



AGENDA STAYTON CITY COUNCIL

Monday, August 5, 2019

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

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ANNOUNCEMENTS

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

APPOINTMENTS – None

CITIZEN COMMENTS

If you wish to address the Council, please fill out a "Request for Recognition" form on the table near the door. Speakers are limited to 3 minutes and must state their name and residence.

CONSENT AGENDA

- a. July 1, 2019 City Council Minutes
- b. July 22, 2019 City Council Special Session Minutes
- c. Resolution No. 994, Adopting Appropriation Adjustments to the Fiscal Year 2019-20 Budget

PUBLIC HEARING

Ordinance No. 1035, Annexation Application, Robert & Kay Pendleton, 1660 E. Jefferson Street

- a. Commencement of Public Hearing and Opening Statement
- b. Staff summary
- c. Proponent's case
- d. Persons in favor
- e. Persons opposed
- f. Other interested persons
- g. Rebuttal from Proponent
- h. Close of Hearing
- i. Council Deliberation
- j. Council Decision on Ordinance No. 1035

Ordinance No. 1036, Implementing the Recommendations of the Ordinance No. 1019 Review Committee

- a. Commencement of Public Hearing and Opening Statement
- b. Staff summary
- c. Persons in favor
- d. Persons opposed

- e. Other interested persons
- f. Close of Hearing
- g. Council Deliberation
- h. Council Decision on Ordinance No. 1036

GENERAL BUSINESS – None

COMMUNICATIONS FROM MAYOR AND COUNCILORS

COMMUNICATION FROM CITY STAFF

ADJOURN

FUTURE AGENDA ITEMS

- a. Public Hearing – Code Amendments
- b. Economic Development Strategy
- c. Improving Staff Reports
- d. Personnel Manual
- e. Fiscal Year 2018/19 Year End
- f. Pacific Power Hearing

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.

CALENDAR OF EVENTS

AUGUST 2019

Monday	August 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	August 6	Parks & Recreation Board	<i>Cancelled</i>	
Tuesday	August 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	August 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	August 21	Library Board	<i>Cancelled</i>	
Monday	August 26	Planning Commission	7:00 p.m.	Community Center (north end)

SEPTEMBER 2019

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

OCTOBER 2019

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

NOVEMBER 2019

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

DECEMBER 2019

Monday	December 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	December 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	December 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	December 24	CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Wednesday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		

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

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

Time Start: 7:00 P.M.

Time End: 9:14 P.M.

COUNCIL MEETING ATTENDANCE LOG

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

AGENDA	ACTIONS
REGULAR MEETING	
Announcements a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None. Councilor Patty declared ex parte contact in regard to Ordinance No. 1031.
Appointments	None.
Citizen Comments a. James Loftus	Mr. Loftus provided an update on the JPL Museum and requested a letter of support from the Council.
Consent Agenda a. June 17, 2019 City Council Minutes	Motion from Councilor Molin, seconded by Councilor Quigley, to approve the Consent Agenda as presented. Motion passed 5:0.
General Business Economic Development Strategies Project a. Staff Report – Dan Fleishman b. Citizen Comment c. Council Deliberation d. Council Decision	Mr. Fleishman introduced Alisa Pyszka of Bridge Economic Development reviewed the Economic Development Strategy and Action Plan. None. Council discussion of barriers and projects. Motion from Councilor Patty, seconded by Councilor Ohrt, to adopt the Economic Development Strategy and Action Plan as presented.

	<p><u>Council Discussion</u>: Question of implementation and Action Plan recommendation of new Full Time E.</p> <p>Motion failed 2:3 (Molin, Quigley, Hook). Council discussion of the Action Plan’s implementation recommendations.</p> <p>Motion from Councilor Molin, seconded by Councilor Hook, to defer action on the Economic Development Strategy and Action Plan until the August 5, 2019 meeting.</p> <p><u>Council Discussion</u>: Request staff to look into concerns expressed by Council. Councilor Ohrt requested the meeting date be changed to the second meeting in August.</p> <p>Councilor Hook withdrew her second. Councilor Molin withdrew his motion.</p> <p>Motion from Councilor Molin, seconded by Councilor Hook, to defer action on the Economic Development Strategy and Action Plan until the August 19, 2019 meeting. Motion passed 5:0.</p>
<p>Public Hearing Ordinance No. 1031, Amending Licensing Standards for Mobile Food Units</p> <p>a. Commencement of Public Hearing</p> <p>b. Staff Report – Dan Fleishman</p> <p>c. Questions from the Council</p> <p>d. Public Testimony</p>	<p>Mayor Porter opened the hearing at 7:49 p.m. Councilor Patty declared ex parte contact from a downtown business owner.</p> <p>Mr. Fleishman reviewed the staff report.</p> <p>Council discussion of time limits for food trucks on both private and public property, policies for operating hours, downtown parking changes, and other cities regulations.</p> <p><u>Glenn Hilton, 224 N. Third Avenue</u>: Mr. Hilton spoke in opposition of Ordinance No. 1031.</p> <p><u>Harold Brendan, 403 N. Third Avenue</u>: Mr. Brendan spoke in opposition of Ordinance No. 1031.</p> <p><u>Cari Sessums, 510 N. Third Avenue</u>: Ms. Sessums spoke in opposition of Ordinance No. 1031.</p> <p><u>Gerry Aboud, 836 E. Kathy Street</u>: Mr. Aboud spoke in opposition of Ordinance No. 1031.</p> <p><u>Kerry Johnson, 190 E. Ida Street</u>: Mr. Johnson spoke in opposition of Ordinance No. 1031.</p>

