



# AGENDA

## STAYTON CITY COUNCIL MEETING

### Monday, December 4, 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. November 20, 2017 City Council Minutes
- b. Acceptance of Abstract of Election Results – November 7, 2017

#### ***Purpose of the Consent Agenda:***

*In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.*

***The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.***

## **PUBLIC HEARING**

### **Public Hearing on Minor Modification Application**

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Proponents' Testimony
- g. Opponents' Testimony
- h. Governmental Agencies
- i. General Testimony
- j. Questions from the Public
- k. Questions from the Council
- l. Applicant Summary
- m. Staff Summary
- n. Close of Hearing
- o. Council Deliberation
- p. Council Decision

### **Public Hearing Regarding Application for Housing Rehabilitation Funds**

- a. Opening Statement
- b. Staff Report – Dan Fleishman
- c. Open Public Hearing
- d. Close Public Hearing
- e. Council Deliberation
- f. Council Decision

### **Continuation of Proposed Resolution Initiating Annexation and Comprehensive Plan Amendment**

- a. Continuation of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents' Testimony
- e. Opponents' Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision on Ordinance No. 1014

### **UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Mill Creek Park Project**

- a. Staff Report – Lance Ludwick

**Informational**

**STAFF/COMMISSION REPORTS – None**

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

*Recommended time for presentations is 10 minutes.*

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

**BUSINESS FROM THE CITY ADMINISTRATOR**

**BUSINESS FROM THE MAYOR**

- a. Appointment of member to vacant City Council seat

**BUSINESS FROM THE COUNCIL**

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

- City Attorney Award of Contract
- Teen Center
- Board and Committee Appointments

**ADJOURN**

## CALENDAR OF EVENTS

### DECEMBER 2017

Monday	December 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 5	Parks & Recreation Board	<i>Cancelled</i>	
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	6:00 p.m.	E.G. Siegmund Meeting Room
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>		
Tuesday	December 26	Planning Commission	<i>Cancelled</i>	

### JANUARY 2018

Monday	January 1	<b>CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS HOLIDAY</b>		
Tuesday	January 2	City Council	7:00 p.m.	Community Center (north end)
Wednesday	January 3	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	January 9	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	January 12	Community Leaders	7:30 a.m.	Covered Bridge Café
Monday	January 15	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING HOLIDAY</b>		
Tuesday	January 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	January 17	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 29	Planning Commission	7:00 p.m.	Community Center (north end)

### FEBRUARY 2018

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

### MARCH 2018

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

**City of Stayton  
City Council Meeting Action Minutes  
November 20, 2017**

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

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

**Time End:** 8:28 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Mark Kronquist	Dan Fleishman, Director of Planning & Development
Councilor Brian Quigley	Lance Ludwick, Public Works Director
Councilor Joe Usselman	Janna Moser, Library Director
	Rich Sebens, Chief of Police (excused)
	Charles Button, Police Lieutenant
	Wallace Lien, Acting City Attorney

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. Introduction of Police Cadets by Sgt. Michael Meeks	Sgt. Michael Meeks and Officer Brandon RatheLeGurche spoke briefly about the Stayton Police Cadet program. Each cadet gave a brief introduction and background on themselves: <ul style="list-style-type: none"> <li>• Claudia Camacho</li> <li>• Morgan Smith</li> <li>• Cole Atiyeh</li> <li>• Jacob Jungwirth</li> </ul>
b. Jerry Flowers	Mr. Flowers has questions about a piece of property and storm drainage. Mr. Ludwick was unfamiliar with the property and asked Mr. Flowers to visit Public Works so they can discuss further.
<b>Consent Agenda</b>	
a. November 6, 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>Public Hearing</b>	
<b>Proposed Resolution Initiating Annexation and Comprehensive Plan Amendment</b>	
a. Commencement of Public Hearing	Mayor Porter opened the hearing at 7:19 p.m. Mr. Fleishman reviewed the staff report. At the
b. Staff Report – Dan Fleishman	

<ul style="list-style-type: none"> <li>c. Questions from the Council</li>   <li>d. Proponents' Testimony</li> <li>e. Opponents' Testimony</li> <li>f. General Testimony</li> <li>g. Questions from Public</li>            <li>h. Questions from Council</li> <li>i. Staff Summary</li> <li>j. Close of Hearing</li>      <li>k. Council Deliberation</li> <li>l. Council Decision on Ordinance No. 1014</li> </ul>	<p>end of the hearing, he will be recommending the Council continue the hearing to allow for additional information to be added regarding traffic impact.</p> <p>Discussion of the hearing continuance, as well as the Senate Bill 1573 and how it affects this situation.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Bill Martinak, 15556 Coon Hollow Road, spoke about the lack of a Traffic Impact Analysis, and inquired about a conceptual plan and if the adopted Master Plans would be followed.</p> <p>Dan Morgan, 2195 Cardinal Avenue, inquired about future development to the north and if a traffic impact analysis will look at this now or when it's developed.</p> <p>Mr. Fleishman responded to the questions from Mr. Martinak and Mr. Morgan.</p> <p>None.</p> <p>Mr. Fleishman provided an overview.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Usselman, to continue the public hearing to the December 4, 2017 City Council meeting.</p> <p><b>Motion passed 4:0.</b></p> <p>None.</p> <p>No action.</p>
<p><b>Unfinished Business</b></p>	<p>None.</p>
<p><b>New Business</b>  <b>Proposed Resolution Establishing a Residential Rental Registration Fee</b></p> <ul style="list-style-type: none"> <li>a. Staff Report – Dan Fleishman</li> <li>b. Council Discussion</li>   <li>c. Council Decision</li> </ul>	<p>Mr. Fleishman reviewed the staff report.</p> <p>Discussion on how staff knows who has a rental and enforcement of the fee, and the level of fee.</p> <p>The Council directed staff to continue research and return at a future meeting.</p>
<p><b>Staff / Commission Reports</b>  <b>Finance Department Report – Cindy Chauran &amp; Elizabeth Baldwin</b></p> <ul style="list-style-type: none"> <li>a. October 2017 Monthly Finance Department Report</li> </ul> <p><b>Police Chief's Report – Chief Rich Sebens</b></p> <ul style="list-style-type: none"> <li>a. October 2017 Statistical Report</li> </ul> <p><b>Public Works Director's Report – Lance Ludwick</b></p> <ul style="list-style-type: none"> <li>a. October 2017 Operating Report</li> </ul>	<p>No discussion.</p>    <p>Lt. Button shared that Stayton Police Officers are participating in No Shave November and provided a recap on the recent K9 Spaghetti Feed fundraiser and Coffee with a Cop.</p>   <p>No discussion.</p>

<p><b>Planning &amp; Development Director's Report – Dan Fleishman</b> a. October 2017 Activities Report</p> <p><b>Library Director's Report – Janna Moser</b> a. October 2017 Activities</p>	<p>No discussion.</p> <p>Ms. Moser provided a brief update and offered an invite to an Ugly Christmas Sweater making event at the Library.</p>
<p><b>Presentations / Comments From the Public</b></p>	<p>Paige Hook, 2088 Quail Run Avenue, shared her thoughts on the Rental Housing standards and fees.</p>
<p><b>Business from City Administrator</b></p>	<p>Mr. Campbell stated during the recent election that the revised Charter was passed by the voters.</p>
<p><b>Business from the Council</b></p>	<p>None.</p>
<p><b>Business from the Mayor</b></p>	<p>Mayor Porter hopes to have an appointment to the Council by the December 4<sup>th</sup> Council meeting.</p>
<p><b>Future Agenda Items – Monday, December 4, 2017</b> a. Public Hearing – Sunshine Coffee b. City Attorney Award of Contract c. Board and Committee Appointments</p>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 4<sup>TH</sup> DAY OF DECEMBER 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 A. Porter and the Stayton City Council**  
**FROM: Alissa Angelo, Deputy City Recorder**  
**DATE: December 4, 2017**  
**SUBJECT: Acceptance of Abstract of Election Results – November 7, 2017**

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**STAFF RECOMENDATION**

By consent, accept the Abstract of Election Results.

