the City Council, as is appropriate.

Section 15.08.120 Fees.

1. For the purpose of offsetting costs to the City associated with the enforcement of this Chapter there is hereby imposed an annual fee, to be set by Council Resolution, for each dwelling unit covered by a rental agreement.
2. The following unit types, while subject to the standards, enforcement procedures, and other requirements established in this Chapter, shall be exempt from the fee payment requirements of this Section: rentals with a recorded deed restriction requiring the units to be rented affordably to households at or below 50% of the Area Median Income; rentals under contract with a public agency that requires the rental to be inspected at least annually and verifies that the dwelling is rented to a low income household; and rentals designated as senior or disabled housing by a public agency.
3. The landlord is responsible for paying the annual fee upon written or electronic request. The Finance Director shall adopt and implement policies and procedures which include multiple written or electronic communications with landlords before assessing a penalty. The penalty established below is necessary to offset the actual cost of these procedures when payment of the annual fee is not timely or when payment of the annual fee is not made.
4. Policy regarding penalties. Providing minimally habitable rental housing is of great importance within the City of Stayton. The costs of this program are intended to be somewhat offset by the annual fees, but the City Council also desires to not greatly increase the cost of renting residential property within the City. The City Council has balanced raising the amount of the annual fee in order to offset the cost of the program against the desire for landlords to pay the annual fee in a timely manner, and finds that an artificially lower annual fee that encourages timely payment is more likely to provide funding that offsets the costs of this essential program than is a higher fee which would capture all the administrative costs of collection. The City finds that staff charged with administration and enforcement of this program spend a grossly disproportionate portion of their time attempting to collect fees or to collect untimely fees from a relatively few landlords. The City Council finds that relatively low penalties for failing to pay the annual fee or for failing to pay the annual fee in a timely manner, encourages some landlords to fail to make payments or to make late and untimely payments. The City Council finds that relatively low penalties therefore result in an even more unfair apportionment of the cost of providing this essential program to other landlords and taxpayers, and threatens the City's ability to provide the service for the low annual fee.
5. Failure to pay the fee as requested will subject the landlord to the following actions:
 - A. A penalty fee of \$250.00 will be assessed to the landlord for each unpaid per unit fee if the annual fee is not paid by the date specified in the written or electronic request for payment.
 - B. The City will initiate appropriate action to collect the fees due and all costs associated with these actions will be assessed to the landlord.

C. Appropriate action may include placing a lien on the property.

DRAFT For City Council Review and Discussion



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

TO: Mayor Henry Porter and the Stayton City Council
THRU: Keith Campbell, City Administrator
FROM: Lance S. Ludwick, P.E. Public Works Director
DATE: August 1st, 2016
SUBJECT: City of Stayton & RJR Properties Co., Development and Reimbursement Agreement

ISSUE

City of Stayton & RJR Properties Co., Development and Reimbursement Agreement

ENCLOSURES

1. Development and Reimbursement Agreement

BACKGROUND INFORMATION

The (Developer) RJR Properties has agreed to a certain development agreement described as Wildlife Meadows Subdivision (Development). The agreement states that the Developer agrees to comply with all planning conditions contained in the approval of File No. 3-04/16, Order of Conditional Approval, executed February 29th, 2016. The Planning Commission's Order of Conditional Approval requires the execution of this Development and Reimbursement Agreement between the Developer and the City covering the financial responsibilities of each party and the coordination of construction of public improvements, including the construction of a 16-inch waterline across the frontage and the widening of Shaff Road SE across the frontage of the subject development and providing reimbursement terms herein.

OPTIONS

- A. Approval of Development and Reimbursement Agreement between City and Developer.
- B. Reject the Development and Reimbursement Agreement between City and Developer.

RECOMMENDATION

Approval of Development and Reimbursement Agreement between City and Developer.

MOTION:

Approval of Development and Reimbursement Agreement between City of Stayton and RJR Properties Co.