<p>e. Questions from the Council</p> <p>f. Staff Summary</p> <p>g. Close Hearing</p> <p>h. Council Deliberation</p> <p>i. Council Decision on Ordinance No. 1031</p>	<p><u>Randy Cranston, 372 Church Street:</u> Mr. Cranston spoke in opposition of Ordinance No. 1031.</p> <p><u>Ken Carey, 1941 Kent Avenue:</u> Mr. Carey spoke in support of Ordinance No. 1031.</p> <p><u>Matt Spenner, 280 E. Water Street:</u> Mr. Spenner spoke in support of Ordinance No. 1031.</p> <p><u>Carmen Nguyen, 8684 Jackson Hill Road, Salem:</u> Ms. Nguyen spoke in support of Ordinance No. 1031.</p> <p>Council inquiry about Snow Peak using private property near their business for food trucks. Further discussion on noise concerns and solutions, limiting food trucks from parking in front of buildings, and time restrictions.</p> <p>Mr. Fleishman provided a staff summary.</p> <p>Mayor Porter closed the hearing at 8:48 p.m.</p> <p>Council discussion of where they stand and what they learned from the public hearing. The Council requested staff do additional research based on comments and concerns expressed during the public hearing.</p> <p>Motion from Councilor Hook, seconded by Councilor Patty, to defer a decision on Ordinance No. 1031 until September 16, 2019 and direct staff to further research and recommend amendments to the Council.</p> <p><u>Council Discussion:</u> Councilor Quigley opposes as this still allows commerce on public property.</p> <p>Motion passed 4:1 (Quigley).</p>
<p>General Business</p> <p>Implementation of New Non-Represented Salary Schedule</p> <p>a. Staff Report – Keith Campbell</p> <p>b. Citizen Comment</p> <p>c. Council Deliberation</p> <p>d. Council Decision</p>	<p>Mr. Campbell reviewed the staff report.</p> <p>None.</p> <p>None.</p> <p>Motion from Councilor Molin, seconded by Councilor Patty, to approve the implementation of the new Non-Represented Salary Schedule as presented.</p> <p><u>Council Discussion:</u> Discussion of merit based step increases.</p> <p>Motion passed 5:0.</p>

<p>Communications from Mayor and Councilors</p>	<p>Mayor Porter provided an update on his Council Liaison activities.</p> <p>Mayor Porter invited Gerry Aboud to share a question he had regarding Ordinance No. 1013.</p> <p>Councilor Hook requested Citizen Comment be modified to Public Comment.</p> <p>Councilor Quigley will be absent at the next meeting.</p> <p>Councilor Ohrt requested staff reach out to Mr. Loftus regarding his request for a letter of support.</p>
<p>Communication from City Staff</p>	<p>Mr. Campbell invited Ms. Sbragia to introduce herself.</p>
<p>Future Agenda Items</p> <ul style="list-style-type: none"> a. Public Hearing – Annexation b. Public Hearing – Ordinance No. 1019 c. Personnel Manual d. SDC Resolution e. City Properties 	

APPROVED BY THE STAYTON CITY COUNCIL THIS 15TH DAY OF JULY 2019, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, Administrative Services Manager

**City of Stayton
City Council Special Session Meeting Action Minutes
July 22, 2019**

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, Administrative Services Manager
Councilor Paige Hook	Keith Campbell, City Manager
Councilor Christopher Molin	Dan Fleishman, Director of Planning & Development (excused)
Councilor Jordan Ohrt	Lance Ludwick, Public Works Director (excused)
Councilor David Patty	Janna Moser, Library Director (excused)
Councilor Brian Quigley	Susannah Sbragia, Finance Director (excused)
	Rich Sebens, Chief of Police (excused)

AGENDA	ACTIONS
REGULAR MEETING	
<p>General Business City Manager Employment Agreement a. Staff Report – Alissa Angelo</p> <p>b. Public Comment</p>	<p>Ms. Angelo reviewed the staff report and answered clarifying questions of the Council.</p> <p><u>Mark Kronquist, 308 E. Water Street</u> spoke in opposition of the employment agreement.</p> <p><u>Randy Cranston, 372 SE Church Street</u> spoke in support of the employment agreement.</p> <p><u>Cari Sessums, 1501 E. Burnett Street</u> shared concern about police services.</p> <p><u>Tom Peterson, 2190 Cardinal Avenue</u> spoke in opposition of the employment agreement.</p> <p><u>Steve Poisson, 1750 E. Pine Street</u> spoke in opposition of the employment agreement.</p> <p><u>Scott Mumeey, 1555 N. Fourth Avenue</u> shared concern about police services.</p> <p><u>Therese Bourdeau, 525 Mill Stream Woods</u> spoke in opposition of the employment agreement.</p> <p><u>Alan Meyer, 2764 E. Pine Street</u> spoke in opposition of the employment agreement.</p>

c. Council Deliberation	<p><u>Gerry Aboud, 836 E. Kathy Street</u> spoke in support of the employment agreement.</p>
d. Council Decision	<p><u>Patti Armstrong, 2155 Nighthawk Avenue</u> expressed concerns about the ongoing issues with Phillips Estates.</p>
	<p>Council members shared their thought process and considerations that went into seeking a continued employment agreement with Mr. Campbell.</p>
	<p>Motion from Councilor Molin, seconded by Councilor Hook, to approve the revised employment agreement with Keith D. Campbell as presented. Motion passed 5:0.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF AUGUST 2019, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, Administrative Services Manager



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

TO: Henry A. Porter and the Stayton City Council
FROM: Susannah Sbragia, Finance Director
DATE: August 5, 2019
SUBJECT: Resolution No. 994, Adopting appropriation adjustments to the fiscal year 2019-2020 Budget

ISSUE

Resolution No. 994 adopts needed appropriation adjustments for the fiscal year 2019-20 budget.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 994 as presented.

BACKGROUND INFORMATION

In early July, the City received a donation of \$30,000 from the Santiam Community Endowment to go toward pool maintenance that was not in the original adopted budget.

FACTS AND FINDINGS

The Council needs to appropriate the funds to spend the donation on the pool.

FISCAL IMPACT

The funds will cover the cost of the pool being resurfaced with no impact to the City budget. The remaining balance after resurfacing of the pool will go toward the fire alarm system being updated. The estimated the cost for the pool resurfacing is \$27,600.

