



# AGENDA

## STAYTON CITY COUNCIL MEETING

Tuesday, August 22, 2017

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. August 7, 2017 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.***



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

**Informational**

- a. July 2017 Activities Report

**Library Director's Report – Janna Moser**

**Informational**

- a. July 2017 Activities

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

*Recommended time for presentations is 10 minutes.*

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

**BUSINESS FROM THE CITY ADMINISTRATOR**

**BUSINESS FROM THE MAYOR**

**BUSINESS FROM THE COUNCIL**

**FUTURE AGENDA ITEMS – September 18, 2017**

- Community Grants
- W. High Street Abandonment
- Vacation of Alley (continuation)

**ADJOURN**

## CALENDAR OF EVENTS

### AUGUST 2017

Tuesday	August 22	City Council	7:00 p.m.	Community Center (north end)
Monday	August 28	Planning Commission	7:00 p.m.	Community Center (north end)

### SEPTEMBER 2017

Monday	September 4	<b>CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY HOLIDAY</b>		
Tuesday	September 5	City Council	<i>Cancelled</i>	
Wednesday	September 6	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	September 8	Community Leaders	7:30 a.m.	Covered Bridge Café
Tuesday	September 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	September 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 25	Planning Commission	7:00 p.m.	Community Center (north end)

### OCTOBER 2017

Monday	October 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 3	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	October 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	October 13	Community Leaders	7:30 a.m.	Covered Bridge Café
Monday	October 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 30	Planning Commission	7:00 p.m.	Community Center (north end)

### NOVEMBER 2017

Monday	November 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 7	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	November 10	<b>CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY HOLIDAY</b>		
Tuesday	November 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	November 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	November 20	City Council	7:00 p.m.	Community Center (north end)
Thursday	November 23	<b>CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY</b>		
Friday	November 24			
Monday	November 27	Planning Commission	7:00 p.m.	Community Center (north end)

### DECEMBER 2016

Monday	December 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 5	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Friday	December 8	Community Leaders	7:30 a.m.	Covered Bridge Café
Tuesday	December 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	December 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 20	Library Board	<i>Cancelled</i>	
Friday	December 22	<b>CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>		
Monday	December 25	<b>CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY</b>		

**City of Stayton  
City Council Meeting Action Minutes  
August 7, 2017**

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

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

**Time End:** 8:02 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell (at 7:17 p.m.)	Keith Campbell, City Administrator
Councilor Mark Kronquist	Dan Fleishman, Director of Planning & Development
Councilor Jennifer Niegel	Lance Ludwick, Public Works Director
Councilor Brian Quigley	Janna Moser, Library Director
Councilor Joe Usselman	Rich Sebens, Chief of Police

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Announcements</b>	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
<b>Presentations / Comments from the Public</b>	
a. Sandra Fixsen	Ms. Fixsen spoke as the representative for a volunteer group who has interest in opening a teen center in Stayton. They were encouraged to attend a City Council meeting. There was no further discussion.
<b>Consent Agenda</b>	
a. July 17, 2017 City Council Minutes	Motion from Councilor Kronquist, seconded by Councilor Quigley, to approve the Consent Agenda as presented. <b>Motion passed 4:0.</b>
b. OLCC New Outlet Application – Off Premises Sales	
<b>Public Hearing</b>	
<b>Vacation of Alleyway</b>	
a. Commencement of Public Hearing	Mayor Porter opened the hearing at 7:04 p.m. Mr. Fleishman reviewed the staff report. Dan Settgast, representative of the applicant, spoke briefly about the alleyway vacation. He expects the final property owner will approve the alleyway vacation; they are just waiting on his signature.
b. Staff Introduction	
c. Applicant Presentation	
d. Staff Report	Nothing further.
e. Questions from the Council	Discussion of closing the public hearing this evening but leaving the record open until the applicant can furnish the final signature needed. The final decision would be scheduled for late September.
f. Proponents' Testimony	None.
g. Opponents' Testimony	None.

<ul style="list-style-type: none"> <li>h. Governmental Agencies</li> <li>i. General Testimony</li> <li>j. Questions from the Public</li> <li>k. Questions from the Council</li> <li>l. Applicant Summary</li> <li>m. Staff Summary</li> <li>n. Close of Hearing</li>   <li>o. Council Deliberation</li> <li>p. Council Decision on Ordinance No. 1009</li> </ul>	<p>None.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Spoke in favor of the alleyway vacation.</p> <p>Nothing further.</p> <p>Mayor Porter closed the hearing at 7:16 p.m.</p> <p><i>Councilor Glidewell joined the meeting at 7:17 p.m.</i></p> <p>Nothing further.</p> <p>Motion from Councilor Quigley, seconded by Councilor Kronquist, to close the public hearing and leave the record open, bringing consideration of Ordinance No. 1009 to the September 18, 2017 Council meeting. <b>Motion passed 4:0 (Glidewell abstained).</b></p>
<p><b>Unfinished Business</b></p>	<p>None.</p>
<p><b>New Business</b></p> <p><b>Resolution No. 964, Adopting the City of Stayton Representation in the Updates the Marion County Multi-Jurisdictional Hazard Mitigation Plan</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Chief Sebens</li> <li>b. Council Discussion</li> <li>c. Council Decision</li> </ul> <p><b>Resolution No. 965, Fees &amp; Charges</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Keith Campbell</li> <li>b. Council Discussion</li> <li>c. Council Decision</li> </ul> <p><b>Partnership for Resource Assistance for Rural Environments Participants</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Keith Campbell &amp; Dan Fleishman</li> <li>b. Council Deliberation</li> <li>c. Council Decision</li> </ul>	<p>Chief Sebens reviewed his staff report.</p> <p>Brief discussion of the report and items relevant to Stayton.</p> <p>Motion from Councilor Niegel, seconded by Councilor Kronquist, to approve Resolution No. 964 as presented. <b>Motion passed 5:0.</b></p> <p>Mr. Campbell reviewed the staff report.</p> <p>Brief discussion of changes made to the fees.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Usselman, to adopt Resolution No. 965 as presented. <b>Motion passed 5:0.</b></p> <p>Mr. Fleishman reviewed the staff report included in the Council packet.</p> <p>Brief discussion of RARE participant.</p> <p>Councilor Kronquist stated he is not on the Friends of Old Town Stayton meetings but does attend meetings.</p>

	<p>Councilor Glidewell stated she is a member of the Friends of Old Town Stayton and will be abstaining.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Quigley, to approve the expenditure up to \$11,500 in City funds to FOTS for the cash match for the RARE program, with the stipulation that the RARE participant spend half their time working on City economic development projects.  <b>Motion passed 4:0 (Glidewell abstained).</b></p>
<b>Staff / Commission Reports</b>	None.
<b>Presentations / Comments From the Public</b>	None.
<b>Business from City Administrator</b>	None.
<b>Business from the Council</b>	Councilor Glidewell announced a meeting for businesses regarding the eclipse will be held on Thursday, August 10 <sup>th</sup> at 6:30 p.m. in the E.G. Siegmund Meeting room at the Stayton Public Library.
<b>Business from the Mayor</b>	Mayor Porter suggested moving the August 21 <sup>st</sup> Council meeting date. Staff will work on proposing an alternate date.
<b>Future Agenda Items – Monday, August 21, 2017</b>	
a. Municipal Court Violations b. Solicitors Code Revisions	

APPROVED BY THE STAYTON CITY COUNCIL THIS 22<sup>ND</sup> DAY OF AUGUST 2017, 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 22, 2017**  
**SUBJECT: Proposed Code Amendment regarding Accessory Dwelling Units in Residential Zoning Districts**

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**ISSUE**

The issue before the City Council is a public hearing on legislative amendments to the Land Use and Development Code to allow accessory dwelling units in the Low Density Residential (LD) and Medium Density Residential (MD) zoning districts. Following the public hearing, the Council will be requested to consider Ordinance 1010 to amend the Code.