MAIL TAX STATEMENTS TO:
No Change

AFTER RECORDING RETURN TO:
City of Stayton
Attn: Alissa Angelo
362 N. Third Avenue
Stayton, OR 97383

DEVELOPMENT AND REIMBURSEMENT AGREEMENT

Dated: _____, 2016
Between: CITY OF STAYTON, AN OREGON MUNICIPAL CORPORATION
362 N. THIRD AVENUE
STAYTON, OR 97383
And:
RJR PROPERTIES Co.
777 Shaff Rd SE
Stayton, OR 97383

THIS DEVELOPMENT AGREEMENT (hereinafter "**AGREEMENT**") is entered into on the last date executed by the parties below (the "**Effective Date**") by and between CITY OF STAYTON, an Oregon municipal corporation (hereinafter the "**CITY**") and RJR PROPERTIES CO., an Oregon Corporation (hereinafter the "**DEVELOPER**").

***** WITNESSTH*****

WHEREAS, the Planning Commission of the CITY has granted approval to the Conceptual Master Planned Development (File No. 3-04/16, Order of Conditional Approval, executed February 29, 2016) (hereinafter the "**APPROVAL**") for that certain development described therein and known as WILDLIFE MEADOWS SUBDIVISION (hereinafter the "**DEVELOPMENT**"), with the understanding that the DEVELOPER agrees to comply with all planning conditions contained in the APPROVAL;

WHEREAS, the DEVELOPER submitted proposed construction plans on or about May 24th 2016 and submitted revised construction plans on or about July 7th 2016 (collectively the "**Plans**");

WHEREAS, the Planning Commission's Order of Conditional Approval requires the execution of this Development and Reimbursement Agreement between the DEVELOPER and the CITY covering the financial responsibilities of each party and the coordination of construction of public improvements, including the construction of a 16-inch waterline across the frontage and the widening of Shaff Road SE across the frontage of the subject development and providing for reimbursement terms herein.

AGREEMENT:

NOW THEREFORE, the DEVELOPER and the CITY (collectively herein the "**Parties**") agree to the following terms and conditions to wit:

1. The DEVELOPER agrees to complete the following public improvements: (i) DEVELOPER shall construct a 16 inch waterline in the newly dedicated Shaff Road SE right of way across the frontage of the subject Development adjacent to Shaff Road SE, (ii) DEVELOPER shall construct an 8 foot wide property line sidewalk in the newly dedicated Shaff Road SE right of way for the frontage of the subject Development adjacent to Shaff Road SE, (iii) DEVELOPER shall construct an additional width to Shaff Road SE to bring the curb to curb width to 50 feet for the frontage of the subject Development adjacent to Shaff Road SE, and (iv) DEVELOPER shall dedicate 17.5 feet of right of way adjacent to Shaff Road SE for the entire frontage of the proposed Development as further described in the Plans (collectively herein the **"Public Improvements"**).
2. The CITY agrees that the Public Improvements have been determined to be Qualified Public Improvements eligible for System Development Charges (SDC) pursuant to Chapter 13.12 of the Stayton Municipal Code and that upon completion, the CITY will financially compensate DEVELOPER for the cost of improvements that are larger in size and greater in scope than improvements sized and established to meet only the demands created by the Wildlife Meadows Development. Public Improvement Costs, as that term is defined in section 12.
3. DEVELOPER agrees that the Public Improvements shall be constructed in accordance with the land use approvals and the construction plans approved by the CITY, with conditions as outlined in the CITY approvals.
4. The DEVELOPER agrees that the Public Improvements shall be done in compliance with all applicable statutes, codes, ordinances and standards and conditions of approval, including, but not limited to, the version of the CITY's Public Works Standards in effect at the time construction plans and drawings are submitted, which include the Public Works Design Standards (**"PWDS"**), the Public Works Standard Construction Specifications (**"PWSCS"**), the Standard Drawings, and the CITY subdivision and development ordinances. The DEVELOPER certifies that copies of the CITY's current applicable PWDS have been obtained by the DEVELOPER or its representative, and will be available for reference by the contractor constructing the project.
5. DEVELOPER agrees to retain design professionals and contractors appropriately licensed and skilled to design and construct the Public Improvements. DEVELOPER also agrees that only registered professional engineers with specialties in civil, environmental, structural, and/or traffic engineering, as appropriate to their respective expertise, shall perform primary design and construction inspection activities of improvements to be publicly-owned and maintained.