MOTION(S)

Consent Agenda approval.

Resolution No. 994
A RESOLUTION ADOPTING AN ADJUSTMENT TO THE FISCAL YEAR 2019-20 BUDGET
FOR THE GENERAL FUND-POOL

WHEREAS, the City received a donation from the Santiam Community Endowment for the Stayton Family Memorial Pool; and

WHEREAS, pool maintenance has increased by \$30,000 for resurfacing of the Pool and any balance remaining will be applied to updating the fire alarm system at the Pool.

NOW, THEREFORE, BE IT RESOLVED THAT THE STAYTON CITY COUNCIL HEREBY:

1. Adopts the adjustment to the fiscal year 2019-20 budget as followed:

<u>Description</u>	<u>19 - 20 Adopted</u>	<u>Adjustment</u>	<u>Adjusted Budget</u>
Capital Outlay	\$10,000	\$30,000	\$40,000

Approved by the Stayton City Council this 6th day of August 2019.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

By: _____
Keith D. Campbell City Manager



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

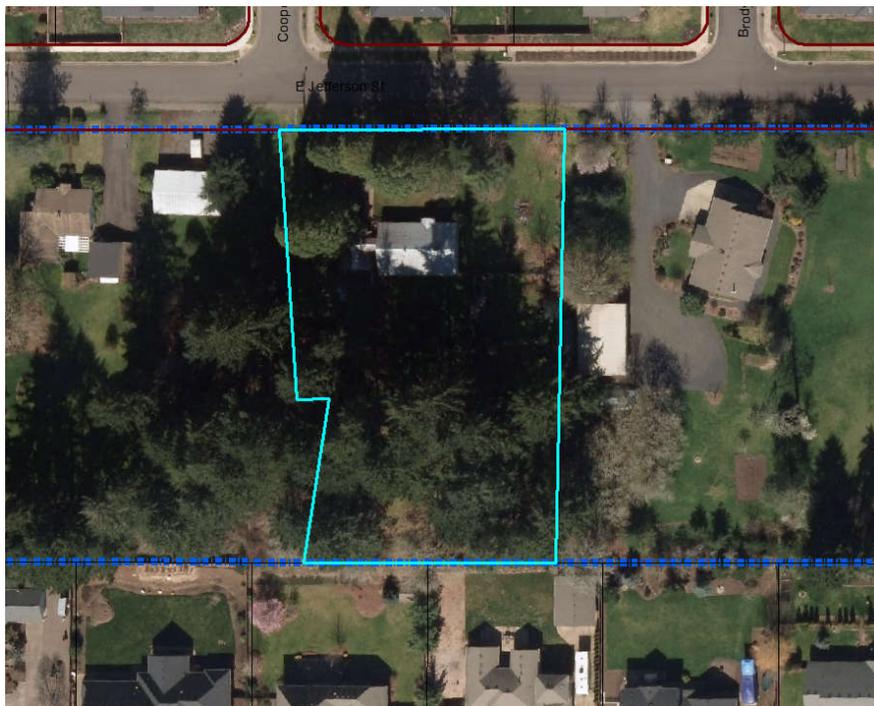
TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 5, 2019
SUBJECT: Annexation Application, Robert & Kay Pendleton, 1660 E Jefferson St

ISSUE

The issue before the City Council is a public hearing on an application for the annexation for approximately 1.4 acres of land at 1660 E Jefferson St and to assign Low Density Residential zoning to the property. Following the public hearing, the Council will be requested to consider Ordinance 1035 that will annex the property and adopt a new Official Zoning Map.

BACKGROUND INFORMATION

The territory proposed for annexation is a 1.4 acre parcel of land on the south side of E Jefferson St. The property is developed with a single family detached dwelling. A March, 2014 aerial photo of the property is below:



ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies. As is routine for all applications that appear before the Planning Commission, notice of the application was sent to the City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District. No comments were received or concerns raised by these agencies regarding the annexation.

Attached is an application for annexation from Robert and Kay Pendleton. The application consist of the application form and the applicant's narrative. Also attached is the Planning Commission's order, containing its recommendation.

Annexation Criteria

Section 17.12.210 of the Land Use and Development Code contains six criteria for approval of applications for annexation. The sixth criterion applies only to contract annexations and is not applicable to this application. The other five criteria are:

- a. Need exists in the community for the land proposed to be annexed.
- b. The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
- c. The proposed annexation is property contiguous to existing City jurisdictional limits.
- d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
- e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Criteria b, c, and e are fairly objective and leave little for interpretation. Sewer and water facilities are available in E Jefferson St. This application was filed because the septic system on the property has failed. The applicants have connected the home to the City sewer system. As part of allowing the sewer connection, staff required the applicants to execute an agreement for future annexation, and the applicants decided to submit the application at this time. The area to be annexed is contiguous to the City Limits on two sides and provisions of the state law – process and consent of landowners – have been or will be followed.

This leaves the other two criteria for more careful scrutiny and analysis. The "need" for any annexation may always be debated. The application narrative merely includes a statement regarding the necessity of connecting to city sewer. Some additional information, which is reflected in the draft ordinance is presented below.

The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.6%) was 11,359 people, requiring an

additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land.