**BACKGROUND INFORMATION**

In April, a Planning Commissioner raised the issue of tiny houses and whether the City permits them. In May, the Planning Commission reviewed a number of issues surrounding accessory dwelling units. The Commission requested staff prepare possible code amendments that would permit ADUs in the LD and MD zones as accessory uses to single family homes. At the June meeting, the Planning Commission reviewed the suggested amendments, made some changes and scheduled a public hearing. The Planning Commission held its public hearing at their July meeting.

**ANALYSIS**

Census data for Stayton reveals a certain disconnect between the size of a household and the size of our housing units. The Census reports that there were 1,629 1- and 2-person households in Stayton, in 2010. Yet the Census reports, based on a sample survey, that there only 1,129 housing units with 2 bedrooms or less. This should indicate that there should be a substantial demand for smaller homes with only one or two bedrooms and perhaps allowing ADUs could help meet this potential demand.

The City's Comprehensive Plan notes that recent residential development in the City has not been meeting the density goals established by the Urban Growth Framework of the Marion County Plan. The goal for Stayton is to have between 5 and 6 housing units per gross acre of residentially zoned land. The Comprehensive Plan analysis was that the City had a density of 3.1 housing units per gross acre of residentially zoned land and that recent subdivisions

(between 2000 and 2010) had a density of only 2.8 units per gross acre. The creation of ADUs could help the City achieve the designated density goal.

The proposed amendment allows both attached and detached ADUs in the MD and LD zones, restricts their size to no more than 800 square feet, requires that the principal dwelling remain a minimum of 1,000 square feet, and requires that one of the dwelling units be owner-occupied.

It should be noted that before adjournment, the Oregon Legislature enacted Senate Bill 1051, which includes various provisions regarding housing affordability. The complete text of the enrolled bill is included in the Council's packet. Among the provisions is Section 6, with amends ORS 197.312 to add the following language to the statutes:

**(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.**

**(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.**

The bill includes an emergency declaration and became effective upon being signed by the Governor, and Section 6, regarding accessory dwelling units becomes operative on July 1, 2018.

Comments on the proposed amendments were received from the Oregon Department of Land Conservation and Development. A letter from the DLCD is enclosed. The DLCD suggested several changes to the proposed amendments. Upon review of the comments, the Planning Commission chose not to change the proposal.

## **RECOMMENDATION**

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

The staff also recommends approval as reflected in the draft of Ordinance 1010 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 1010**

Move to approve Ordinance No 1010 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. 1010 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1010 will be brought before the Council for a second consideration at the September 18, 2017 meeting.

**2. Approve the Ordinance with modifications**

Move to approve Ordinance No. 1010 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. 1010 will be brought before the Council for a second consideration at its September 18, 2017 meeting.

**3. Return the Ordinance to Staff for further refinement**

Move to direct staff to modify Ordinance No. 1010 with the following changes ... and present the Ordinance to the City Council for further discussion and consideration at the September 18 meeting.

**4. Retain the Code unchanged**

No motion is necessary.

# Enrolled Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER .....

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) **“Affordable housing” means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.**

(b) **“Multifamily residential building” means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.**

(2) **Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.**

(3) **An application qualifies for final action within the timeline described in subsection (2) of this section if:**

(a) **The application is submitted to the city or the county under ORS 215.416 or 227.175;**

(b) **The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;**

(c) **At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and**

(d) **The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.**

(4) **A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.**

**SECTION 2. ORS 215.416 is amended to read:**

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

**(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.**

**(B) This paragraph does not apply to:**

**(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or**

**(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).**

**(c) A county may not reduce the density of an application for a housing development if:**

**(A) The density applied for is at or below the authorized density level under the local land use regulations; and**

**(B) At least 75 percent of the floor area applied for is reserved for housing.**

**(d) A county may not reduce the height of an application for a housing development if:**

**(A) The height applied for is at or below the authorized height level under the local land use regulations;**

**(B) At least 75 percent of the floor area applied for is reserved for housing; and**

**(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.**

**(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.**

**(f) As used in this subsection:**

**(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.**

**(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.**

**(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.**

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway “approach surface” as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county’s land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer’s decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

**SECTION 3.** ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A city may not approve an application** unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

**(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.**

**(B) This paragraph does not apply to:**

**(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or**

**(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).**

**(c) A city may not reduce the density of an application for a housing development if:**

**(A) The density applied for is at or below the authorized density level under the local land use regulations; and**

**(B) At least 75 percent of the floor area applied for is reserved for housing.**

**(d) A city may not reduce the height of an application for a housing development if:**

**(A) The height applied for is at or below the authorized height level under the local land use regulations;**

**(B) At least 75 percent of the floor area applied for is reserved for housing; and**

**(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.**

**(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.**

**(f) As used in this subsection:**

**(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.**

**(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.**

**(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.**

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

**SECTION 4.** ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, “needed housing” means **all housing [types] on land zoned for residential use or mixed residential and commercial use that is** determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels[, including] **that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes [at least]** the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] **does** not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 5.** ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **hous-**

**ing, including** needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

**(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.**

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

**SECTION 6.** ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

**(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.**

**(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.**

**SECTION 7.** ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

**(a) Worship services.**

**(b) Religion classes.**

**(c) Weddings.**

**(d) Funerals.**

**(e) Meal programs.**

**(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

**(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:**

**(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**

**(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and**

**(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.**

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

**(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.**

**SECTION 8.** ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

**(a) Worship services.**

**(b) Religion classes.**

**(c) Weddings.**

**(d) Funerals.**

**(e) Meal programs.**

**(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

**(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:**

**(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**

**(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and**

**(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.**

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

**(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.**

**SECTION 9.** ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) The **total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

*[(b) The number of applications approved, including the approved net density; and]*

*[(c) The date each application was received and the date it was approved or denied.]*

**(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and**

**(c) For each complete application received:**

**(A) The date the application was received;**

**(B) The date the application was approved or denied;**

**(C) The net residential density proposed in the application;**

**(D) The maximum allowed net residential density for the subject zone; and**

**(E) If approved, the approved net residential density.**

(2) The report required by this section may be submitted electronically.

**SECTION 10.** ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

**SECTION 11.** ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee;  
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The *[period]* **periods** set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

**SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.**

**SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.**

**(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.**

**(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.**

**SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.**

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**Passed by Senate April 19, 2017**

**Repassed by Senate July 7, 2017**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House July 6, 2017**

.....  
Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2017

**Approved:**

.....M,....., 2017

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2017

.....  
Dennis Richardson, Secretary of State





# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

July 28, 2017



Dan Fleishman  
Planning Director  
City of Stayton  
211 2<sup>nd</sup> Street  
Stayton, OR 97383

**SENT VIA EMAIL**

*Re: Accessory dwelling units, Local File No. 5-06/17, DLCD File No 001-17*

Dear Dan,

This letter is in reference to post acknowledgement plan amendment 001-17 which would permit and establish standards for accessory dwelling units (ADU) on a parcel with a single family dwelling in the Low Density and Medium Density Residential Zones. The Department of Land Conservation and Development (DLCD) has reviewed the proposal and is supportive of these efforts. DLCD is dedicated to encouraging cities to provide abundant, affordable housing to serve Oregonians of all income levels.