Further, in order to ensure coordination of design of the Public Improvements and to facilitate efficient communication with the CITY, the DEVELOPER has retained Brian Vandetta PE, PLS of Udell Engineering and Land Surveying, LLC, to serve as ENGINEER OF RECORD, with duties as listed in Section 6 below, to provide DEVELOPER with engineering and inspection services during the design and construction of the Public Improvements.

If Brian Vandetta is dismissed, or otherwise stops providing DEVELOPER with on-going, required services, DEVELOPER shall notify the City Engineer within three (3) days and retain a replacement.
6. **SCOPE OF PROFESSIONAL SERVICES**

DEVELOPER agrees that the scope of work provided by any engineer, engineering firm, or other design professional hired by DEVELOPER to work on the Public Improvements shall include, at a minimum, the following items and responsibilities as applicable:

The design professional shall prepare construction plans and drawings, specifications, reports, test results, and cost estimates, professionally sealed in accordance with the requirements of the Planning Commission's Order of Conditional Approval, SMC Sections 17.24.060 and 17.24.070, City Public Works Standards, City Engineer and any special conditions imposed by a hearing body, agency or other jurisdiction with authority over the proposed work.

The design professional shall stamp/seal every plan sheet the design professional is responsible for preparing and submitting to the CITY for official review. For documents and individual plan sheets that incorporate the work of more than one design professional, each design professional shall clearly delineate the elements for which each is responsible, professionally sealed as required.

If the Plans contain individual plan sheets from more than one design professional for submittal to the CITY (e.g., architect, traffic engineer, structural engineer, lighting professional, landscape architect), the ENGINEER OF RECORD shall prepare a plan set cover sheet and shall be responsible for compiling all plan set contents and resolving any plan conflicts among the various contributing disciplines.

The ENGINEER OF RECORD shall participate in the arrangements for and observation of all site surveying, grading and construction staking relating to the Public Improvements. The ENGINEER OF RECORD shall provide the City Engineer with copies of survey field notes, if requested. Unless otherwise approved by the City Engineer, the DEVELOPER and all involved design professionals shall attend a pre-construction conference with the CITY and the contractor(s). Design professionals shall attend other inspection or oversight visits that may be required by the CITY or other regulatory entities and government agencies. Each design professional that prepares and seals a plan sheet must make a post-construction site visit and sign the Certification Letter of Completion.

The ENGINEER OF RECORD shall provide engineering and inspection services during the construction of the Public Improvements. The ENGINEER OF RECORD shall perform all primary inspection duties for the Public Improvements construction, monitor site grading and site paving, and shall provide the CITY with copies of the inspection notes of the Public Improvements construction, as required by the City Engineer. Frequency and duration of inspection and construction observation visits shall be sufficient to permit the design professional(s) to:

- Seal/stamp the plans "As-Built" or "Record Drawings" for the public improvements and;
- Provide Record Drawings for the site grading, site paving, and other required private improvements and;
- Provide the City with a Certification Letter of Completion.

The ENGINEER OF RECORD shall be responsible for obtaining the information and signatures needed from all involved design professionals to complete the Certification Letter for submission to the City as provided for herein. Following completion of construction, and prior to the CITY'S releasing the performance bond, the "As-Built"/Record Drawings and data shall be provided to the CITY, per the requirements outlined in the City Public Works Design Standards. Each sheet of the drawings shall be stamped "As-built"/Record Drawing as appropriate, signed, and dated by the applicable design professional(s).

The ENGINEER OF RECORD shall request and obtain written authorization from the City Engineer or his designee before construction either deviates from the approved plans or uses any materials or products not specified in the plans. Requests to deviate from approved plans or to use unauthorized materials must be prepared and submitted by the appropriate design professional with a written explanation of the circumstances requiring the change. Upon receipt such a request, the City Engineer shall three (3) business days to notify the Engineer of Record of his rejection to the request. Unless such notice of rejection is given, the request shall be deemed approved.