There are currently 86 vacant lots totaling 100 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 5 years. Four subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Roth Estates	2009	12	13	0
Phillips Estates, Phase 1	2009	20	16	4
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	39	7

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, the Evergreen Subdivision with four vacant lots, and the E Virginia St Terrace with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Though there are 87 parcels totaling 100 acres in the City and residentially zoned, staff estimates that there are only 76 parcels totaling 61 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 61 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

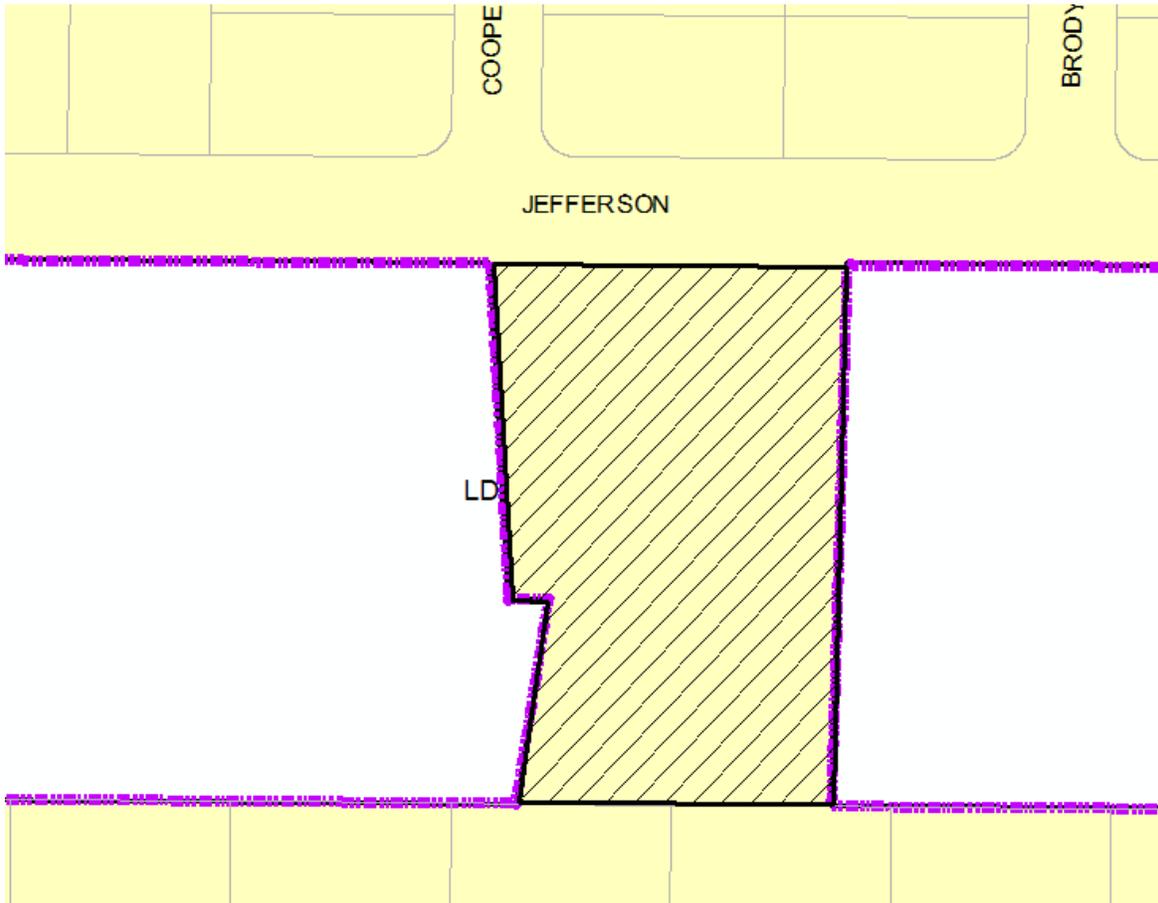
The City's growth rate from 2000 and 2018 has been at an average annual rate of about 1%, with a population change of 1,000 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 40 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

RECOMMENDATION

The Planning Commission has recommended approval of the application and that the City Council assign Low Density Residential zoning to the property, as indicated in their attached order.

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

The illustration below shows a portion of the revised Zoning Map, should Ordinance 1035 be enacted. The crossed hatched area is the proposed territory to be annexed.



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

Finally, Ordinance 1025 adopts a new zoning map because the current map has been amended so many times there is not room to note additional amendments.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the application and the first consideration of Ordinance 1035

Move to approve the application of Robert and Kay Pendleton (Land Use File #7-04/19) for annexation, assign Low Density Residential Zoning to the property and adopt a new Official Zoning Map by enacting Ordinance No 1035 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. 1035 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1035 will be brought before the Council for a second consideration at the August 19, 2019 meeting.

2. Approve the application and the first consideration of Ordinance 1035 with modifications

Move to approve the application of Robert and Kay Pendleton (Land Use File #7-04/19) for annexation, assign Low Density Residential Zoning to the property and adopt a new Official Zoning Map by enacting Ordinance No 1035 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. 1035 will be brought before the Council for a second consideration at its August 19, 2019 meeting.

3. Deny the application

Move to deny the applications of application of Robert and Kay Pendleton (Land Use File #7-04/19) for annexation and direct staff to prepare a draft Order of Denial for consideration by the City Council.

4. Continue the hearing until August 19, 2019.

I move the City Council continue the public hearing on the application of Robert and Kay Pendleton (Land Use File #7-04/19) until August 19, 2019.

5. Close the hearing but keep the record open for submission of written testimony.

I move the City Council close the hearing on the application of Robert and Kay Pendleton (Land Use File #7-04/19) but maintain the record open to submissions by the applicant until August 19, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on September 2, 2019.

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

I move the City Council continue the deliberation on the application of Robert and Kay Pendleton (Land Use File #7-04/19) until August 19, 2019.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR ANNEXATION

PROPERTY OWNER: Robert and Kay Pendleton
Address: 418 East Jefferson Street
City/State/Zip: Stayton, OR 97383
Phone: 503-881-0568 Email: rpendleton@wvi.com

APPLICANT: Same
Address:
City/State/Zip:
Phone: Email:

APPLICANT'S REPRESENTATIVE:
Address:
City/State/Zip:
Phone: Email:

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING ENGINEERING
Name: Address:
City/State/Zip: Phone: Email:

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

- owner applicant applicant's representative planning consultant engineer

LOCATION:

StreetAddress: 1660 East Jefferson Street

Assessor's Tax Lot Number and Tax Map Number:

Map:091W11CA00500. Code 02900040. Acct # R3465

Closest Intersecting Streets: East Jefferson and 15th Avenue

CURRENT COMPREHENSIVE PLAN DESIGNATION: Residential

ZONE MAP DESIGNATION PROPOSED WITH ANNEXATION: Low Density Residential

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: [Handwritten Name] Date: 5-03-2019 Fee Paid: \$ 1,800.00 Receipt No. 10.002992
Land Use File# 7-04/19

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.210.5. Please provide the following information in full and attach a narrative statement to this application.