**BACKGROUND INFORMATION**

ORS 255.295 requires that a local government review and acknowledge acceptance of an Abstract of Election Results, prepared by the county elections department, in connection with an election within its jurisdiction.

For your information, an Undervote occurs when the number of choices selected by a voter is less than the maximum number allowed for that contest or when no selection is made for a single choice contest. An Overvote occurs when one votes for more than the maximum number of selections allowed in a contest.

**FACTS AND FINDINGS**

An election was held on November 7, 2017 and citizens of Stayton cast votes for the following:

- City of Stayton Revised Charter

**OPTIONS**

Accept the Abstract of Election Results

**MOTION(S)**

Consent Agenda approval.



**Marion County**

**OREGON**  
COUNTY CLERK

COUNTY CLERK  
William J. Burgess

Voice: (503) 588-5225  
E-Mail: [bburgess@co.marion.or.us](mailto:bburgess@co.marion.or.us)  
Website: <http://www.co.marion.or.us/CO>

ELECTIONS OFFICE

Voice: (503) 588-5041  
1-800-655-5388  
TTY/TTD: (503) 588-5610  
FAX: (503) 588-5383  
E-Mail: [elections@co.marion.or.us](mailto:elections@co.marion.or.us)

**Acceptance of Results Form – District Measure**

**TO:** Bill Burgess, Marion County Clerk

**SUBJECT:** Abstract of Votes for the November 7, 2017 Special Election

This is to verify receipt of the abstract from the November 7, 2017 Special Election and the district's acceptance of it as the official election results.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(authorizing signature)

\_\_\_\_\_  
(title)

**Completed form must be returned by: December 28, 2017**  
(Form may be returned by fax, e-mail or regular mail.)

**City of Stayton  
Attn: City Recorder  
362 N Third Ave  
Stayton, OR 97383**

Acceptance Form District Measure.Docx

Official Election Results

Special Election

Registered Voters  
26760 of 95524 = 28.01 %

Run Time 4:51 PM

11/7/2017

Precincts Reporting

Run Date 11/22/2017

Page 6 of 8

53 of 53 = 100.00 %

24-425: City of Stayton - Measure adopting a revised Charter for the City of Stayton

Precinct	Yes	No	Cast Votes	Undervotes	Overvotes	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
655 - 1	693	303	996	1	0	997	997	4865	20.49 %
<b>Totals</b>	<b>693</b>	<b>303</b>	<b>996</b>	<b>1</b>	<b>0</b>	<b>997</b>	<b>997</b>	<b>4865</b>	<b>20.49 %</b>

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

 Signature of County Clerk Bill Burgess	<b>Nov. 22, 2017</b> Date of Abstract
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## MEMO TO CITY COUNCIL

FROM: Wallace W. Lien, Acting City Attorney  
DATE: November 30, 2017  
RE: Sunshine Coffee, Case No. Case No. 9-09/17

This Memo is intended to assist the Council with its deliberations on the matter of the Sunshine Coffee application.

### 1. Jurisdiction Over the Decision

Jurisdiction over the subject application lies exclusively with the Council at this time. In order to meet the statutory deadline for final resolution by the City of January 11, 2018, a Council decision in this process is required before that date. That is to say there is no time for any remand or further consideration of the matter by the Planning Commission or staff.

### 2. Process for Deliberations

The matter is now before the Council in the adjudication phase, where public testimony will be taken and deliberations on the outcome will occur. The intricacies of the process by which this application came to the Council are no longer of concern. The matter is now before the Council for hearing and decision as would be the case for any other land use application.

### 3. Substantive Interpretations Have to be Made

There is a serious policy consideration and code interpretation that is involved in the determination of this matter. That is to say, what are the parameters upon which one application may be deemed to be a modification of a prior approval of another different application.

There is some help in our code to guide you in answering this question. SMC 17.12.070(1)(a)(3) provides that staff is entitled to make an original decision on a “minor modification”. A “minor modification” is defined in the code as a modification that meets none of the requirements for a “major modification. A “major modification” is defined as 1) a change to transportation elements (driveways, parking, etc.); and 2) increasing the floor area proposed for non-residential use by more than 15% of that which was approved; and 3) reducing the common area or landscaping by more than 10%; and 4) increasing the parking spaces by more than 10%; and 5) add or increase lot coverage in a sensitive or hazard area; and 6) changing the location of buildings, streets parking, utilities, landscaping or other improvements by more than 10 feet; and 7) changing a condition of approval; and 8) any change in the approved use that could have a detrimental impact on adjoining properties.

Although there is guidance on how to classify a modification as either major or minor, there is little guidance on when an application can be considered to be a modification of a prior approval, and when that same application must be considered as a new and original application. It is this question that must be answered in this case. This is an important exercise, as the adopted interpretation will set a precedent for how future applications for modifications will be treated.

SMC 17.12.150(1) indicates the purpose of a modification is to provide an efficient process for modifying a previously approved land use decision. Modifications are new applications and are not a continuation of the original approved land use decision. SMC 17.12.150(2)(b). A site plan is required to show the modifications proposed from the original approval. SMC 17.12.150(3)(b). The normal approval criteria are applied to the modification, using the original development proposal and any conditions of approval from the original approval. SMC 17.12.150(4).

While the normal consideration of the modification of a land use approval is by the original applicant, and for the same use as was originally approved, there are no such requirements enumerated in the code. In this case, the applicant for the modification is different from the applicant that received the original approval. Further, the type of use and the structures needed for that use are also different.

The question then is if this application can be defined as a modification at all, or should it be considered to be a new site plan application altogether. If it is determined this fact pattern qualifies for administration as a modification, then it must be determined if the modification is minor or major. All of these interpretations must be made by Council, and the findings and conclusions to support the interpretations must be drafted and added to the Order once a final decision on this application is made.

If it is determined that this application can not be considered to be a modification in the first instance, the application must be considered null and void. In this case, the applicant would be required to apply for a new and original site plan review under SMC 17.12.220, which would then be processed as is otherwise provided for in the code. It does not appear that it is possible to allow the application to be changed at this time from its current posture as a minor modification, to that of a site plan review. SMC 17.12.140 provides the circumstances upon which an application can be changed once it is to the Council, but none of those circumstance would allow the change in the kind of application that is actually being applied for.