7. DEVELOPER will not commence construction until approval of Construction Plans and Drawings has been issued in writing by the City Engineer, a Site Development Permit has been issued by the Public Works Director, and any applicable federal, state or county and all necessary permits have been issued.

8. COMPLETION OF THE PUBLIC IMPROVEMENTS

The Parties acknowledge that the Public Improvements are "Substantially Complete" when the following has occurred:

- a. The Public Improvements have been constructed according to the Plans, have passed a final inspection, and all "punch list" items have been corrected.
- b. All special conditions related to the Public Improvements imposed by the City Engineer, a hearing body, other agencies, and jurisdictions have been satisfied and acceptable by each applicable authority, agency, and jurisdiction.
- c. Any outstanding fees, easements, financial securities, and construction maintenance guarantees have been paid, submitted, and provided, as applicable, in a form acceptable to the CITY and other authorities, agencies, and jurisdictions.
- d. "As-Builts" or "Record Drawings" of the Public Improvements have been submitted and approved per City Public Works Design Standards.
- e. A Certification Letter of Completion has been completed and signed by the ENGINEER OF RECORD and any other design professional(s) that prepared and sealed a plan sheet, has been submitted to the City. This Letter shall certify that the Public Improvements were appropriately inspected, and are finished in substantial conformance with the approved plans, applicable specifications, and land-use order(s) conditions of approval.
- f. The CITY acknowledges and agrees that all inspections, reviews, and approvals required in this Section 8 or otherwise in this Agreement shall not be unreasonably withheld or delayed.

9. ENFORCEMENT

The DEVELOPER acknowledges that failure to adhere to the terms and provisions stated in this AGREEMENT may, in addition to other possible remedies; result in the revocation of CITY permits, the issuance of a stop work order and/or commencement of civil proceedings for violation of CITY ordinances. The issuance of stop work order does not carry with it an obligation on the part of the City to provide a timeline or mechanism or process for the removal of the stop work order, other than the requirement for full and complete correction of the violations that caused the stop work order to be issued in the first place. There shall be no Building Permits Issued during the Stop Work Order. The stop work order shall be lifted only after the City has determined that the project is in full compliance with all city, county, state and

federal rules, ordinances, code provisions or statutes, and that the project is in full compliance with all necessary permit conditions.

10. It is agreed that the DEVELOPER is making the Public Improvements with the understanding that the CITY will accept said Public Improvements as part of the CITY's public works facilities after the DEVELOPER completes the Public Improvements to the satisfaction of the City Engineer, which shall not be unreasonably withheld or delayed. Final acceptance of the Public Improvements shall not occur until the completion of the warranty period and satisfaction of the acceptance policies of the CITY. In accordance with Section 103.05 of the PWSCS, the warranty period shall be one (1) year from provisional acceptance of the public works improvements by the CITY.
11. Upon Substantial Completion of the Public Improvements, as set forth in Section 8 of this Agreement the CITY shall financially compensate the DEVELOPER within thirty (30) days for:
 - (i) the difference in cost associated with the construction of the 16-inch waterline in Shaff Road SE and an 8-inch waterline, including but not limited to, the difference in cost of 300 linear feet of 16" waterline and 300 feet of 8" waterline, the difference in cost of a 16" butterfly valve and an 8" gate valve, and the difference in cost of a 4" blow-off and 2" blow off; and
 - (ii) the construction of street width and associated constructions dictated by the additional street width in Shaff Road SE that is in excess of a width that would normally be required for a residential subdivision, including but not limited to, an additional 9.5 feet of excavation, additional 9.5 feet of geotextile fabric, additional 9.5 feet of base rock with depth of 15 inches, additional 9.5 feet of hot mixed asphaltic concrete with depth of 7 inches, additional 3 feet of sidewalk width, and asphalt taper to the east (collectively herein the "**Public Improvement Costs**").These Public Improvements Costs, which the parties agree is fair and reasonable compensation to the DEVELOPER are set forth in **Exhibit A**, attached hereto and incorporated herein. If the CITY does not financially compensate DEVELOPER for the Public Improvement Costs within thirty (30) days of completion as set forth in Section 8, then the balance due shall bear interest at the default rate of eighteen percent (6%) per annum. If such rate is usurious under governing law, then the default rate shall equal the highest rate permitted by law.
12. The DEVELOPER shall, after satisfactorily completing the obligations set forth herein, provide the CITY a warranty bond, or other mutually agreed upon security, valued at a minimum of thirty (30) percent of the Performance Bond in accordance with Section 102.05 of the PWSCS. The warranty period for the public works improvements shall be for 12 months and shall not commence until acceptable record drawings and said warranty bond or other mutually agreed upon security is provided to the CITY, and the period of the warranty shall be for the full warranty period. If any stormwater management facility is proposed by DEVELOPER to be maintained by CITY, a separate Two (2) year maintenance and warranty bond shall be submitted for the Water Quality Facility and the Detention Pond.
13. It is agreed between the CITY and the DEVELOPER that no building permits for any structures within the DEVELOPMENT will be issued until all required improvements have been constructed and all planning, engineering and public works conditions of approval have been met by the DEVELOPER and accepted by the CITY, including submittal of warranty bonds or other mutually agreed upon security and record drawings, unless approved by the City Administrator.