1. **NEED:** What is the demonstrated need for this property to be annexed into the City?
2. **ADEQUATE UTILITIES:** How will the proposed annexation obtain or maintain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve the subject property in accordance with accepted City standards?

All public improvements must meet City of Stayton standard specifications. All design plans must be approved by the City prior to construction. The City will inspect all construction.

a. List public services currently available to the site:

- Water Supply: 8 - inch line available in E Jefferson St Street.
- Sanitary Sewer: 8 - inch line available in E Jefferson St Street.
- Storm Sewer: 18 - inch line available in E Jefferson St Street.
- Natural Gas: _____ - inch line available in E Jefferson St Street.
- Telephone: is (or) is not available in E Jefferson St Street.
- Cable TV: is (or) is not available in E Jefferson St Street.
- Electrical: is (or) is not available in E Jefferson St Street.

b. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the annexation? yes no

3. Is the subject property contiguous to the city limits? yes no
4. Is the proposed annexation compatible with the character of the surrounding area and does it comply with the urban growth program and policies of the City?
5. How does the proposed annexation comply, or will be made to comply with all applicable provisions of state and local law?
6. If the proposed annexation is a contract annexation, does the proposal include the cost of City facility and service extensions as calculated by the Public Works Director?

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
the application of
Robert & Kay Pendleton

)
) Annexation
) File #7-04/19
)

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted an application to annex a 1.4-acre parcel into the city limits.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on June 24, 2019. At that hearing the Planning Commission reviewed Land Use File #7-04/19 applications for annexation and subdivision and it was made part of the record.

III. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The owners of the property and the applicants are Robert L & Kay L Pendleton.
2. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 11CA, Tax Lot 500.
3. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20).
4. The property is located at 1660 E Jefferson St. The entire property is approximately 1.4 acres in area with approximately 200 feet of frontage on E Jefferson St and approximately 306 feet of depth. The property is currently developed with a single family dwelling constructed in the 1950s. The existing dwelling was served by a private water supply well and private subsurface wastewater disposal system. The wastewater disposal system has failed and the owners have connected to the City sewer system.
5. The property to the east is not yet annexed into the City, is zoned Marion County Urban Transition (UT-20) and is developed with a single family dwelling. The properties to the north, are zoned Low Density Residential (LD), were annexed in 2005, and are developed with single family dwellings. The property to the west is zoned Marion County Urban Transition (UT-20) and is developed as a single family dwelling. The properties to the south are zoned LD, were annexed in 1996, and are developed with single family dwellings. Neighboring single family residential properties within the City range in size from 10,700 square feet to 18,300 square feet in area.

B. PROPOSAL

The proposal is to annex 1.4 acres of land into the City. The applicant has proposed that Low Density Residential zoning be applied at the time of annexation.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District.

No review comments were received.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property and has not received any public comment on these applications prior to the public hearing.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.

F. REVIEW CRITERIA

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

- a. Need exists in the community for the land proposed to be annexed.*

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land.

Staff has calculated information on current buildable lands as follows. There are currently 86 vacant lots totaling 100 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 5 years. Four subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, the Evergreen Subdivision with four vacant lots, and the E Virginia St Terrace with four

lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Roth Estates	2009	12	13	0
Phillips Estates, Phase 1	2009	20	16	4
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	39	7

Though there are 86 parcels totaling 100 acres in the City and residentially zoned, staff estimates that there are only 76 parcels totaling 61 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 61 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City’s growth rate from 2000 and 2018 has been at an average annual rate of about 1%, with a population change of 1,000 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.

Finding: There is an 8-inch water main in E Jefferson St. There is an 8-inch sewer main in E Jefferson St. There is an 18-inch stormwater main in E Jefferson St.

c. The proposed annexation is property contiguous to existing City jurisdictional limits.

Finding: The property is adjacent to the City limits to the north and to the south.

d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and the policies of the City of Stayton.

Finding: No development activity is proposed by the applicants. The application has been submitted due to failure of the subsurface wastewater disposal system on the property and the need to connect to the City sewer system.

e. *The annexation request complies or can be made to comply with all applicable provisions of state and local law.*

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owners have consented to the annexation.

f. *If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

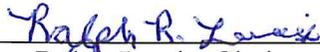
Finding: The proposed annexation is not a contract annexation.

IV. CONCLUSION

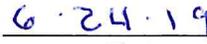
Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in SMC 17.12.210.4.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council and amendment of the Official Zoning Map to designate the property as Low Density Residential.



Ralph Lewis, Chairperson



Date



Dan Fleishman,

Planning and Development Director



Date

ORDINANCE NO. 1035

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON E JEFFERSON ST; CHANGING THE ZONING OF THE PROPERTY FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD); AND ADOPTING A NEW OFFICIAL ZONING MAP

WHEREAS, Robert & Kay Pendleton have initiated annexation of that certain real property located in the southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, more particularly described in Exhibit A attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit B attached hereto and incorporated herein;

WHEREAS, Robert & Kay Pendleton, representing a majority of the property owners of the property, have consented to the annexation of the property;

WHEREAS, on April 30, 2019, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Robert & Kay Pendleton filed with the City of Stayton, Oregon, an annexation application and a request to assign Low Density Residential zoning to the annexed territory;

WHEREAS, the applicant's proposal is to annex the property with the intent of connecting the existing single family dwelling on the property to the City sewer system;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on June 24, 2019;

WHEREAS, the territory to be annexed is contiguous to the City Limits on two sides;

WHEREAS, the nearby properties in the City Limits are zoned Low Density Residential;

WHEREAS, territory to be annexed is currently zoned Urban Transition (UT-20), and the applicant has requested that the territory to be annexed be zoned Low Density Residential in accordance with the Stayton Comprehensive Plan Map;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on July 15, 2019;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the application as contained in Exhibit C attached hereto and incorporated herein;

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit C, that the application meets the criteria for approval in SMC 17.12.210.5; and

WHEREAS, the April 1, 2013 Official Zoning Map of the City Stayton has no more room to note amendments on its face;

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory in the southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, the legal description of which is described in Exhibit A, which is attached hereto and by reference incorporated herein.