If it is determined the application qualifies for a modification in the first instance, then an interpretation of the facts of the application must be made to decide if the changes proposed are minor or major in scope. This simply involves application of definitions in SMC 17.04.100. If the decision is this application is a minor modification, then findings and conclusions to that effect must be added to the final decision. If the decision is this application is that the application should be for a major modification, the current application would again have to be considered null and void, and the process started over using the major modification process set forth in SMC 17.12.150.

What is missing in the current analysis and not present in the proposed Council Order, are

findings and conclusions that make the required interpretation whether or not this application qualifies as a modification at all, and if so why it is interpreted to be a minor modification instead of a major modification. Staff will supply the findings and conclusions to add to the proposed Order once Council makes the required interpretations.

It is my opinion the current draft of the Council Order is not reasonably defensible at LUBA, and there would be a high likelihood of remand with instructions for the City to make the interpretations discussed above. If such a LUBA appeal were to be brought, it would delay any final action on the application for six months or more while LUBA decided the appeal.

Various elements that can be considered in making these interpretations include the following issues:

1. In modifying a prior approval should it be required that the applicant for the modification be the same party that was the applicant in the prior approval.
2. In modifying a prior approval should the underlying primary use be the same as was originally approved.
3. Does the modification application have to apply only to the same exact land/tract that was the subject of the prior approval.
4. To what extent should the procedures for review of a “major modification” under SMC 17.12.150 be applied to the review of a “minor modification.”
5. Should allowable modifications be limited only to design standards, setbacks, dimensional requirements, landscaping and similar type requirements.
6. To what extent can/should conditions of approval in the original approval be continued, eliminated or changed in a modification application.

There are undoubtedly more considerations than are listed here. The above list is simply a starting point for the discussion to indicate the kinds of issues that should be considered in making the required interpretations.

#### **4. Questions that Must be Answered**

In order to help the Council address this complex issue of interpretation of the code, the following questions are presented as a matrix to assist with the decision making process:

1. Does this application qualify as a modification of a prior land use approval?

If yes, then move to question #2 below. If no, the application must be denied.

2. If it is deemed this application qualifies as a modification, then do the facts of this application qualify for a minor or major modification?

If the application is for a minor modification, proceed to final determination on the merits.

If the application is deemed to be a major modification, then the application must be denied, and the process started over using the major modification process set forth in SMC 17.12.150.

Once the answers to these questions are made by Council, staff should be directed to draft findings and conclusions to support the Council's interpretations, and to bring a final proposed Order in conformance with the decision to the December 18, 2017 Council meeting for final adoption.



**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: December 4, 2017**  
**SUBJECT: Public Hearing on Minor Modification Application**  
**120 DAYS ENDS: January 11, 2018**

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**ISSUE**

The issue before the City Council is a public hearing on an application for minor modification to a previously approved site plan for the property at the southwest corner of N Third Ave and Whitney St, addressed as 2550 Martin Dr. This application was approved with conditions by staff, but called up by Councilor Quiquley. The City Council retained jurisdiction and scheduled the public hearing at your November 6 meeting.

**BACKGROUND INFORMATION**

The site is a portion of Lot 5 in Santiam Station and is subject to the CC&Rs and architectural standards for that subdivision. Lot 5 was subsequently replatted and divided into six lots, which benefit from and are subject to mutual access and shared parking easements.

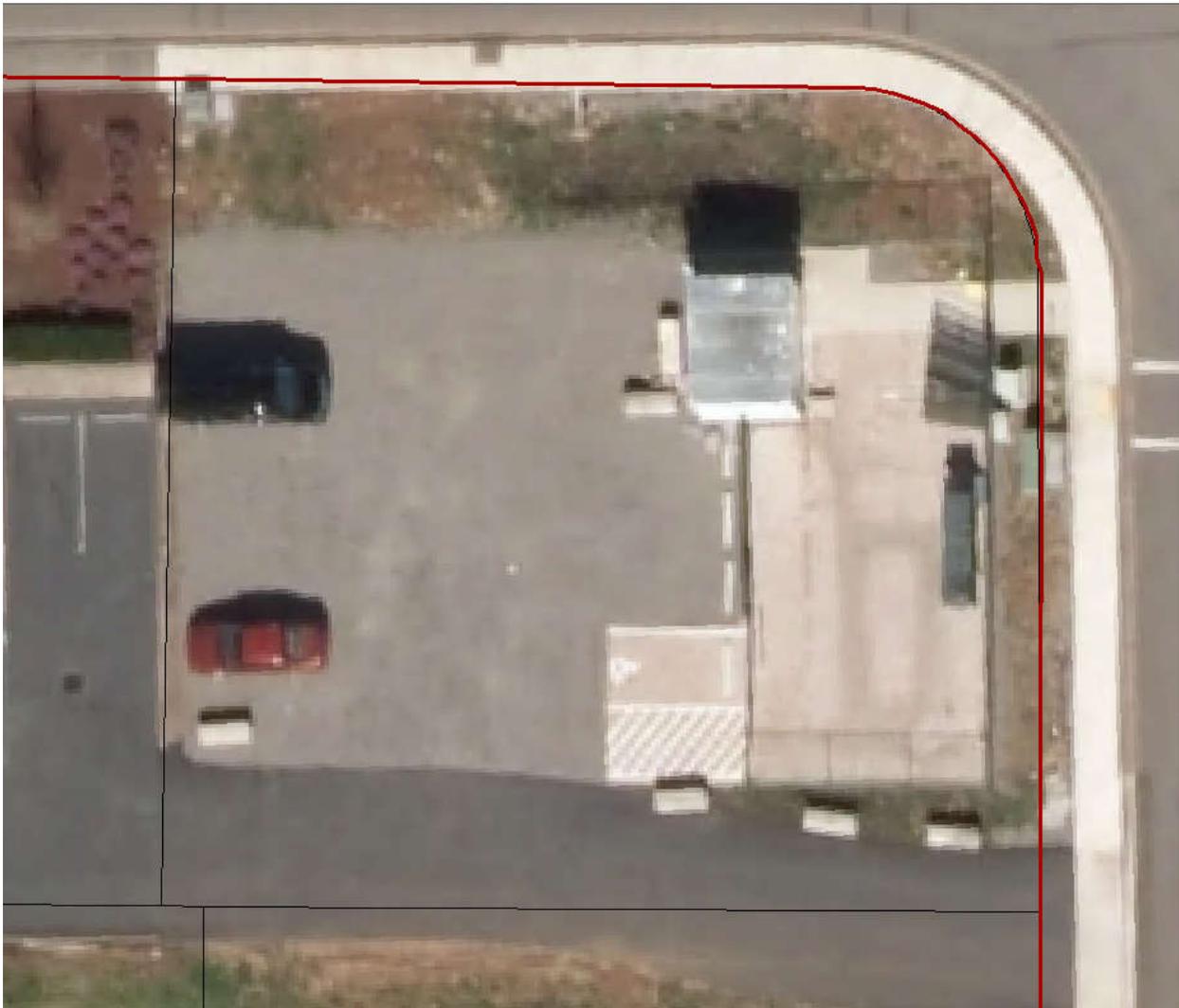
The property has been the subject of multiple site plan review approvals in the past 14 years or so. In 2013, site plan approval was granted for the establishment of a seasonal produce stand. The 2013 site plan approval called for the development of a vacant lot with a driveway entrance onto N Third Ave, a covered sales area to be located within an area of pavers, and gravel parking area. The 2013 approval noted that the proposed use did not involve the construction of any buildings and it was envisioned as a temporary development until such time as more complete development of the property was envisioned. As such, the architectural design standards of the CC&Rs were not applied and conditions of approval at that time allowed a gravel-surfaced parking area for up to five years. The 2013 approval required the parking area to be paved if the proposed use was in existence five years after the approval was granted.