14. The final plat will not be recorded before the Public Improvements have been constructed and all planning, engineering and public works conditions of approval have been met by the DEVELOPER and accepted by the CITY unless an acceptable financial assurance is provided by the DEVELOPER to the CITY. The financial assurance shall be in a form meeting the standards of the CITY and must be for an amount equal to 125% of the expected cost to design, construct, and administer the Public Improvements.
15. The PARTIES agree that before submitting the draft final plat to the Marion County Surveyor, the DEVELOPER shall submit for approval by the CITY before recording copies of the CC&Rs, the Articles of incorporation of the Homeowners Association (HOA), HOA bylaws and the rules and regulations in accordance with the Planning Commission's conditions of approval.
16. It is further agreed that any amendments to this AGREEMENT or any assignments of responsibilities contained herein shall not be valid without the written consent of the CITY.
17. This AGREEMENT shall be binding on any assigns or successors in interest of the DEVELOPER.
18. This AGREEMENT shall be recorded in the deed records of Marion County, Oregon by the DEVELOPER.
19. This AGREEMENT shall be in full force and effect until the Public Improvements are complete and final acceptance in writing is given by the CITY or for a period of 24 months after its execution by the PARTIES, if the DEVELOPER has not received CITY approval of construction plans and commenced construction. Failure to commence construction within 24 months after execution of this AGREEMENT shall result in expiration of this AGREEMENT and, in accordance with SMC Section 17.12.120.7, expiration of the Planning Commission's APPROVAL.
20. Any dispute or claim that arises out of or that relates to this AGREEMENT, or to the interpretation or breach thereof, shall be resolved by final and binding arbitration in accordance with the then effective arbitration rules of Arbitration Service of Portland, Inc. by filing a claim in accordance with the filing rules of the organization, and judgment upon the award rendered pursuant to such arbitration may be entered in a Marion County, Oregon court having jurisdiction thereof. Any arbitration proceedings shall be conducted in Marion County, Oregon, and shall be concluded as to all facets of the arbitration proceeding within 120 days of the filing of the claim. Any Final or Supplemental Award that includes a provision for remediation shall specifically require that any such remediation be in accordance with all city, county, state and federal rules, regulations and statutes. Any work required in any remediation requirement shall be done only after the issuance of all necessary permits for such work.