Section 2. Pursuant to ORS 222.005 the Stayton City Recorder shall provide by certified mail to all public utilities, telecommunication facilities, and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax roles, a legal description and map of the proposed boundary change, and a copy of this ordinance. This notice shall be mailed within (10) ten working days of the passage of this Ordinance.

Section 3. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the passage of this Ordinance, send to the Marion County Clerk and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

Section 4. Pursuant to ORS 308.225(2) the Stayton City Recorder shall provide to the Oregon Department of Revenue a copy of this Ordinance, containing the legal description and map of the territory being annexed.

Section 5. Pursuant to ORS 222.177 the Stayton City Recorder shall provide to the Oregon Secretary of State a copy of this Ordinance, containing the legal description and map of the territory being annexed, and a copy of documents indicating consent of the property owner.

Section 6. Stayton Municipal Code Section 17.16.020.3.b is hereby amended to delete reference to the April 1, 2013 Official Zoning Map and to insert reference to the August 15, 2019 Stayton Official Zoning Map which shall include the annexed territory as Low Density Residential.

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 5th day of August, 2019.

CITY OF STAYTON

Signed: _____, 2019

BY:

Henry A Porter, Mayor

Signed: _____, 2019

ATTEST:

Keith D. Campbell, City Administrator

EXHIBIT A, Annexation Area

A tract of land located in the Southwest One-Quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

Beginning at an iron pipe 6.444 chains South and 31.44 Chains East of the Quarter Corner between Sections 10 and 11 in Township 9 South Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 305.94 feet to an iron pipe; thence West 178.96 feet to an iron pipe; thence N 7° 32' East 116.70 feet to an iron pipe; thence S 89° 40' West 22.25 feet to an iron pipe; thence N. 4° 10' West 192.37 feet to an iron pipe on the south line of a public road; thence East 199.40 feet along the South line of said road to the iron pipe at the place of beginning.