Flexibility in housing choice makes sense for environmental, lifestyle, and financial reasons, ADUs provide that flexibility. ADUs can help meet Stayton's housing needs by allowing for more efficient use of existing infrastructure and land. Finally, ADUs provide a way for residents to potentially earn additional income to remain in their homes. In this spirit, we wanted to provide some input on regulatory barriers that often make ADUs difficult to build and administer.

We recommend the following changes to Stayton's zoning code in establishing standards for ADUs in Low and Medium Density Residential zones. These are all standard provisions and several cities in Oregon have recently passed ordinances following them:

1. Include a provision that existing non-conforming structures may be converted to ADUs (so that an old house or outbuilding that doesn't meet setbacks or other development requirements can still add an ADU);
2. Remove the owner-occupancy requirement (this will be very difficult for the City to enforce); and

3. Remove the off-street parking requirement (or allow it to be met through adjacent on-street parking).

An off-street parking requirement is one of the most severe regulatory barriers for ADUs, often making them prohibitively expensive or physically impossible to build. We would recommend that the city conduct an inventory of on-street parking use. Most cities underutilize their on-street parking resources, which is land that is already paved and maintained. Has it been established that there is an on-street parking shortage or that ADUs will cause an on-street parking shortage?

Adding expensive regulations that create barriers to development, like requiring ADUs to provide off-street parking, should be based on data. Data can also help implement residential parking permit programs in areas where on-street parking truly is a limited resource (i.e., more than 85% of a block has parked cars on a regular basis). We hope you find these comments helpful, please enter them in the record for proceedings on this matter. If you should have any questions or concerns, please contact us at [angela.carnahan@state.or.us](mailto:angela.carnahan@state.or.us) or (503) 934-0056.

Sincerely,

*Angela Carnahan*

Angela Carnahan  
Mid-Willamette Valley Regional Representative

Cc: Laura Buhl, DLCD

**ORDINANCE NO. 1010**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, TO ALLOW ACCESSORY DWELLING UNITS IN THE LOW DENISTY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL ZONES**

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, Section 17.16.070 of the Land Use and Development Code allows only one single family dwelling on a lot within the Low Density Residential (LD) and Medium Density Residential (MD) zones;

WHEREAS, the creation of accessory dwelling units can provide opportunities for affordable housing;

WHEREAS, the Housing policies of the Stayton Comprehensive Plan support providing a choice of housing types and meeting the needs of all income groups;

WHEREAS, the Oregon Legislative Assembly has enacted Senate Bill 1051, which amends ORS 197.312 to require a city with a population greater than 2,500 to allow at least one accessory dwelling unit for each detached dwelling in areas zoned for detached single-family dwellings;

WHEREAS, Senate Bill 1051, declared an emergency and became effective upon its passage and signing by the Governor;

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 the 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. Definition Amended.** The definition of “Accessory Building” in Stayton Municipal Code, Title 17, Chapter 17.04, Section 17.04.100 is hereby amended as follows:

**ACCESSORY BUILDING:** A building that is incidental and subordinate to the main building ~~and does not include dwelling units.~~

**Section 2. Standards for Accessory Dwelling Units Enacted.** Stayton Municipal Code, Title 17, Chapter 17.20, Section 17.20.240 is hereby enacted as follows:

**17.20.240 ACCESSORY DWELLING UNITS**

1. PURPOSE. The purpose of these standards is to provide for opportunity for the construction or placement of a small dwelling unit that is accessory to and subordinate to the principal dwelling unit on a single family lot without requiring additional lot area for the lot.

2. LOCATION PERMITTED. One accessory dwelling unit may be located on a lot with a single family detached dwelling in the Low Density Residential or Medium Density Residential Zones.
3. TYPES OF ACCESSORY DWELLING UNITS PERMITTED. An accessory dwelling may be created by any of the following means:
  - a. Division of an existing single family detached dwelling to include an accessory dwelling unit.
  - b. Addition to an existing single family detached dwelling to create an accessory dwelling unit.
  - c. Creation of an accessory dwelling unit in an existing accessory building.
  - d. Construction or placement of an accessory building on the parcel detached from the principal dwelling unit.
4. SETBACKS. If attached to the principal dwelling unit, the accessory dwelling unit shall meet the minimum setback requirements of Section 17.16.070.3.a. Detached accessory dwelling units shall meet the setback and height restrictions of Section 17.20.040.
5. GROSS FLOOR AREA. The minimum gross floor area permitted for an accessory dwelling unit shall be 250 square feet. The maximum gross floor area permitted for an accessory dwelling unit shall be 800 square feet. Creation of an accessory dwelling unit shall not reduce the gross floor area of the principal dwelling unit below 1,000 square feet.
6. OWNER OCCUPANCY REQUIRED. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the parcel.
7. OFF-STREET PARKING. In addition to the off-street parking required for the principal dwelling unit by Section 17.20.060.7.a, one off-street parking space shall be required for the accessory dwelling unit.
8. CODE COMPLIANCE. The accessory dwelling unit shall meet all applicable structural, electrical, plumbing, fire, and life safety codes.

**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 22<sup>nd</sup> day of August, 2017.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2017

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

Signed: \_\_\_\_\_, 2017

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 A. Porter and the Stayton City Council**  
**FROM: Rich Sebens, Chief of Police**  
**DATE: August 22, 2017**  
**SUBJECT: Ordinance No. 1011, an Ordinance Amending Stayton Municipal Code 5.20 Relating to Solicitors**

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**ISSUE**

Council consideration of amendments recommended for Stayton Municipal Code 5.20, relating to time, manner and place for solicitors.

**BACKGROUND INFORMATION**

Stayton Municipal Code (SMC) 5.20 regulates solicitors and how they conduct business within the City of Stayton. Based on a review of the current code, staff recommends the following updates in regard to time, manner, and place for solicitors.

1. Solicitors must carry a valid Solicitor's permit with them and show it to any resident or officer of the City should they request to see it. Solicitors without a valid permit are subject to a fine.
2. The permit may not be used as an endorsement of the City.
3. Soliciting is prohibited at any residence or business that has posted a "No Solicitors" or "No Trespassers" sign on the front of the residence or adjacent to the business entrance.
4. Soliciting shall be permitted only from 9:00 a.m. to 8:00 p.m. only.
5. Solicitation may only occur at the main entrance of the residence.
6. Solicitors must tell each person who they are soliciting their name and the name of the business or organization that they represent.
7. Solicitors must provide a written receipt for purchases exceeding \$5.00. The receipt must describe the goods and services sold and state the price, amount of cash payment, if any, the balance due and the terms of payment.
8. Solicitors are not allowed to solicit at the same home more than once within a thirty (30) day period.