After the site was developed, some inconsistencies with the approved plan were noted and a revised plan submitted. The revised plan was submitted and approved with further conditions of approval that required the restriping of the crosswalk and stop bar at the intersection of N Third and Whitney St and required a building placed on site to meet the architectural design requirements if it was still in place within five years.

The produce stand operated for only one season. The tent that provided the sales area and the refrigerator building were removed. The other site improvements – pavers and gravel parking area – remained in place.

The subject application was submitted to the Planning and Development Department on September 13, 2017. The application is for minor modification of the previously approved plan and showed the covered sales area removed and the placement of an 8-foot by 20-foot mobile unit as a coffee kiosk. Under the terms of Code review of an application for a modification of a previously approved plan is limited only to the modification request – the whole development is not opened up for review after it has already been approved.

A spring 2014 aerial photo of the site is included below. On the photo, the area of pavers for the sales area and what was the handicapped parking space is clearly shown and the former refrigerator building was still on site.



## **ANALYSIS**

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

Attached are application for Minor Modification and a revised site plan. Included in the packet also are comments received from neighboring property owners throughout the review process and rebuttal comments from the applicant.

As stated above, as a minor modification to a previously approved plan and as such the entire site plan is not open to review – only those portions proposed to be changed. The draft order of approval with conditions constitutes the staff recommendation. In developing the draft order Staff has continued to take the position that the mobile food vending unit proposed for placement on the site is not a building. Under the guidelines provided by Marion County Building Inspection for when a building permit is required, the proposal is a mobile unit and not a building – no permit is required. With these guidelines in mind the original staff decision found the Code requirements for buildings and the development guidelines for the subdivision were met.

Staff's review of the application has found that the several of the design standards for parking areas and driveway areas are not met. While the parcel has an existing paved driveway connecting to N Third Ave on the east and the liquor store parcel to the west, the applicant proposes that the driveway for drive-through service was to not be paved. Also, the site plan submitted does not indicate the location of parking. The Code requires a minimum of two parking spaces, one of which must be handicapped accessible. The draft order contains a recommended condition of approval regarding these issues.

Because paving may be difficult at this time of year, the draft order recommends allowing the business to open without the parking area and driveway paved, provided a suitable performance guarantee is filed with the City in accordance with Section 17.20.120, and the paving is accomplished no later than May 15, 2018. Section 17.20.120, allows a number of different performance guarantees. It is likely that submittal of a certified check or cash deposit with the City will be the best option for this case.

Included in the packet is a memorandum from Gerry Aboud, the owner of a neighboring property. The letter points out a number of Code requirements that Mr. Aboud believes are not met. A review of the draft order will reveal either findings that the code provisions are met, a determination they are not applicable, or a condition of approval to assure they are met. Mr. Aboud mentioned the 15% landscaping requirement. The site plan does not clearly show the area of landscaping. My measurements from the aerial photo above reveal that approximately 1,800 square feet of the parcel is landscaped, more than 15%.

It is within the purview of the City Council to interpret the Code and the circumstances differently than Staff has and require the architectural standards of Section 17.20.200.4 and the Architectural and Site Design Standards of the CC&Rs to be met.

## **RECOMMENDATION**

Staff recommends approval with conditions as presented in the attached draft order.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

- 1. Approve the application with conditions, adopting the draft order as presented.**

I move the City Council approve the application of Heidi Shamblin (Land Use File #9-09/17) and adopt the draft order presented by Staff.

**2. Approve the application with conditions, adopting modifications to the draft order.**

I move the City Council approve the application of Heidi Shamblin (Land Use File #9-09/17) and adopt the draft order with the following changes...

**3. Approve the application with conditions, directing staff to modify the draft order.**

I move the City Council approve the application of Heidi Shamblin (Land Use File #9-09/17) and direct staff to modify the draft order to reflect the City Council's discussion and bring a revised draft order for City Council approval at the December 18, 2017 meeting.

**4. Deny the application, directing Staff to develop the findings and conclusions to justify that decision.**

I move the City Council deny the application of Heidi Shamblin (Land Use File #9-09/17) and direct staff to modify the draft order to reflect the City Council's discussion and bring a revised draft order for City Council approval at the December 18, 2017 meeting.

**5. Continue the hearing until December 18, 2017.**

I move the Stayton City Council continue the public hearing on the application of Heidi Shamblin (Land Use File #9-09/17) until December 18, 2017.

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

I move the Stayton City Council close the hearing on the application of Heidi Shamblin (Land Use File #9-09/17) but maintain the record open to submissions by the applicant until December 18, 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 January 2, 2018.

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

I move the Stayton City Council continue the deliberation on the application of Heidi Shamblin (Land Use File #9-09/17) until December 18, 2017.



**CITY OF STAYTON**  
**APPLICATION FOR MINOR MODIFICATION TO**  
**APPROVED PLANS OR EXISTING DEVELOPMENTS**

PROPERTY OWNER: Steve Schelske / Robert R. Ebner  
 Address: 475 Sneed dr. N  
 City/State/Zip: Keizer, OR 97303  
 Phone: (541) 420 - 1868  
 Email: \_\_\_\_\_

APPLICANT: Heidi Shambler  
 Address: 1615 Hummingbird lane  
 City/State/Zip: Stayton, OR 97383  
 Phone: (541) 974 - 5761  
 Email: Sunshine coffee 2017@gmail.com

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

CONSULTANTS: Please list below planning and engineering consultants.

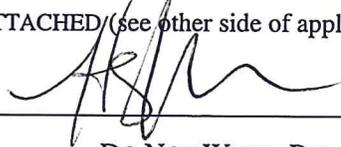
PLANNING	ENGINEERING
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Phone: ( ) _____ - _____	Phone: ( ) _____ - _____
Email: _____	Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:  
 owner  applicant  applicant's representative  planning consultant  engineer

LOCATION:  
 Street Address: 2550 Martin Dr. Stayton, OR 97383  
 Assessor's Tax Lot Number and Tax Map Number: 091W03DC01600  
 Closest Intersecting Streets: Whitney & Third Ave

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: CR  
 ORIGINAL LAND USE APPLICATION TYPE AND FILE # 9-06113

NARRATIVE STATEMENT ATTACHED (see other side of application form)

SIGNATURE OF APPLICANT:   
 DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 9/13/17 Fee Paid: \$ 500<sup>00</sup> Receipt No. W.002492  
 Land Use File# 9-09117



**October 30, 2017**

**To: Stayton Mayor and City Council**  
**From: Stayton Properties, LLC**  
**Subject: Site Plan approval: Gravel parking lot and driveways at  
2550 Martin Drive**

**Attached: Pictures, and CESCL letter**

**I would like to show you some pictures of the existing gravel and dirt parking lot that has been approved for use by the Sunshine Coffee drive up kiosk. These pictures were taken the day they opened which was a dry day.**