DRAFT

EXHIBIT B, Map of Annexation Area

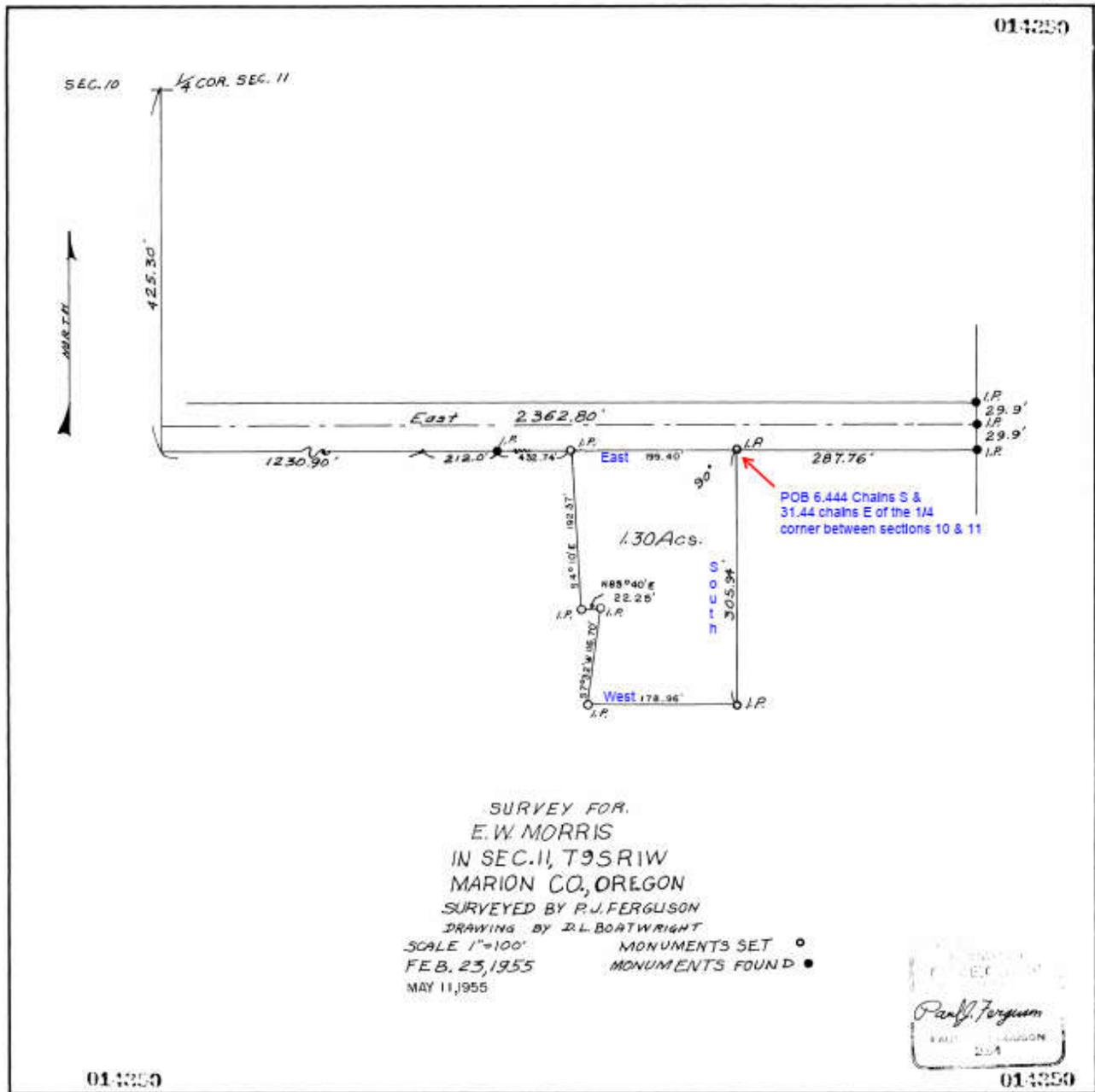


EXHIBIT C, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #7-04/19

A. EXISTING CONDITIONS

1. The owners of the property and the applicants are Robert L & Kay L Pendleton.
2. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 11CA, Tax Lot 500.
3. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20).
4. The property is located at 1660 E Jefferson St. The entire property is approximately 1.4 acres in area with approximately 200 feet of frontage on E Jefferson St and approximately 306 feet of depth. The property is currently developed with a single family dwelling constructed in the 1950s. The existing dwelling was served by a private water supply well and private subsurface wastewater disposal system. The wastewater disposal system has failed and the owners have connected to the City sewer system.
5. The property to the east is not yet annexed into the City, is zoned Marion County Urban Transition (UT-20) and is developed with a single family dwelling. The properties to the north, are zoned Low Density Residential (LD), were annexed in 2005, and are developed with single family dwellings. The property to the west is zoned Marion County Urban Transition (UT-20) and is developed as a single family dwelling. The properties to the south are zoned LD, were annexed in 1996, and are developed with single family dwellings. Neighboring single family residential properties within the City range in size from 10,700 square feet to 18,300 square feet in area.

B. PROPOSAL

The proposal is to annex 1.4 acres of land into the City. The applicant has proposed that Low Density Residential zoning be applied at the time of annexation.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District.

No review comments were received.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property and has not received any public comment on the application prior to the public hearing.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.

F. REVIEW CRITERIA

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

a. *Need exists in the community for the land proposed to be annexed.*

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land.

Staff has calculated information on current buildable lands as follows. There are currently 86 vacant lots totaling 100 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 5 years. Four subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, the Evergreen Subdivision with four vacant lots, and the E Virginia St Terrace with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
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Though there are 86 parcels totaling 100 acres in the City and residentially zoned, staff estimates that there are only 76 parcels totaling 61 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 61 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City's growth rate from 2000 and 2018 has been at an average annual rate of about 1%, with a population change of 1,000 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

b. *The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.*

Finding: There is an 8-inch water main in E Jefferson St. There is an 8-inch sewer main in E Jefferson St. There is an 18-inch stormwater main in E Jefferson St.

c. The proposed annexation is property contiguous to existing City jurisdictional limits.

Finding: The property is adjacent to the City limits to the north and to the south.

d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and the policies of the City of Stayton.

Finding: No development activity is proposed by the applicants. The application has been submitted due to failure of the subsurface wastewater disposal system on the property and the need to connect to the City sewer system.

e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owners have consented to the annexation.

f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.

Finding: The proposed annexation is not a contract annexation.

DRAFT



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 5, 2019
**SUBJECT: Ordinance 1036, Implementing the Recommendations of
the Ordinance 1019 Review Committee**

ISSUE

The issue before the City Council is a public hearing on Ordinance 1036, which would amend the Stayton Municipal Code relative to smoking on public sidewalks and maintenance requirements for non-residential properties. The Code changes in the draft ordinance were proposed by the Ordinance 1019 Review Committee appointed by the City Council last November.

BACKGROUND

In March 2018, Revitalize Downtown Stayton presented to the City Council a set of Code amendments to address the conditions of property, primarily in the downtown area. The Council indicated its willingness to consider the amendments and requested that staff convert the proposal in the proper format of an ordinance. Ordinance 1019 was presented to the City Council at their April 16 2018 meeting and, after some amendments, was enacted in early June.

Ordinance 1019 amended two chapters of existing code and enacted a new chapter in Title 15 of the Municipal Code. Section 1 of the Ordinance requires people to pick up their pet waste, except on their own property. Section 2 of the Ordinance prohibits smoking or vaping outside the front street façade of any building in the downtown area. Section 3 of the Ordinance establishes standards for the maintenance of non-residential properties in the downtown area. These standards require property to be kept free from debris, trash and other materials; that weeds be removed from the front of buildings, and that awnings be kept in good repair, moss free and be illuminated.

Shortly after enactment of the Ordinance, the City Council received comments about the smoking requirements. The Council suspended enforcement of the Ordinance in September. Upon receiving additional comments at their meetings, the City Council held a hearing on November 5 regarding the provisions of the Ordinance. Following that hearing, the Council voted to establish a committee to review the Ordinance and charged the Committee with recommending to the Council modifications and suggestions for the Ordinance.

RECOMMENDATIONS FROM COMMITTEE

The Committee was made up of representation of downtown property owners, downtown business owners, business employees, Revitalize Downtown Stayton and two alternate members. The Committee was chaired by Councilor Quiqley, met on three occasions and was assisted in its deliberations by the Planning and Development Director and the Police Chief. The Committee reviewed all portions of Ordinance 1019 and made a number of recommendations that were transmitted to the City Council in April.

DESCRIPTION OF PROPOSED AMENDMENTS

The Committee has recommended a number of amendments to the Municipal Code, which have been incorporated into draft Ordinance 1036.

Section 1 of the Ordinance amends Section 8.12.040.5 of the Code. Currently the Code prohibits smoking or vaping outside the front street façade of a building in the downtown area. State law prohibits smoking within 10 feet of the doorway, an openable window, or any ventilation facility of any business. The 10-foot restriction in state law leaves only small areas along the sidewalk along N Third Ave where smoking is legal. The Committee's recommendation is that the Code be amended to prohibit smoking on a public sidewalk within 20 feet of the doorway of a business. While, as drafted, this provision would apply City-wide, Staff's analysis is that there are very few doorways to businesses within 20 feet of a public sidewalk except in the downtown area.