9. Solicitors must leave a residence or business should the owner ask you to leave. Violators can be arrested and prosecuted for criminal trespass.
10. Solicitors may not make any assertion representation or statement or utilize any plan or scheme which misrepresents the purpose of the visit.
11. A Solicitor's Permit is not required for persons soliciting for charitable contributions. 'Charitable' means any activity carried on for unselfish, civic or humanitarian motives for the benefit of others and not for private gain. Charitable Contribution means any contribution made on behalf of a nonprofit organization holding a tax exemption certificate from the IRS pursuant to Section 501. Any charitable organization should submit a copy of their tax-exempt certificate along with a letter to the City Clerk identifying the recipient of the funds, fund raising methods and the dates during which the funds will be collected prior to soliciting in the City.

#### **FISCAL IMPACT**

No additional fiscal impact, solicitor enforcement is currently being handled by staff.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the revised SMC 5.20 relating to solicitors.

#### **MOTION(S)**

1. Motion to approve Ordinance No. 1011 as presented.
2. Motion to approve Ordinance No. 1011 as amended.

**ORDINANCE NO. 1011**

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 5,  
CHAPTERS 5.20 RELATING TO SOLICITORS.**

WHEREAS, the City of Stayton’s Municipal Code regulates solicitors;

WHEREAS, the City of Stayton currently requires solicitors to obtain a City permit to sell “door to door;” and

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 5.20 to update the rules solicitors must follow.

NOW THEREFORE, the City of Stayton ordains:

**SECTION 1.** SMC Section 5.20 is amended to read as (additions are underlined; deletions appear as ~~strikethroughs~~):

**CHAPTER 5.20  
SOLICITORS**

**SECTIONS**

- 5.20.~~50~~10 License: Required, Application
- 5.20.~~50~~20 [repealed]
- 5.20.~~50~~30 License: Representatives or Employees
- 5.20.~~50~~40 ~~Use of Streets~~ Solicitation Regulations
- 5.20.~~50~~50 Noise Control
- 5.20.~~50~~60 License: Grounds for Revocation
- 5.20.~~50~~70 [repealed]

~~5.20.510~~ 5.20.010 LICENSE: APPLICATION

- 1. [repealed]
- 2. License applications for solicitors shall include a photograph of the applicant and all representatives and employees taken at the time of application and the license number of the motor vehicle(s) to be used, in addition to the other information required by this Chapter.

5.20.~~50~~20 [repealed]

5.20.~~50~~30 LICENSE: REPRESENTATIVES OR EMPLOYEES

- 1. A solicitor shall file applications for licenses for all representatives or employees as a part of the principal application.

2. The application shall contain the names of all persons to be permitted as representatives or employees of the solicitor. The license shall be issued to the employer designating the names and numbers of persons as named in the application.
3. The employer may make substitutions and may request the Administrator to amend the license from one representative or employee to another without payment of any additional fee, upon furnishing the required licensing information on that substituted person and subject to the same requirements as the original employee.
4. Permits are non-transferable.

5.20.5040 ~~USE OF STREETS~~ SOLICITATION REGULATIONS

1. Solicitors must carry a valid Solicitor's permit with them and show it to any resident or officer of the City should they request to see it. Solicitors without a valid permit are subject to a fine.
2. The permit may not be used as an endorsement of the City.
3. Soliciting is prohibited at any residence or business that has posted a "No Solicitors" or "No Trespassers" sign on the front of the residence or adjacent to the business entrance.
4. Soliciting shall be permitted only from 9:00 a.m. to 8:00 p.m. only.
5. Solicitation may only occur at the main entrance of the residence.
6. Solicitors must tell each person who they are soliciting their name and the name of the business or organization that they represent.
7. Solicitors must provide a written receipt for purchases exceeding \$5.00. The receipt must describe the goods and services sold and state the price, amount of cash payment, if any, the balance due and the terms of payment.
8. Solicitors are not allowed to solicit at the same home more than once within a thirty (30) day period.
9. Solicitors must leave a residence or business should the owner ask you to leave. Violators can be arrested and prosecuted for criminal trespass.
10. Solicitors may not make any assertion representation or statement or utilize any plan or scheme which misrepresents the purpose of the visit.
11. A Solicitor's Permit is not required for persons soliciting for charitable contributions. 'Charitable' means any activity carried on for unselfish, civic or humanitarian motives for the benefit of others and not for private gain. Charitable Contribution means any contribution made on behalf of a nonprofit organization holding a tax exemption certificate from the IRS pursuant to Section 501. Any charitable organization should submit a copy of their tax-exempt certificate along with a letter to the City Clerk identifying the recipient of the funds, fund raising methods and the dates during which the funds will be collected prior to soliciting in the City.
12. Solicitors shall not have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location. A solicitor shall not be permitted to operate in any

congested area where such operations might endanger, impede, or inconvenience the public.

13. The Administrator, at the time of license issuance, shall inform the applicant of any congested areas where the solicitor may not operate. Regardless of the locations identified by the Administrator, the judgment of a police officer or enforcement officer at the scene shall be deemed conclusive as to whether the area is congested or the public is endangered, impeded, or inconvenienced, whereupon a solicitor shall move to an alternate location upon request.

5.20.5050 NOISE CONTROL

A solicitor, or any person in their behalf, shall not shout or use any sound devices, including any loudspeaker, radio, or sound-amplifying system in any public or private premises of the City from which sound in violation of Section 8.04.140 of this Code.

5.20.5060 LICENSE: CRITERIA FOR APPROVAL

In review of an application for a license for a solicitor, the Administrator shall conduct a check of the applicant's previous record of licensure or criminal background. The Administrator shall issue a license unless the Administrator finds any of the following conditions have occurred:

1. Fraud, misrepresentation, or false statement contained in the application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on an enterprise as an itinerant merchant or solicitor in Stayton or in other communities;
3. Any violation of this Title or other Title of the Stayton Municipal Code, state, or federal law;
4. Conviction with the past five years of any crime or misdemeanor involving fraud, identity theft, or misappropriation of funds; or
5. Conviction as a predatory sex offender

5.20.5070 LICENSE: ~~GROUNDS FOR REVOCATION~~ DENIAL, SUSPENSION, REVOCATION, PENALTY.

1. Licenses issued to any solicitor may be revoked or suspended by the Administrator ~~after notice, upon complaint or good cause.~~ “Good Cause” means and includes any reason the license could be refused in the case of the original application, or for any act in connection with a violation of the conditions of this Chapter. An appeal of a revocation or suspension may be heard at the next regularly scheduled City Council meeting. and hearing-If such hearing is if requested, it will follow in accordance with provisions of this Title for any of the causes listed in Section 5.20.560 as reasons for revocation, suspension, or denial of a license. In addition, conducting the activity or enterprise in an unlawful manner or in such a manner as to constitute a breach of the

peace or a menace to the health, safety, or general welfare of the public shall be grounds for revocation of a license.

2. A violation of a provision of this Chapter is punishable by a fine approved by Council Resolution.

**SECTION 2.** Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 22<sup>ND</sup> DAY OF AUGUST 2017.

CITY OF STAYTON

Signed: \_\_\_\_\_ By: \_\_\_\_\_  
Henry A. Porter, Mayor

ATTEST

Signed: \_\_\_\_\_ By: \_\_\_\_\_  
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

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



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

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Rich Sebens, Chief of Police  
**DATE:** August 22, 2017  
**SUBJECT:** Ordinance No. 1012, an Ordinance Amending Stayton Municipal Code 9.36.020 Relating to Miscellaneous Violations

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**ISSUE**

Consideration of an Ordinance amending the Stayton Municipal Code (SMC) 9.36.020 relating to Miscellaneous Violations.