The owner, the contractor, and all subcontractors, material suppliers, engineers, architects, designers, construction lenders, bonding companies, and all other PARTIES concerned with or involved in the performance of the contract are bound, each to the other, by this arbitration clause, regardless of whether or not such PARTY has signed this AGREEMENT. This arbitration clause shall not preclude any PARTY from filing a statutory construction lien or from commencing suit to foreclose such lien, but the foreclosure suit shall be stayed until the rendering of the arbitration award, which award shall be binding in such foreclosure suit as to all matters determined in arbitration, and the lien may then be foreclosed to the extent permitted by law.
21. The PARTIES hereto agree that should any Arbitration Claim be filed to enforce the terms of this AGREEMENT or any breach thereof, the losing PARTY agrees to pay the prevailing PARTY's

reasonable attorney fees in an amount to be set by the court, including costs, disbursements and any such attorney fees associated with any appeal therefrom.

22. Any Arbitration Claim arising out of or otherwise related to this Agreement by a party against the other party to this Agreement, or any successors or assigns whether now known or subsequently discovered shall be brought within one (1) year of the Substantial Completion of the Public Improvements as set forth in Section 8 of this Agreement or forever be barred.

IN WITNESS THEREOF, the CITY has caused this AGREEMENT to be signed by its City Administrator and Mayor, and the DEVELOPER has caused this AGREEMENT to be signed, sealed and notarized the same as the date and year first above written.

CITY OF STAYTON, OREGON:

Keith Campbell, City Administrator

Henry A. Porter, Mayor

State of Oregon)
) ss.
County of _____)

On this _____ day of _____, 2016, personally appeared Keith Campbell, City Administrator of City of Stayton, Oregon, an Oregon municipal corporation, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires: _____

State of Oregon)
) ss.
County of _____)

On this _____ day of _____, 2016, personally appeared Henry A. Porter, Mayor of City of Stayton, Oregon, an Oregon municipal corporation, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires: _____

RJR PROPERTIES, CO.

By: Roger Roberts, Secretary

State of Oregon)
) ss.
County of _____)

On this _____ day of _____, 2016, personally appeared Roger Roberts, the Secretary on behalf of RJR Properties Co., an Oregon Corporation who being duly sworn, did acknowledge the foregoing instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires: _____

Exhibit A

EXHIBIT A						
Project: WILDLIFE MEADOWS SUBDIVISION						
Date: July 11, 2016						
Reimbursement Calculation					Based on RJ Armstrong Bid	
Streets						
NO.	ITEM	UNITS	QUANTITY	UNIT COST	TOTAL COST	
1	Mobilization	LS	0.0246	\$ 49,400.00	\$ 1,215.24	
2	Clear and grub	LS	0.0246	\$ 24,788.00	\$ 609.78	
3	Excavation street (compacted onsite)	LS	0.088	\$ 18,612.00	\$ 1,637.86	
4	Over Excavation/Stabilization	cy	0	\$ 47.55	\$ -	
5	Geotextile fabric	sy	490	\$ 1.00	\$ 490.00	
6	10" of 1"-0" Baserock	ton	0	\$ 16.27	\$ -	
7	15" of 1" - 0" Baserock (Shaff Rd)	ton	378	\$ 16.27	\$ 6,150.06	
8	12" of 1"-0" Baserock (Fire Access Road)	ton	0	16.27	\$ -	
9	3" of ODOT Level 2, 1/2" Dense Grade Asphalt	ton	0	\$ 92.50	\$ -	
10	4" of ODOT Level 2, 1/2" Dense Grade Asphalt	ton	0	\$ 63.30	\$ -	
11	7" of ODOT Level 3, 1/2" Dense Grade Asphalt	ton	193	\$ 72.50	\$ 13,992.50	
11A	Additional Depth of Asphalt from Local for 2' strip	ton	11.25	\$ 72.50	\$ 815.63	
12	24" Curb and Gutter w/rock under	lf	0	\$ 9.34	\$ -	
13	16" Straight Curb (Parking Area)	lf	0	\$ 17.62	\$ -	
14	Curb Inlet	ea.	0	\$ 1,394.00	\$ -	
15	Catch Basin (gutter)	ea	0	\$ 1,283.00	\$ -	
16	Lot Grading	LS	0	\$ 15,117.00	\$ -	
17	Striping and signage	LS	0	\$ 11,660.00	\$ -	
18	Erosion control	LS	0	\$ 14,352.00	\$ -	
19	Type III Barricade	ea	0	\$ 1,656.00	\$ -	
20	Sawcut existing Asphalt (shaff Shaff Rd)	lf	0	\$ 1.31	\$ -	
21	12" Asphalt Grind (Shaff Rd)	lf	0	\$ 4.27	\$ -	
22	Traffic control	LS	0	\$ 5,227.00	\$ -	
23	ADA Ramp, Wing and Landing	sf	0	\$ 8.81	\$ -	
24	Fire Access Driveway Approaches	sf	0	\$ 8.30	\$ -	
25	Recreational Trail and Detention Pond Approach (8'	sf	0	\$ 8.30	\$ -	
26	ADA Truncated Dome Panel	ea	0	\$ 218.00	\$ -	
27	4" Thick Sidewalk (8 feet wide VS 5 feet wide)	sf	679.5	4.47	\$ 3,037.37	
				Subtotal	\$ 27,948.43	
Sanitary Sewer						
NO.	ITEM	UNITS	QUANTITY	UNIT COST	TOTAL COST	
28	8" PVC SDR 35 Sanitary Sewer 7 to 10 feet Depth	lf	0	\$ 55.85	\$ -	
29	4" PVC SDR Sanitary Sewer Lateral	lf	0	\$ 42.44	\$ -	
30	Property line sewer clean-out	ea	0	\$ 90.00	\$ -	
31	48" Sewer Manhole	ea	0	\$ 3,572.00	\$ -	
32	Connection to Existing for Service Laterals	ea	0	\$ 7,300.00	\$ -	
33	Construct Outside Drop at Existing Manhole	ea	0	\$ 13,512.00	\$ -	
34	Mainline Clean-Out	ea	0	\$ 332.00	\$ -	
				Subtotal	\$ -	