Sections 2 and 3 of the Ordinance modify Chapter 15.12 such that the Chapter would apply City-wide, not just in the Downtown Core.

Section 4 of the Ordinance modifies the requirements for landscape beds and planters to be less subjective and be more clear.

Section 5 of the Ordinance modifies the requirements for awning maintenance to be more specific and to require removal of the frame if an awning is removed from building. It repeals the requirement that awnings in the downtown area provide illumination of the sidewalk in front of the building.

Section 6 of the Ordinance replaces the awning illumination requirement with a requirement that all buildings along N Third Ave, between E Water St and E Burnett St provide illumination visible from the exterior of the building and provides a number of options for achieving this requirement and standards for the brightness and color of the lighting.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Continue the hearing

Move to continue the public hearing until August 19, 2019.

2. Close the hearing and approve the first consideration of Ordinance 1036

Move to approve Ordinance No 1036 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. 1036 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1036 will be brought before the Council for a second consideration at the August 19, 2019 meeting.

3. Close the hearing and approve the Ordinance with modifications

Move to approve Ordinance No. 1036 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. 1036 will be brought before the Council for a second consideration at its August 19, 2019 meeting.

4. Close the hearing and retain the Code unchanged, and reinstate enforcement of Ordinance 1019

Move to reinstate enforcement of the provision enacted by Ordinance 1019.

ORDINANCE NO. 1036

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLES 8 NAD 15 REGARDING CONDUCT ON PUBLIC SIDEWALKS AND MAINTENANCE OF COMMERCIAL PROPERTIES

WHEREAS, in June 2018 the Stayton City Council enacted Ordinance 1019 restricting smoking of tobacco in the Downtown area and establishing standards for the maintenance of commercial properties;

WHEREAS, following comments about the impact of the smoking restrictions on certain businesses, In September 2018 the City Council voted to suspend enforcement of the Ordinance 1019;

WHEREAS, the City Council held a public hearing in November of 2018 on the provisions in Ordinance 1019;

WHEREAS, following the public hearing the City Council appointed a committee to review the provisions enacted by Ordinance 2019;

WHEREAS, the committee appointed by the City Council recommended changes to smoking restrictions and to the property maintenance standards; and

WHEREAS, the City of Stayton City Council held a public hearing on the proposed Code amendments on August 5, 2019.

NOW THEREFORE, the City of Stayton ordains:

Section 1. Stayton Municipal Code Section 8.12.040.5 is hereby amended as follows:

5. Smoking of tobacco, marijuana, or any other substances including E-Cigarettes and use of smokeless tobacco is prohibited at any City-owned property, park and facilities. Smoking or vaping is prohibited on the sidewalk of a public street outside the front street facade within twenty (20) feet of the doorway of any building in the area designated as Downtown in the Comprehensive Plan Map and properties on both sides of N First Ave between Water St and Washington St ~~business establishment~~. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, E-cigarette, vape pen, or other tobacco product in any manner or in any form. No ashtrays or cigarette butt containers shall be placed on the sidewalk of a public street within twenty (20) feet of the doorway of any business establishment.

Section 2. Stayton Municipal Code Section 15.12.010 is hereby amended as follows:

15.12.010 PURPOSE

This Chapter is intended to protect the ~~Downtown Core~~ City of Stayton from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and

nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.

3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain their investment.

Section 3. Stayton Municipal Code Section 15.12.020 is hereby amended as follows:

15.12.020 SCOPE OF REGULATIONS

The regulations included in this Chapter shall be in effect and control the use of property used for business and mixed business/residential purposes and public places ~~only~~ within the ~~Downtown Core of the City. The Downtown Core is defined as that area designated Downtown on the Stayton Comprehensive Plan Map and both sides of N First Ave from Water St to Washington St.~~

Section 4. Stayton Municipal Code Section 15.12.040 is hereby amended as follows:

15.12.040 WEEDS AND PLANTS TO BE CONTROLLED

Plant material shall be cut down or destroyed between the building facade and the street unless planted in a container or tree well by the building owner, occupant, or city. Plant material shall be removed between buildings, and in alleyways. Planted materials in landscape beds and planters shall be maintained to keep them healthy and attractive weed free.

Section 5. Stayton Municipal Code Section 15.12.050 is hereby amended as follows:

15.12.050 ~~ILLUMINATION AND~~ MAINTENANCE OF AWNINGS

1. Awnings shall ~~be in good repair and free of moss or algae~~ not be torn, frayed, ripped, faded, or stained, soiled, or dirty.
2. ~~Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to midnight. If an awning cover is removed, the building owner shall remove the frame and any supports for the awning.~~

Section 6. Stayton Municipal Code Section 15.12.055 is hereby enacted:

15.12.055 ILLUMINATION OF BUILDINGS

The purpose of this section is to provide uniformity of lighting of building exterior and interior retail areas in the downtown area in order to provide an inviting atmosphere within the pedestrian-oriented portion of the City.

1. Buildings along N Third Avenue, between E Water Street and E Burnett Street shall provide illumination visible from the exterior of the building. Illumination shall be provided by:
 - a. Light fixtures on or in an awning or canopy overhanging the sidewalk;
 - b. Light fixtures attached to the exterior of the building;
 - c. Lights attached around the perimeter of a window frame; or
 - d. Interior lighting within a window.
2. Lighting shall be white light, a minimum of 1,000 lumens, with temperature rating of 5000K or less.
3. Illumination shall be provided between dusk and 11:00 pm.

Section 7. Upon adoption by the Stayton City Council and the Mayor’s signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 5th day of August, 2019.

CITY OF STAYTON

Signed: _____, 2019

BY: _____
Henry A Porter, Mayor

Signed: _____, 2019

ATTEST: _____
Keith D. Campbell, City Administrator