**BACKGROUND INFORMATION**

The City of Stayton currently has code addressing “Miscellaneous Violations.” These violations are laws in the Oregon Revised Statutes that the Marion County District Attorney does not typically address through the Marion County Circuit Court. They are violations staff has determined to be important and should be able to be addressed in Stayton’s Municipal Court.

Recently, we have determined the need to add to two additional statutes to the list of violations. They are the “Sale, Possession and Use of Fireworks (Illegal Fireworks)” and “Failure to Return a Suspended Registration.”

Approving this ordinance will allow the Stayton Police Department and the Stayton Municipal Court to properly address these issues.

**STAFF RECOMMENDATION**

Staff recommends adoption of amendments to SMC 9.36.020.

**MOTION(S)**

1. Motion to approve Ordinance No. 1012 as presented.
2. Motion to approve Ordinance No. 1012 as amended.

**ORDINANCE NO. 1012**

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE 9.36.020  
RELATING TO MISCELLANEOUS VIOLATIONS**

WHEREAS, the City of Stayton’s Municipal Code regulates Miscellaneous Violations;

WHEREAS, the City of Stayton currently charges certain crimes as violations; and

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 9.36.020 to add additional crimes to this list.

NOW THEREFORE, the City of Stayton ordains:

**SECTION 1.** SMC Section 9.36.020 is amended to read as (additions are underlined; deletions appear as ~~strikethroughs~~):

9.36.020      Miscellaneous Violations

1.      If a Stayton Police Officer has probable cause to believe any of the following list of offenses has occurred, such offenses shall be treated as violations in the Stayton Municipal Court without penalty of jail time. The definition for each offense will be defined by Oregon Revised Statutes:
  - a.      Criminal Mischief III
  - b.      Disorderly Conduct II
  - c.      Driving While Suspended –Misdemeanor
  - d.      Furnishing Alcohol to a Minor
  - e.      Harassment –Non-Sexual and Non-Domestic, Violence Related ONLY
  - f.      Offensive Littering
  - g.      Telephonic Harassment that is not related to a Domestic Violence incident
  - h.      Trespass II
  - i.      Throwing of burning Material from a Vehicle
  - j.      Sale, Possession and Use of Fireworks (Illegal Fireworks)
  - k.      Failure to Return Suspended Registration
  
2.      Exception:      The officer shall treat the offenses as a misdemeanor if:
  - a.      The officer has a reasonable belief that an arrest is necessary to prevent a public safety risk;
  - b.      The officer has a reasonable belief that an arrest is necessary to prevent an ongoing or escalating public disturbance; or
  - c.      The offender has been cited for the same or similar offense three times within the prior ninety days. (Ord. 977, December 2014)

**SECTION 3.** Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 22<sup>ND</sup> DAY OF AUGUST, 2017.

CITY OF STAYTON

Signed: \_\_\_\_\_ By: \_\_\_\_\_  
Henry A. Porter, Mayor

ATTEST

Signed: \_\_\_\_\_ By: \_\_\_\_\_  
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

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



**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 22, 2017**  
**SUBJECT: Proposed Resolution Initiating Annexation and Comprehensive Plan Amendment**

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**ISSUE**

The issue before the City Council is adoption of a resolution initiating annexation of the Puntney property into the City Limits and a Comprehensive Plan amendment and Zoning Map amendment of the Puntney property and the Lambert property from Residential to Public.

**BACKGROUND INFORMATION**

The City purchased 13 acres from the Lambert family in December 2016. The property was annexed into the City Limits with the remainder of the Lambert property with the application from Hayden Homes. The City-owned property is currently designated Residential by the Comprehensive Plan Map and zoned Medium Density Residential. The City purchased the property to use as a stormwater detention facility.

The City purchased the 26-acre Puntney property in January 2017 to develop into a city park. The property has not yet been annexed into the City Limits. The property is currently designated Residential by the Comprehensive Plan Map and zoned Marion County Urban Transition.

Adoption of Resolution 966 would initiate the process for annexing the Puntney property into the City Limits; to amend the Comprehensive Plan Map designation for both properties from Residential to Public; and to amend the Official Zoning Map to include both properties in the Public/Semi-Public zone.

The process will start with a public hearing before the Planning Commission and commence with consideration of an ordinance by the City Council, following a public hearing.

**RECOMMENDATION**

Staff recommends adoption of the draft of resolution as presented.

**OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Approve the Resolution as presented**

Move to approve Resolution 966 as presented.

**2. Approve the Resolution with modifications**

Move to approve Resolution 966 with the following changes ... and direct staff to incorporate these changes into the Resolution.

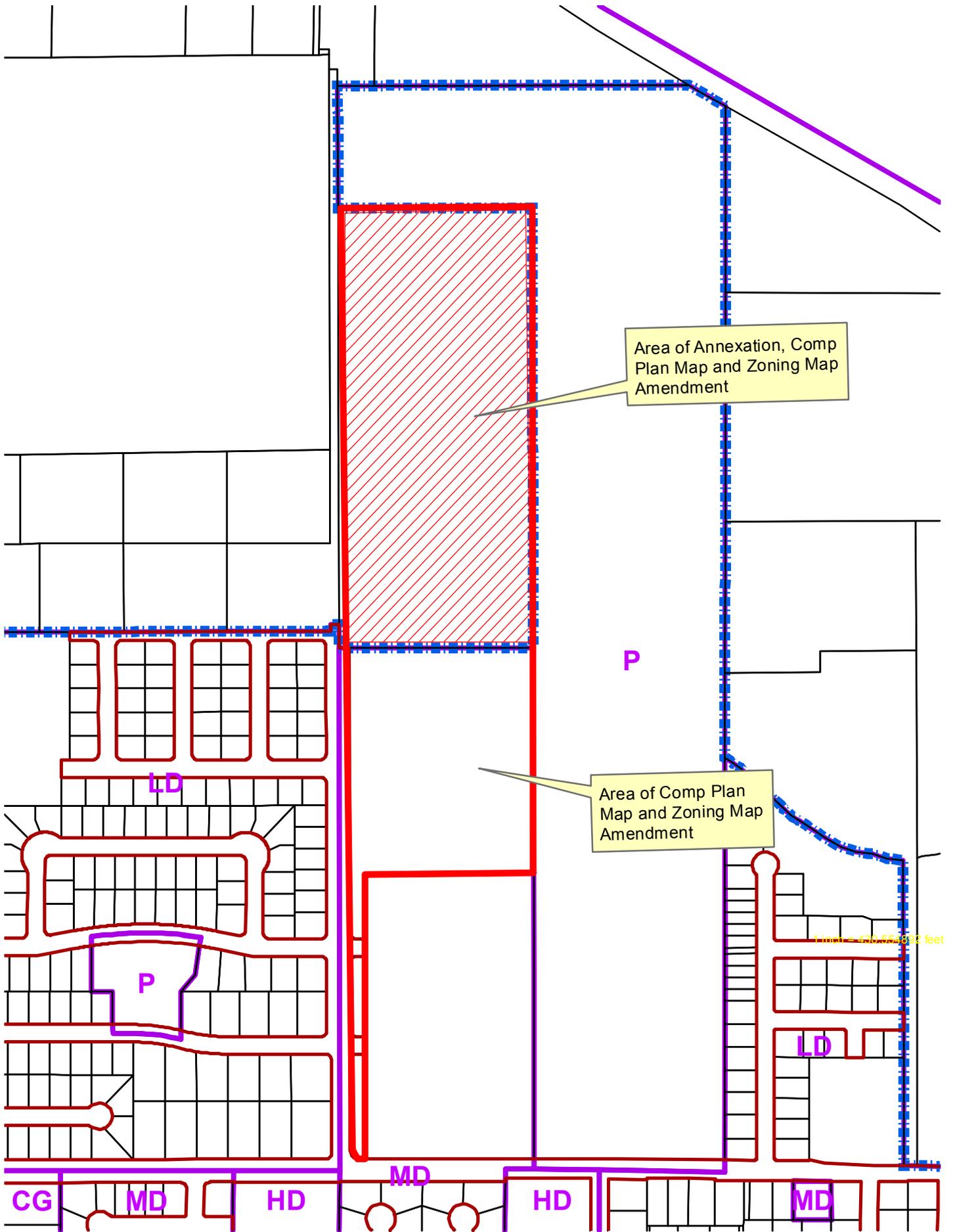
**3. Return the Resolution to Staff for further refinement**