Storm Drain					
NO.	ITEM	UNITS	QUANTITY	UNIT COST	TOTAL COST
35	10" Ductile Iron CL 52 Storm Drain	lf	0	\$ 51.72	\$ -
36	12" Ductile Iron CL 52 Storm Drain	lf	180	\$ 51.82	\$ 9,327.60
37	16" Ductile Iron CL 52 Storm Drain	lf	0	\$ 102.00	\$ -
38	20" Ductile Iron CL 52 Storm Drain	lf	0	\$ 91.00	\$ -
39	24" Ductile Iron CL 52 Storm Drain	lf	0	\$ 100.00	\$ -
40	10" PVC Storm Drain	lf	0	\$ 32.00	\$ -
41	12" PVC Storm Drain	lf	0	\$ 36.60	\$ -
42	24" PVC Storm Drain	lf	0	\$ 58.00	\$ -
43	84" SD Water Quality and Flow Control Manhole	ea	0	\$ 15,312.00	\$ -
44	Water Quality Infiltration Basin Construction	LS	0	\$ 41,740.00	\$ -
45	Dry Detention Pond Construction	LS	0	\$ 18,816.00	\$ -
46	Back Yard Area Drain Structure	ea	0	\$ 544.00	\$ -
47	48" Sloped Outfall Storm Manhole	ea	0	\$ 3,543.00	\$ -
48	48" Storm Manhole flat top	ea	0	\$ 2,761.00	\$ -
49	60" Storm Manhole Flat top	ea	0	\$ 5,008.00	\$ -
50	Rip Rap Outfall Protection	cy	0	\$ 24.00	\$ -
51	18" x 36" Box Culvert w/ Tapered Ends-Safety Bars	lf	0	\$ 468.00	\$ -
52	6" ADS N-12 Storm Pipe (Private per UPC)	lf	0	\$ 25.00	\$ -
53	12" Concrete Flow Spreader Curb	lf	0	\$ 22.00	\$ -
54	Type "D" Ditch Inlet	ea	0	\$ 1,575.00	\$ -
55	Storm Drain Mainline Clean-Out	ea	0	\$ 1,134.00	\$ -
55A	Area Drain	ea	1	\$ 1,575.00	\$ 1,575.00
				Subtotal	\$ 10,902.60
Water					
NO.	ITEM	UNITS	QUANTITY	UNIT COST	TOTAL COST
56	Connection to Existing	ea	0	\$ 1,231.00	\$ -
57	4" Ductile Iron CL 52 Waterline	lf	0	\$ 46.61	\$ -
58	8" Ductile Iron CL 52 Waterline	lf	300	\$ (49.84)	\$ (14,952.00)
59	16" Ductile Iron CL 52 Waterline	lf	300	\$ 54.72	\$ 16,416.00
60	4" Gate Valve	ea	0	\$ 654.00	\$ -
61	8" Gate Valve	ea	1	\$ (877.00)	\$ (877.00)
62	10" Butterfly Valve	ea	0	\$ 1,306.00	\$ -
63	16" Butterfly Valve	ea	1	\$ 3,266.00	\$ 3,266.00
64	2" Blow-off assembly	ea	1	\$ (1,649.00)	\$ (1,649.00)
65	4" Blow-off assembly	ea	1	\$ 1,800.00	\$ 1,800.00
66	Fire Hydrant Tee, Valve and Assembly	ea	0	\$ 3,800.00	\$ -
67	Meter Box and Angle Stop for 1" Services	ea	0	\$ 649.00	\$ -
68	Meter Box and Angle Stop for 2" Services	ea	0	\$ 1,512.00	\$ -
69	1" Copper Service	lf	0	\$ 19.12	\$ -
70	2" Copper Service	lf	0	\$ 276.00	\$ -
71	2" Backflow Prevention Device and Meter Box	ea	0	\$ 544.00	\$ -
72	2" Schedule 40 Private Waterline	lf	0	\$ 9.00	\$ -
73	2 1/2" Schedule 40 Private Waterline	lf	0	\$ 10.89	\$ -
74	2" Isolation Ball Valve and Valve Box	ea	0	\$ 82.00	\$ -
				Subtotal	\$ 4,004.00