- 1. What the pictures show is mud and dirt and gravel being tracked onto the existing driveway leading to 3<sup>rd</sup> Avenue.**
- 2. In my opinion the gravel lot was never installed correctly which means. Filter fabric should have been installed between the gravel and the dirt. Rock should have been placed on top of the filter Fabric, in a 10 inch rock section and compacted. Asphalt should have been installed at a dept of 3inches. If this was done correctly there would be no tracking of dirt, mud and gravel any where. like the rest of development.**
- 3. You might ask “so what.” First it is obvious the tracking is going off site to third avenue and once the rainy season begins this material will enter the City storm drain system. Secondly, the DEQ (see CESCL inspection letter) and the City will not allow this because it creates an issue of poor water quality with the contaminants running into the storm drain catch basins and then into Mill Creek.**

**4. Solution: Pave the lot and install proper catch basins. Enforce Code 17.20.060.10b which says parking areas need to be surfaced with asphalt or concrete. Then Code 17.20.090.6 requires all non hard surfaces to be landscaped.**

**This development is not following the rule that the rest of the community has to follow. Overall it does not meet the rules and codes of the City and should not be approved as submitted.**

**Thank you for your review of this matter.**

**Stayton Properties LLC 2350 martin drive.**

**PO box 463 Aumsville Oregon 97325**

To: Mayor Porter and the Stayton City Council  
From: Gerry Aboud 836 East Kathy St. Stayton  
Date November 22, 2017  
Subject: Sunshine coffee Site Plan November 17, 2017

The most recent Site Plan by Sunshine Coffee was given to the City 11/17/2017. I would like to address how it relates to the City's land use codes.

1. The site plan is incomplete, incorrect and not scaled consistently. From the west end of the trailer to the west property line is not 44 feet but closer to 27 feet.
2. The site plan shows the trailer 10 feet north of the driveway.
3. The site plan shows one drive thru window facing south, and shows vehicles being served from the east and the west.
4. While not being able to figure exact dimensions from the site plan it appears that a vehicle being served and others in line from the east will back up across a dirt area, the driveway and onto 3<sup>rd</sup> ave. Vehicles served from the west will back up onto the drive then into the liquor store parking lot. The code 17.20.060.7f3 requires queuing of 3 vehicles plus the serviced vehicle not go onto driveways or public streets.
5. The site plan does not show handicapped parking as required by Code 17.20.060.8a.
6. The site plan does not show paved parking and driveways as required by Code 17.20.060.10b.
7. The site plan does not show the 15% landscaping required by Code 17.20.090.2.
8. The applicant does not include a landscaping plan, Code 17.20.090.3 or an irrigation plan, Code 17.20.090.4.
9. The applicant does not address that all non-developed land shall be landscaped as required by Code 17.20.090.6.
10. While the applicant only shows one drive thru lane, the trailer has two service windows. One north facing, one south facing. A drive thru facility cannot face a street as shown by Code 17.20.060.7f1.

It has been stated before that this is not a building so some requirements need not be adhered to. The site plan review discussed in the code distinguishes between development and improvements to property. Clearly bare land, even without a building, is covered by the code even when a building permit is not required.

Design standards for Santiam Station do not allow this trailer with a metal roof. This is part of the recorded CC&Rs that the City has been enforcing because the City has Santiam Park in the same development and is a party to those CC&Rs.

The site plan shows water and sewer connections so all System Development Fees should be collected and monthly storm water and transportation fees collected.

This entire issue is not about keeping Sunshine Coffee from opening. It is not about being Business Friendly.

It is about following the laws (Development Codes) of the City of Stayton. It is about holding everyone to the same standards. It is about making this a better looking city.

Please follow the Law. If you think the laws are unfair or unreasonable consider changing them in the appropriate venue. Thank you for your time.

## Dan Fleishman

---

**From:** Heidi Shamblen <sunshinecoffee2017@gmail.com>  
**Sent:** Monday, November 27, 2017 4:45 PM  
**To:** Dan Fleishman; Dan Fleishman  
**Subject:** Sunshine Coffee Company- response. please include this as part of the record

11/27/2017

To whom it may concern, Mayor Porter and City Council members, In Response to FORMER mayor Gerry Aboud's lengthy concerns about our small business,

The site plan was done & corrected as requested. The measurements are correct to the best of our knowledge.

I find it odd that Mr. Aboud continues to go on the property we are leasing as stated in his email with measurements of our lot and we would ask that he not continue to do so.

We ask that you keep in mind that this is a MOBILE unit, We can move it to accommodate our needs or the city's needs. That is a large part of the reason we invested this way.

Regarding his concern over how many windows we have and what they will be used for, that will be addressed to city council at the hearing.

Regarding handicapped parking or parking at all, this is a drive through, not a business that you park and go into. Therefore the only people parking would be myself and maybe one other person and I believe we can park on the street or on the already provided pavers, which could easily be marked if determined that is the need.

We would like to pave certain areas of course but as this is a Mobile unit and a very new business, we would like the opportunity to be able to run our business for a time before investing the money into a leased property, and if it is to be made permanent in the future, paving now before we have city utilities on the property would be a large waste of ours or the property owners money as we would then have to tear it up to put those utilities in.

I was told about many modifications that were done to the property by the former business owner that should cover most of the requirements for landscaping, water runoff etc. There is a catch basin that was put there specifically for the ability to have gravel instead of paving, from what i was lead to believe.

I would like to point out that this area looks 100% better now than it has in over 2 years and have been told that by many many people in the neighborhood who appreciate how nice it looks and are anxious for our business to be open.

We have already "improved the look of the city" as Mr. Aboud was concerned with. And if allowed to open with a grace period to make improvements we would love to be a beautiful addition to this town.

I may not be familiar with city codes which is why we have tried to do the things that were asked of us by the people who are familiar with the codes and their purpose. We have taken our direction from them and moved forward with this venture based on that knowledge.

We are not from wealthy families nor do we have extensive ties to the City of Stayton (as the 2 businessmen who have had such an issue with our business do) but we have made this town our home and had hoped to become a valuable part of it.

Thank you for your time, I hope this clears up our intention and relays the value of our business to the city.

Heidi Shamblen, Owner

Sunshine Coffee Co.

[sunshinecoffee2017@gmail.com](mailto:sunshinecoffee2017@gmail.com)

1615 hummingbird lane

Stayton, Or 97383

[541-974-5761](tel:541-974-5761)

Submitted  
Nov. 28<sup>th</sup> 2017  
PAGE ①

PAGES  
SEE 1 through 12

To: Mayor Porter and the Stayton City Council  
From: Gerry Aboud 836 East Kathy St. Stayton also  
Jerry Flowers 412 Meadowbrook Lane Stayton Or.  
Date November 22, 2017  
Subject: Sunshine coffee Site Plan November 17, 2017

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8. The applicant does not include a landscaping plan, Code 17.20.090.3 or an irrigation plan, Code 17.20.090.4.
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ex

attached page A

Development CODES

Table 17.20.060.9-A.1 Bicycle Parking Requirements. Cont.