Move to direct staff to modify Resolution 966 with the following changes ... and present the Resolution to the City Council for further discussion and consideration at the September 18 meeting.

**4. Take no action**

No motion is necessary.

# General Map Showing Proposed Annexation, Comprehensive Plan Map Amendment and Zoning Map Amendment



## RESOLUTION NO. 966

### A RESOLUTION INITIATING THE ANNEXATION OF A CITY-OWNED PARCEL ON KINDLE WAY INTO THE CITY LIMITS AND A COMPREHENSIVE PLAN MAP AMENDMENT OF CITY-OWNED PROPERTIES

WHEREAS, it is within the City of Stayton's power under ORS 222.111(2) to initiate the annexation of territory into the City Limits;

WHEREAS, in December 2016, the City purchased approximately 13 acres of land described as Parcel 2 of Partition Plat 2016-057 and identified as Marion County Tax Lot 091W04D 00301;

WHEREAS, in January 2017, the City purchased approximately 23 acres of land addressed as 2800 Kindle Way and identified as Marion County Tax Lot 091W04D 00200;

WHEREAS, both properties are designated residential in the Stayton Comprehensive Plan;

WHEREAS, the City intends to develop the properties into a stormwater detention facility and a city park;

WHEREAS, the property addressed as 2800 Kindle Way is not in the City Limits of the City of Stayton;

WHEREAS, the public parks are not permitted uses in residential zones under the Stayton Land Use and Development Code;

NOW THEREFORE, BE IT RESOLVED that:

**Section 1. Initiation of Annexation Proceedings.** The Stayton City Council does hereby initiate Annexation proceedings under Stayton Municipal Code Section 17.12.210 to annex the following territory into the City Limits:

The 23 acres identified as Marion County Tax Lot 091W04D 00200 and addressed as 2800 Kindle Way and further described as:

Parcel I:

Beginning at a point on the westerly line of a tract of land conveyed to Lola Lambert by deed recorded in Volume 564, Page 428, Deed Records for Marion County, Oregon, which place of beginning is 20 chains South 89° 45' West and 1865.00 feet North 0° 18' West from the Southeast corner of the Henry Foster Donation Land Claim in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; Thence North 0° 18' West 1445.00 feet to the Northwest corner of said Lambert tract; Thence North 89° 45' East 665.52 feet to the Northeast Corner of said tract; Thence South 0° 18' East 1445.00 feet along the easterly line of said tract; Thence South 89° 45' West 665.52 feet to the place of beginning.

Parcel II:

A parcel of land in the Southeast Quarter of Section 4, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, said parcel being part of the Henry Foster Donation Land Claim No. 45, said township and range and bound by the following:

Beginning at a point on the East line of the land described in the deed recorded at Reel 1186, Page 708, Marion County Deed Records, which point is 1801.00 feet North 00°

17' 51" West from a point on the South line of the said Claim which is 225.37 feet West from a 3-inch brass disk which marks the Southeast corner of said Section 4; Thence South 89° 45' 00" West, parallel with the said south line, 665.38 feet; Thence North 00° 17' 25" West, on the west line of the said land described in Reel 1186, Page 708, 64.00 feet; Thence North 89° 45' 00" East, on the south line of land described in the deed recorded at Reel 1178, Page 41, said deed records, 665.37 feet; Thence South 00° 17' 51" East, on the said east line, 64.00 feet to the point of beginning.

**Section 2. Initiation of Comprehensive Plan Map Amendment.** The Stayton City Council does hereby initiate Comprehensive Plan Map Amendment proceedings under Stayton Municipal Code Section 17.12.170.3 from Residential to Public for the properties identified as Marion County Tax Lot 091W04D 00200 and 091W04D 00301.

**Section 3. Public Hearing Scheduled.** The Stayton Planning Commission shall hold a public hearing on the proposed annexation and comprehensive plan map amendment on September 25, 2017 in accordance with Stayton Municipal Code Title 17, Chapter 17.12, Section 17.12.170 and 17.12.210.

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

ADOPTED BY THE STAYTON CITY COUNCIL this 22<sup>nd</sup> day of August, 2017

CITY OF STAYTON

Date: \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Henry A Porter, Mayor

Date: \_\_\_\_\_, 2017

Attest: \_\_\_\_\_  
Keith D Campbell, City Administrator

APPROVED AS TO FORM:

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



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

**TO:** Mayor Henry Porter and the Stayton City Council  
**FROM:** Cindy Chauran, Associate Accountant  
Elizabeth Baldwin, Utility Billing Clerk  
**DATE:** August 22, 2017  
**SUBJECT:** Monthly Finance Department Report

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Departmental Activity

	July 2017	June 2017
<b>Utility Billing</b>		
Number of Bills Mailed	2,697	2,574
Number of Bills Emailed	206	116
Number of Bills on Auto-Pay	466	333
Delinquent Notices Sent Out	615	635
Courtesy Delinquent Notices Sent to Landlords	0*	184
Notified of Impending Shut-Off & Penalty	163	142
Customers Issued Payment Extensions	43	43
Customers with Interrupted Services Non-Payment	16	19
Services Still Disconnected	0	0
<b>Accounts Payable</b>		
Number of Checks Issued	140	233
Total Amount of Checks	\$386,163.25	\$927,279.88

*\*Staff error; landlord notices were not sent out in July.*



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

**TO:** Mayor Henry Porter and the Stayton City Council  
**FROM:** Rich Sebens, Chief of Police  
**DATE:** August 22, 2017  
**SUBJECT:** Staff Report

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Below you will see the stats for the Police Department for the month of July 2017.