Misc.					
NO.	ITEM	UNITS	QUANTITY	UNIT COST	TOTAL COST
75	Power Vault	ea	0	\$ 3,632.00	\$ -
76	Franchise Utilities' Conduits	LS	0	\$ 63,960.00	\$ -
77	Street Light Conduits	LS	0	\$ 6,533.00	\$ -
78	Street Light Bases	ea	0	\$ 800.00	\$ -
79	Mail Box Bank (16 Unit Bank)	ea	0	\$ 218.00	\$ -
80	8" Thick Reinforced Concrete Slab for Mail Boxes	sf	0	\$ 17.28	\$ -
81	4" of ODOT Level 2, 1/2" Dense Grade Asphalt (Recreation Trail)	ton	0	\$ 100.00	\$ -
82	2" of ODOT Level 2, 1/2" Dense Grade Asphalt (Recreation Trail)	ton	0	\$ 100.00	\$ -
83	10" of 1"-0" Baserock (Pedestrian Path)	ton	0	\$ 19.60	\$ -
84	4" of 1"-0" Baserock (Pedestrian Path)	ton	0	\$ 19.60	\$ -
85	Filling and Grading for Recreation Trail	LS	0	\$ 19,349.00	\$ -
86	Recreation Trail Signage	LS	0	\$ 533.00	\$ -
87	Recreation Trail Barricade	ea	0	\$ 925.00	\$ -
88	Import Fill from High School (6,500 cubic yards±)	LS	0	\$ 35,555.00	\$ -
89	Import Fill from Contractor Source	LS	0	\$ 234,135.00	\$ -
89A	Relocation of Power Poles	LS	1	\$ 147,000.00	\$ -
				Subtotal	\$ -
	CONSTRUCTION REIMBURSEMENT SUB-TOTAL				\$ 42,855.03
	DESIGN	LS	0.0257	\$ 39,500.00	\$ 1,015.15
	BOND COST	LS	0.0257	\$ 54,122.00	\$ 1,390.94
	SOFT COST REIMBURSEMENT SUB-TOTAL				\$ 2,406.09
	REIMBURSEMENT TOTAL				\$ 45,261.12