Land Use Category	Minimum Required Bicycle Parking Spaces
Schools – High School	2 spaces per classroom
College	1 space per 10 student
Transit Centers and Park & Ride Lots	5% of auto spaces (or 100% of demand depending on accessibility to bicyclists)
Religious Institutions	1 space per 50 seat capacity
Hospitals	1 space per 20 beds
Libraries, Museums	1 space per 1,000 ft <sup>2</sup>
Commercial	
Retail Sales	1 space per 5,000 ft <sup>2</sup>
Auto-oriented Services	Exempt
Groceries/Supermarkets	1 space per 5,000 ft <sup>2</sup>
Office	1 space per 1,000 ft <sup>2</sup>
Restaurant	1 space per 1,000 ft <sup>2</sup>
Drive-In Restaurant	2 space per 1,000 ft <sup>2</sup>
Shopping Center	1 space per 5,000 ft <sup>2</sup>
Financial Institutions/Banks	1 space per 1,000 ft <sup>2</sup>
Theaters, Auditoriums	1 space per 50 seat capacity
Industrial	
Industrial Park	1 per 10,000 ft <sup>2</sup>
Warehouse	2 or 0.1 space per 1000 ft <sup>2</sup> , whichever is greater
Manufacturing	2 or 0.15 space per 1000 ft <sup>2</sup> , whichever is greater
Other Uses	For uses not defined in this table, The Planning Commission shall have the authority to set bicycle parking requirements.

(Section 9-A Added Ord. 913, September 2, 2009)

To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.

10. DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows: (Amended Ord. 913, September 2, 2009)

- a. The location of parking and loading, except for single family dwellings, duplexes, or triplexes, which may be located within the front yard, shall meet the applicable standards of Sections 17.20.190 or 17.20.200.
- b. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.
- c. Driveways. The following standards shall apply to all driveways:
  - 1) Residential lots with 3 or fewer dwelling units sharing a driveway shall have 16 feet of paved width with 20 feet of clear width.
  - 2) Residential lots with 4 or more dwelling units sharing a driveway shall have 18 feet of paved width with 24 feet of clear width
- d. Design of parking areas. Except where provided for by subsection 7 of this section parking area design shall comply with Title 12 and Standard Specifications.

17.20.060.10b

- 1) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into and out of the area where possible and should be located at least 50 feet from intersections where possible. (Amended Ord. 913, September 2, 2009)
- 2) Backing into or across a street, sidewalk, or right-of-way from any parking area shall be prohibited. The perimeter shall prevent access to or from the parking area except at designated entrances and exits. (Amended Ord. 913, September 2, 2009)
- e. Screening. When any development with over 6 parking spaces or a loading area is adjacent to any residential district, that area shall be screened from all adjacent residential properties. Screening shall be done with an ornamental fence, wall, or hedge at least 4 feet high but not more than 7 feet high, except along an alley.
- f. Lighting. Any light used to illuminate a parking or loading area shall meet the standards of Section 17.20.170.

11. PARKING AREA LANDSCAPING DESIGN STANDARDS. Landscaping required by the following standards shall be counted towards the overall landscaping requirements of Section 17.20.090. (Amended Ord. 913, September 2, 2009)

*IF PARKING OR DRIVEWAY NEEDS PAVED OR LANDSCAPED SEE CODE 17.20.60.10b SEE PAGE 3*

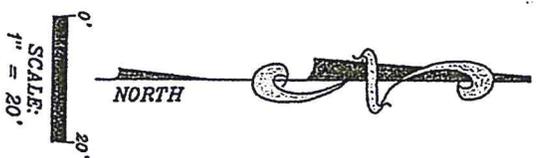
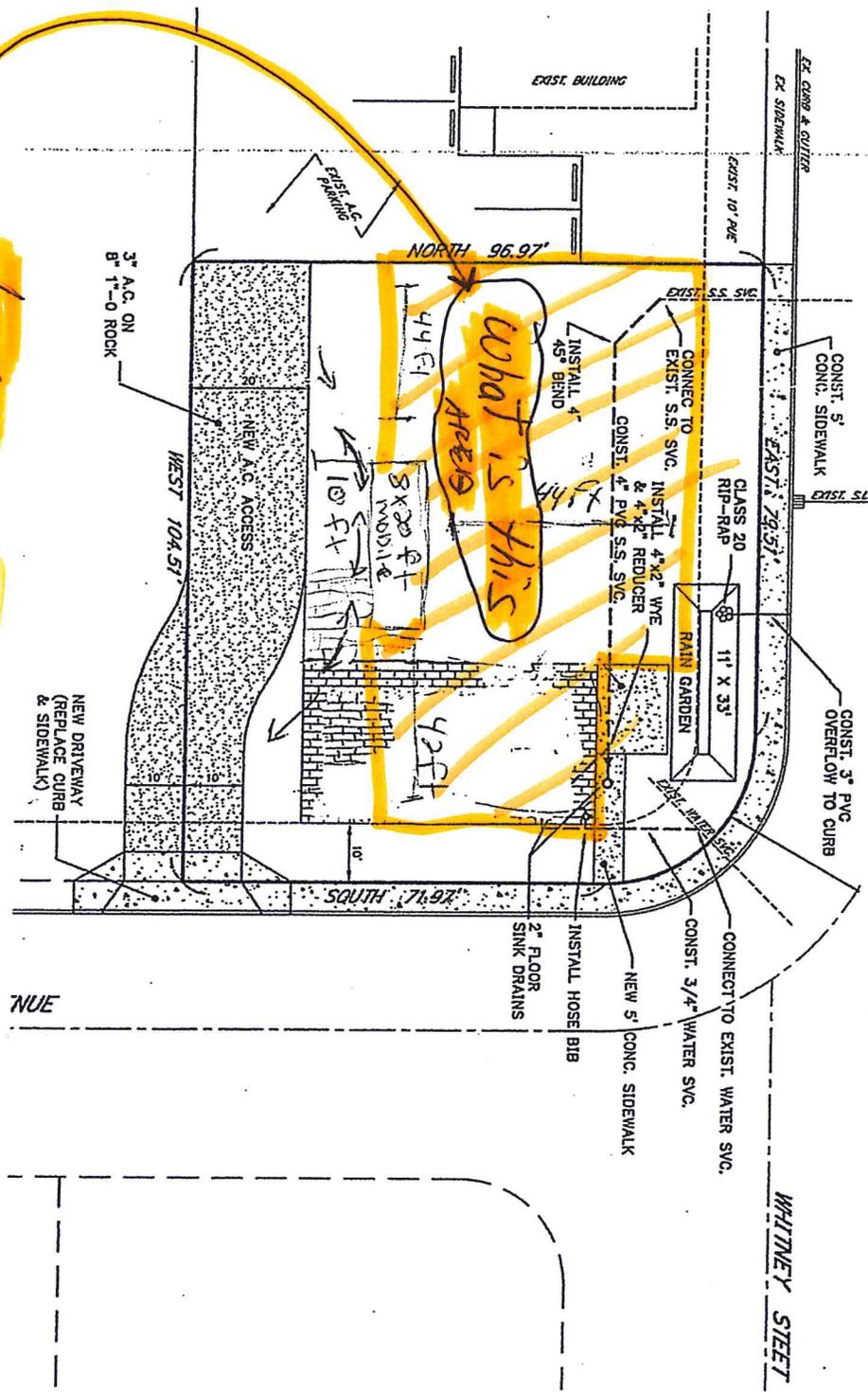
- a. Perimeter Landscaping. All parking areas shall be landscaped along the property boundaries as required by 17.20.090.11 (Amended Ord. 913, September 2, 2009)
- b. Interior Landscaping. Interior landscaping of parking areas with 20 or more parking spaces shall meet the following standards. (Amended Ord. 913, September 2, 2009)
  - 1) One landscaped island shall be required for every 10 parking spaces in a row. The interior islands shall be a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) and shall include a minimum of 1 tree per island.
  - 2) Divider medians between rows of parking spaces ,that are a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Section 17.20.090. 8. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.
  - 3) A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width (from the inside of the curb to the inside of the curb). The terminal island shall have 1 tree is planted and shall be landscaped in accordance with Section 17.20.090.8.
  - 4) At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking area landscaping if the configuration of the site makes the use of islands or medians impractical. (Amended Ord. 913, September 2, 2009)
  - 5) Approved Parking Area Trees. Tree species for parking area plantings shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may only be used with approval of the decision authority. (Amended Ord. 913, September 2, 2009)
  - 6) Preservation of existing trees is encouraged in the off street parking area and the City Planner may allow these trees to be credited toward the required total number of trees.
- c. Pedestrian Access. Off street parking areas shall be required to meet the following pedestrian access standards:

- 4. SUBMITTAL REQUIREMENTS FOR IRRIGATION PLAN. The irrigation plan shall indicate the source of water and show the materials, size and location of all components, including back flow or anti-siphon devices, valves, and irrigation heads.
  - a. Minimum Landscape Standards.
    - 1) Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless the Code specifies otherwise for general public and safety reasons. If street trees or other plant material do not survive or are removed, materials shall be replaced in kind within 1 year.
    - 2) Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of the development. Trees of 25 inches or greater in circumference measured at a height of 4 feet above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compacting of the soil takes place between the trunk of the tree and the area 5 feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
    - 3) Planter and boundary areas used for required plantings shall have a minimum diameter of 5 feet inside dimensions. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7½ feet.
    - 4) In no case shall shrubs, conifer trees, or other screening be permitted within the sight distance triangle or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
    - 5) Landscaped planters and other landscaped features shall be used to define, soften or screen the appearance of off street parking areas and other activity from the public street. Up to 25% of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the decision authority.
    - 6) All areas not occupied by parking lots, paved roadways, walkways, patios, or building shall be landscaped.
    - 7) All landscaping shall be continually maintained, including necessary watering, pruning, weeding, and replacing.
- 5. REQUIRED TREE PLANTINGS. Planting of trees is required along public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or a City-adopted street tree plan.
  - a. Street trees species shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may be used only with approval by the decision authority.
  - b. Spacing of Street Trees. Trees with a medium canopy shall be spaced 20 feet on center. Trees with a large canopy shall be spaced 25 feet on center.
  - c. Trees shall be trimmed to a height that does not impede sight distance, pedestrian traffic or vehicular traffic.

17.20.09.6

ATTACHED PAGE B

SITE PLAN that was submitted



**ABBREVIATIONS**

A.C.	ASPHALTIC CONCRETE
ACUP	ALUMINIZED CMP
ASST.	ASSEMBLY
B.O.	BLOW OFF
B.F.V.	BUTTERFLY VALVE
C & G	CURB & GUTTER
CATV	CABLE TELEVISION
C.B.	CATCH BASIN
C.B.C.O.	CATCH BASIN CLEANO
C.B.I.	CATCH BASIN INLET
C.L. or C.	CENTERLINE
CMP	CORRUGATED METAL I
C.O.	CLEANOUT
CONC.	CONCRETE
CONST.	CONSTRUCT
CVT.	CULVERT
D.I.	DUCTILE IRON

Landscaping on parking  
 it's over 2000.00 Sq Feet  
 HAS to be parking or landscaping AND DRAINED

COORD  
 17.20.09.6

# ECO, INC.

## Erosion Control of Oregon

P.o. Box 1401 Aumsville OR, 97325

CESCL # 70772

ccb# 69757

Ph # 503-949-2772 Sam Murphy

To whom it may concern:

I Sam Murphy, have been asked to give my professional opinion on the attached photo. Are company Eco, Inc. has been in business for over 20 yr, we specialize in erosion control. I am a licensed (CESCL) certified erosion and sediment control lead. I have served many city, counties, and government agencies, with erosion and sediment control issues and solutions.

- 1) As a erosion control inspector (CESCL) I would shut down the site. Take note of all the track out, where it is coming from and how its getting there. I would then have the contractor come up with a temporary solution using bmp's. Then when satisfied continue finishing project.
- 2) As a erosion control contractor, I would install temporary erosion control measures using Best management practices. (bmp's)

Erosion control rules and regulation are put in place to keep are storm drains and waterways clean of all sediment. We are all responsible for are actions when disturbing soil.

please call with questions or concerns

(503) 949-2772

Thank You,

Sam Murphy

DAY OPENING  
10-24-2017  
5:07 PM



Standard weather  
After rain. HAZARD'S  
ground all pressures to contain  
soil on site