	<b>July 2017</b>	<b>Year to Date 2017</b>	<b>July 2016</b>	<b>Year to Date 2016</b>
<b>Police Activity</b>	<b>986</b>	<b>6746</b>	<b>847</b>	<b>5606</b>
<b>Investigated Incidents</b>	<b>441</b>	<b>2628</b>	<b>333</b>	<b>2152</b>
<b>Citations/Warning</b>	<b>142/172</b>	<b>973/1678</b>	<b>107/210</b>	<b>833/1350</b>
<b>Traffic Accidents</b>	<b>1</b>	<b>43</b>	<b>12</b>	<b>76</b>
<b>Juvenile Abuse</b>	<b>2</b>	<b>32</b>	<b>8</b>	<b>23</b>
<b>Arrests</b>	<b>72</b>	<b>392</b>	<b>65</b>	<b>512</b>
<b>Ordinance Complaints</b>	<b>52</b>	<b>353</b>	<b>20</b>	<b>136</b>
<b>Reserve Volunteer Hrs.</b>	<b>138.50</b>	<b>859.70</b>	<b>301</b>	<b>1969</b>
<b>Citizen Volunteer Hrs.</b>	<b>16.75</b>	<b>129.70</b>	<b>194</b>	<b>394</b>
<b>Peer Court Referrals:</b>	<b>5</b>	<b>28</b>	<b>0</b>	<b>11</b>

# STAYTON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS

7/1/2017 - 7/31/2017

PERSON	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED					
	7/1/17	to	7/31/17	%	7/1/17	to	7/31/17	%	7/1/17	to	7/31/17	%	7/1/17	to	7/31/17	%		
	7/31/17	7/31/17	7/31/16	Yr to Yr	7/31/17	7/31/17	7/31/16	7/31/16	7/31/17	7/31/17	7/31/16	7/31/16	Juv	Adult	Total	7/31/17	7/31/16	
<b>NON-CRIMINAL</b>																		
ACCIDENT-INJURY	0		5	-50.0%														
ACCIDENT-PROPERTY	5		39	2.6%														
ALL OTHER NON-CRIMINAL	329		2,012	33.1%														
NON CRIM DOMESTIC DISTURB	18		86	2.4%														
<b>NON-CRIMINAL TOTALS</b>	<b>352</b>		<b>2,142</b>	<b>30.3%</b>														
<b>PERSON</b>																		
AGGRAVATED ASSAULT	1	12	9	33.3%	1	11	9	100.0%	91.7%	100.0%	1	0	0	1	12	10		
KIDNAPPING	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0		
OFFENSE AGAINST FAMILY	0	7	1	600.0%	0	7	1	0.0%	100.0%	100.0%	0	0	0	1	3	1		
OTHER ASSAULTS	12	58	40	45.0%	6	41	31	50.0%	70.7%	77.5%	1	4	0	5	50	23		
RAPE	0	2	2	0.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0	0		
RESTRAINING ORDER VIOLATION	1	4	2	100.0%	1	3	1	100.0%	75.0%	50.0%	0	1	1	1	2	0		
ROBBERY	1	3	2	50.0%	1	3	1	100.0%	100.0%	100.0%	0	1	1	1	3	1		
SEX OFFENSES	1	11	10	10.0%	0	3	7	0.0%	27.3%	70.0%	0	0	0	0	3	1		
<b>PERSON TOTALS</b>	<b>16</b>	<b>97</b>	<b>67</b>	<b>44.8%</b>	<b>9</b>	<b>68</b>	<b>51</b>	<b>56.3%</b>	<b>70.1%</b>	<b>76.1%</b>	<b>2</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>73</b>	<b>36</b>		
<b>PROPERTY</b>																		
BURGLARY - BUSINESS	1	2	2	0.0%	0	1	1	0.0%	50.0%	50.0%	0	0	0	0	1	1		
BURGLARY - OTHER STRUCTURE	0	2	4	-50.0%	0	0	1	0.0%	0.0%	0.0%	0	0	0	0	0	0		
BURGLARY - RESIDENCE	1	13	13	0.0%	0	4	6	0.0%	30.8%	46.2%	0	0	0	0	6	5		
COUNTERFEITING/FORGERY	1	4	4	0.0%	0	1	2	0.0%	25.0%	50.0%	0	0	0	0	5	15		
FRAUD	2	20	25	-20.0%	0	6	7	0.0%	30.0%	28.0%	0	0	0	0	5	9		
LARCENY																		
Pickpocket	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0		
Purse Snatching	0	0	2	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0		
Shoplifting	6	41	28	46.4%	3	20	19	50.0%	48.8%	67.9%	0	3	3	3	24	20		
Theft from a Motor Vehicle	11	30	47	-36.2%	0	1	4	0.0%	3.3%	8.5%	0	0	0	0	1	5		
Theft of Bicycle	1	8	4	100.0%	0	2	2	0.0%	25.0%	50.0%	0	0	0	0	4	2		
Theft from Building	1	4	14	-71.4%	0	0	2	0.0%	0.0%	14.3%	0	0	0	0	1	5		
From Coin Operated Machine	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0		
All Other Larceny	7	39	47	-17.0%	1	7	10	14.3%	17.9%	21.3%	0	0	0	1	12	13		
LARCENY	26	122	144	-15.3%	4	30	37	15.4%	24.6%	25.7%	0	3	3	4	42	45		
MOTOR VEHICLE THEFT	1	7	12	-41.7%	1	2	2	100.0%	28.6%	16.7%	0	3	3	3	8	5		

PROPERTY TOTALS	CRIMES				CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED			
	7/1/17 to 7/31/17	1/1/17 to 7/31/17	1/1/16 to 7/31/16	% Change Yr to Yr	7/1/17 to 7/31/17	1/1/17 to 7/31/17	1/1/16 to 7/31/16	7/1/17 to 7/31/17	1/1/17 to 7/31/17	1/1/16 to 7/31/16	7/1/17 to 7/31/17	Juv	Adult	Total	1/1/17 to 7/31/17	1/1/16 to 7/31/16
STOLEN PROPERTY	0	1	3	-66.7%	0	1	2	0.0%	100.0%	66.7%	0	0	0	1	5	
VANDALISM	12	56	56	0.0%	3	10	15	25.0%	17.9%	26.8%	0	2	2	15	17	
<b>PROPERTY TOTALS</b>	<b>44</b>	<b>227</b>	<b>263</b>	<b>-13.7%</b>	<b>8</b>	<b>55</b>	<b>73</b>	<b>18.2%</b>	<b>24.2%</b>	<b>27.8%</b>	<b>0</b>	<b>8</b>	<b>9</b>	<b>86</b>	<b>103</b>	
<b>SOCIETY</b>																
ALL OTHER	19	87	89	-2.2%	5	22	32	26.3%	25.3%	36.0%	0	3	3	23	31	
ANIMAL	0	2	1	100.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	1	
CURFEW	1	14	7	100.0%	1	12	7	100.0%	85.7%	100.0%	1	0	1	19	4	
CUSTODY-MENTAL	0	4	5	-20.0%	0	4	5	0.0%	100.0%	100.0%	0	0	0	4	5	
CUSTODY-PROTECTIVE	0	2	1	100.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	0	
DISORDERLY CONDUCT	5	30	34	-11.8%	4	25	26	80.0%	83.3%	76.5%	0	4	4	29	32	
DR WHILE SUSP	0	15	4	275.0%	0	15	4	0.0%	100.0%	100.0%	0	0	0	16	4	
DRIVING UNDER INFLUENCE	3	49	38	28.9%	3	49	38	100.0%	100.0%	100.0%	0	3	3	51	38	
ELUDING	0	6	6	0.0%	0	5	6	0.0%	83.3%	100.0%	0	0	0	5	8	
ESCAPE	0	2	1	100.0%	0	2	1	0.0%	100.0%	100.0%	0	0	0	3	1	
FAIL TO DISPLAY DL	0	1	1	0.0%	0	1	1	0.0%	100.0%	100.0%	0	0	0	1	1	
FUGITIVE	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	1	1	
HIT & RUN	1	27	28	-3.6%	0	7	5	0.0%	25.9%	17.9%	0	0	0	6	6	
LIQUOR LAWS	0	7	9	-22.2%	0	7	8	0.0%	100.0%	88.9%	0	0	0	20	14	
MIP TOBACCO	0	2	3	-33.3%	0	2	3	0.0%	100.0%	100.0%	0	0	0	2	3	
NARCOTICS/DRUGS	3	44	39	12.8%	3	40	36	100.0%	90.9%	92.3%	2	3	5	67	50	
PROP RECOV - FOR OTHER AGENCY	0	0	2	-100.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0	
RECKLESS DRIVING	0	12	11	9.1%	0	11	11	0.0%	91.7%	100.0%	0	0	0	12	11	
RUNAWAY	1	9	10	-10.0%	0	4	8	0.0%	44.4%	80.0%	1	0	1	5	7	
SEX OFFENSES	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	
TRESPASS	7	53	63	-15.9%	3	15	48	42.9%	28.3%	76.2%	0	1	1	18	28	
VEH RECOV - FOR OTHER AGENCY	1	5	2	150.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0	
WARRANT	16	102	103	-1.0%	16	100	102	100.0%	98.0%	99.0%	0	0	0	7	2	
WEAPONS	0	4	3	33.3%	0	3	2	0.0%	75.0%	66.7%	0	0	0	3	3	
<b>SOCIETY TOTALS</b>	<b>57</b>	<b>477</b>	<b>460</b>	<b>3.7%</b>	<b>35</b>	<b>324</b>	<b>347</b>	<b>61.4%</b>	<b>67.9%</b>	<b>75.4%</b>	<b>4</b>	<b>35</b>	<b>39</b>	<b>421</b>	<b>383</b>	
<b>GRAND TOTALS</b>	<b>469</b>	<b>2,943</b>	<b>2,434</b>	<b>20.9%</b>												



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

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Lisa Meyer, Administrative Assistant**  
**DATE: August 22, 2017**  
**SUBJECT: Public Works Monthly Operating Report for July 2017**

- | <u>KEY ACTIVITIES</u>     | <u>STATUS</u>   |
|---------------------------|---|
| • <b>WWTP Facility</b>    | Effluent flows: 34.61 million gallons were treated during July. The highest flow was 1.44 million gallons on July 5 <sup>th</sup> and the lowest flow was .92 million gallons on July 9 <sup>th</sup> & 30 <sup>th</sup> . The average flow was 1.12 million gallons. Total rainfall for July was .02 inches. |
| • <b>WTP</b>              | Highest production day was 6,202,000 gallons on July 29, 2017.  |
| • <b>Water System</b>     | Replaced 12 meters. Installed two new meters and radio readers. Repaired hydrant at 855 Rogue. Cleaned #2 sand filter bed. Replaced a main line valve at Third and Santiam.   |
| • <b>Streets</b>          | Swept 183 curb miles and collected 30 cubic yards of material. A sink hole was dug up and filled back in at 1154 Dawn Drive and at Third and Hollister. Replaced some STOP signs along Ida.   |
| • <b>Parks</b>            | Volunteers:<br>Community Service: Total # of Volunteers = 1, Total # of hours = 114<br>Life skills High School Students: Total # of Volunteers = 0, Total # of hours = 0<br>Parks Board: Total # of Volunteers = 5, Total # of hours = 3  |
| • <b>Building Permits</b> |   |

<b>Permit Type</b>	<b>Issued</b>	<b>SDC's Paid</b>
New Single Family Dwelling	3	\$43,028.00
Residential Building Addition/Alter/Other	-	\$0
Commercial Building Addition/Alter/Other	1	\$0
Electrical	-	
Mechanical	-	
Plumbing	1	
<b>TOTAL</b>	<b>5</b>	<b>\$43,028.00</b>

*One (1) Residential SDC = \$11,288.00 + \$733.00 for Mill Creek SDC + Storm Water SDC \$1990.00 or \$2854.00*



**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 22, 2017**  
**SUBJECT: Report of Activities for July, 2017**

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Planning Commission meeting held; public hearing on standards for accessory dwelling units; discussed amendments to color palette in downtown area

Attended interagency meeting with Marion County to discuss future of railroad

Attended interagency meeting regarding total solar eclipse

Attended meetings of North Santiam River regional tourism marketing committee

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



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

**TO: Mayor Porter and the Stayton City Council**  
**FROM: Janna Moser - Library Director**  
**DATE: August 22, 2017**  
**SUBJECT: July Library report**

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Summer reading continued in July for people of all ages. Children's performers included: Henrick Bothe, Michael O'Neill, Okaidja Afroso and Rhys Thomas. Local artist, Misty Standley completed a two day art program. A local family filled our meeting room with Thomas trains and tracks to share with other children for a morning.

Carol Zolkoske presented "Who Lived There," a program on Stayton's historical homes and the families that lived in them. Over fifty people came and participated in the discussion about local history. It was a fantastic event.

The teens played life-size Angry Birds in the park behind the library. It was great fun. They also made art from books by upcycling old books into necklaces and buttons.

Thank you to our Summer Reading Program supporters: Stayton Friends of the Library, Stayton Family Memorial Pool, A&W, Bi Mart Corp., Dairy Queen, Evergreen Aviation Museum, Bullwinkle Family Fun Center, Stayton McDonald's / DSK Inc., Papa Murphy's, Lora Hoffman from Aumsville Reading and Rec., Pietro's Pizza, Enchanted Forest, Oregon Coast Aquarium, Oregon State Fair, Roth's Stayton Market, Willamette Valley Vineyards, Wilco, and Stayton United Methodist Church.

Upcoming events to mark on your calendars:

- Children: Art club September 11<sup>th</sup> at 3:30pm
- Storytimes resume September 12<sup>th</sup>
- Teens & Adults: DIY Craftshop - Book Safes September 14<sup>th</sup> at 5:30pm
- Teens: Candy Sushi September 20<sup>th</sup> at 4:00pm
- Oregon Author visit - Joyce Cresswell September 21<sup>st</sup> at 7:00pm

**2017-2018 Monthly Library Statistics**

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2017-18 YTD	2016-17 YTD
<b>TOTAL CHECKOUTS</b>	12,761												12,761	126,579
<b>OTHER CIRCULATION SERVICES</b>														
Self check out	4,086												4,086	39,895
Library2Go (ebooks +)	910												910	9,917
<b>INCOME RECEIVED</b>														
Non-resident cards	\$89.50												\$89.50	\$2,180.20
Fines: overdue & lost books	\$1,381.98												\$1,381.98	\$10,821.37
Room fees	-\$31.25												-\$31.25	\$1,332.00
												<b>TOTAL</b>	<b>\$1,440.23</b>	<b>\$14,333.57</b>
<b>REFERENCE QUESTIONS</b>														
In-Person, by phone and computer help	584												584	6,035
<b>NEW PATRON CARDS</b>	65												65	796
<b>INTERNET USE</b>	938												938	11,398
<b>PROGRAM ATTENDANCE</b>														
Children & adults at Children's Programs	761												761	7,229
Teens	17												17	150
Adults	57												57	764
Outreach	0												0	4,054
												<b>TOTAL</b>	<b>835</b>	<b>12,197</b>
<b>MEETING ROOM ATTENDANCE</b>	33												33	1,621
<b>PATRON VISITS</b>	7,645												7,645	79,782
<b>VOLUNTEER HOURS</b>	254												254	2,392