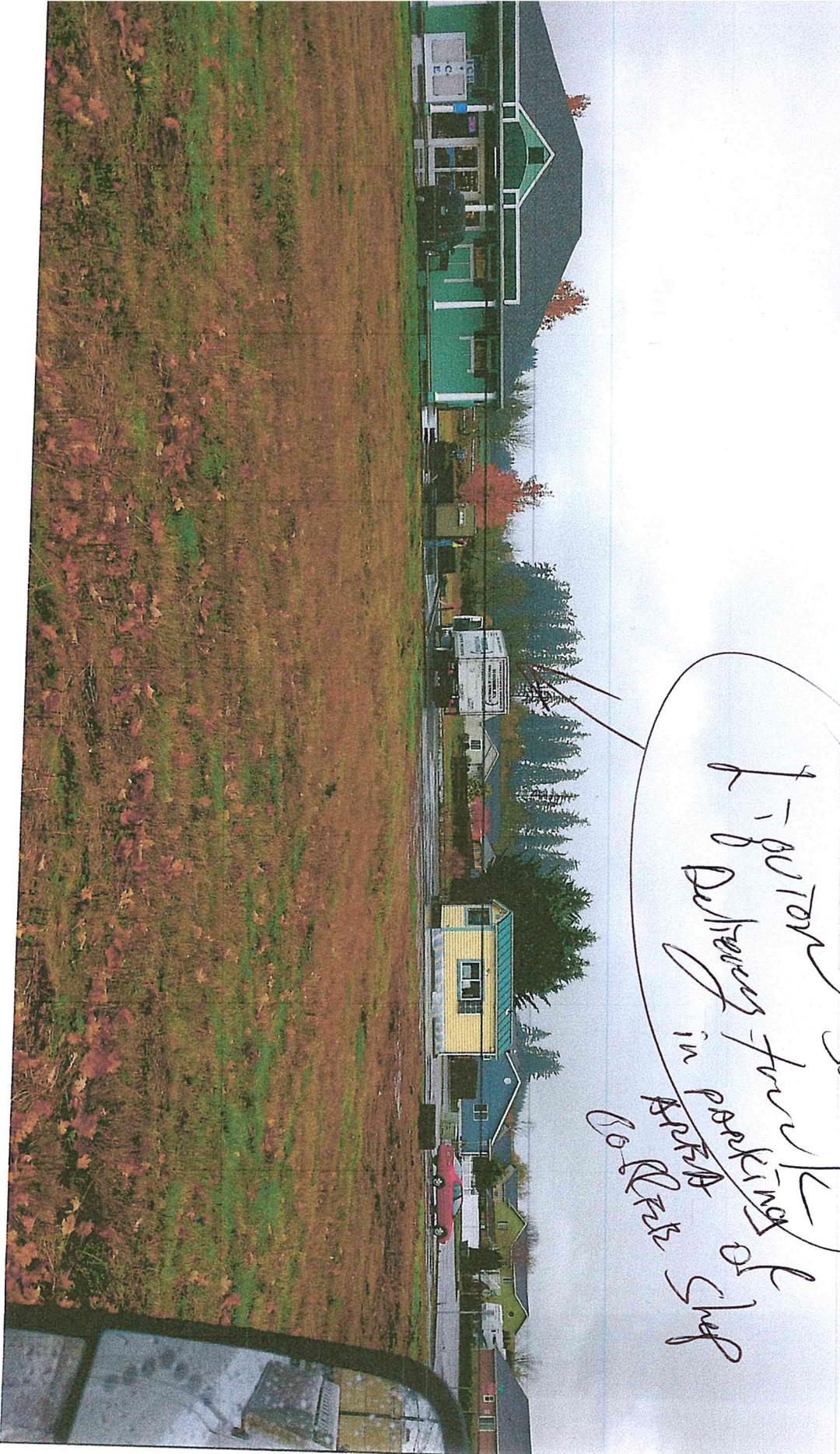


3 days ago

After Hours  
Site & people  
Lots of parking  
This person  
Passes way  
OSR and truck



3 days ago



Storage  
 for  
 Delivery  
 in parking  
 area of  
 Shop  
 Co-Op

3 boys road



USED FOR PARKING and PRESSINGS

To own this property

3 beds 1990

# BEFORE THE STAYTON CITY COUNCIL

In the matter of  
The application of  
Heidi Shamblen, Applicant

) Minor Modification of Previously  
) Approved Site Plan Review  
) File #9-09/17

## ORDER OF CONDITIONAL APPROVAL

### I. NATURE OF APPLICATION

The application is for minor amendment to previously approved site plan. The application had been approved by the Planning and Development Director under the provisions of Stayton Municipal Code Section 17.12.070.1.a.3). The Planning and Development Director's decision was called-up by a member of the City Council. A revised site plan was submitted by the applicant on November 17, 2017.

### II. FINDINGS OF FACT

#### A. GENERAL FINDINGS

1. The owner the property is Robert and Patricia Ebner.
2. The applicant is Heidi Shamblen, who has a lease for the property.
3. The property can be described as tax lot 1600, on Map 91W03DC.
4. The property is zoned Commercial Retail (CR).
5. The property is located at 2550 Martin Drive and is located at the southwest corner of Whitney St and N Third Ave.
6. The property is 10,000 square feet in area and is currently vacant, though it was developed with a paved driveway, concrete pavers enclosed by a chain link fence and a gravel surfaced parking area under the previously approved site plan.
7. The neighboring properties to the south and southwest are zoned CR and are vacant. The neighboring property to the west is zoned CR and is developed as a retail establishment. The properties to the east, across N Third Ave, are zoned Medium Density Residential and developed with single family dwellings. The property to the north, across Whitney St, is zoned Interchange Development and is vacant.
8. The property has received several Site Plan Review approvals for developments that were not constructed. The property received Site Plan Review approval from the Stayton Planning and Development Department in 2013 as Land Use File #3-03/13 which was amended later that year by Land Use File 9-06/13.
9. The 2013 approval was for the development of a seasonal produce sales establishment. The property was improved in 2013 with the installation of a paved driveway, concrete pavers for the sales area, stormwater detention and quality facility, and a gravel surfaced parking area. The structures for the seasonal produce sales establishment have been removed, but the property improvements remain in place.
10. The property is located in the Santiam Station development and was platted as Lot 2 on the Replat of Lot 5 of Santiam Station. The subdivision provided for stormwater detention for the

overall subdivision. The design standards from the Fern Ridge Properties LLC, Order of September 23, 1998 apply. This lot and the neighboring lots to the south, southwest, and west are subject to a reciprocal access and parking easement.

#### B. PROPOSAL

The current application is to modify the site plan to remove the seasonal sales area and to install an 8-foot by 20-foot trailer mounted drive-through coffee kiosk. Similar to the last site plan approval, this development will be “temporary” in nature, until a more permanent development is planned and constructed in the coming years.

#### D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District and Stayton Police Department.

Stayton Cooperative Telephone Company responded with no comments.

#### E. PUBLIC COMMENT

Notice of the Planning and Development Department’s pending decision was sent to owners of all property within 300 feet of the subject property. Notice of the City Council’s public hearing was sent to owners of all property within 300 feet of the subject property. Comments were received from owners of two neighboring properties, which are reflected in the findings below.

#### F. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.220. This application is also subject to the design standards in SMC Title 17 Chapter 20, specifically, Sections 17.20.060 – Off-Street Parking and Loading; 17.20.090 – Landscaping Requirements; 17.20.140 – Signs; 17.20.170 – Outdoor Lighting; and 17.20.200 – Commercial Design Standards. Whereas the proposed development is located in the Santiam Station development it is also subject to the architectural and design standards in the Stipulated Judgment and City Council Order of September 23, 1998.

This review and approval is concerned only with the elements of the site plan that are proposed to be amended from the previous approvals: removal of the seasonal sales area and installation of a mobile drive-through coffee kiosk.

#### G. APPROVAL CRITERIA

Pursuant to SMC 17.12.220.5 the following criteria must be demonstrated as being satisfied by the application:

- a. *The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve development in accordance with City’s Master Plans and Standard Specifications.*

Finding: The site is currently developed with water, sewer and other utility services available in adjacent streets. The coffee kiosk will not be connected to public water or public sewer.

- b. *Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Finding: The property has a shared driveway along the southerly property line, partially on the lot to the south, extending to the west property line that provides interconnected access to the parking area for the retail establishment to the west. The site plan submitted shows vehicles will access the south side of the trailer for drive-through service. There was a chain link fence surrounding the former produce sales area that has been removed by the applicant.

- c. *Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site.*

Finding: N Third Ave and Whitney St are both fully improved streets.

- d. *Provision has been made for parking and loading facilities as required by Section 17.20.060.*

Finding: See Findings relative to Section 17.20.060 below.

- e. *Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070*

Finding: There are no proposed open storage areas or outdoor storage yards.

- f. *Site design shall minimize off site impacts of noise, odors, fumes or impacts.*

Finding: There will be no noise, odors or fumes.

- g. *The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Residential Design Standards, or Section 17.20.200 Commercial Design Standards*

Finding: See Findings relative to Section 17.20.200 below.

- h. *The design and placement of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties*

Finding: No buildings are proposed.

- i. *The design of the proposed improvements will fulfill the intended purpose of the requested use and will properly serve customers or clients of the proposed improvements.*

Finding: The proposed structure will provide a location for drive-through coffee kiosk.

- j. *Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.*

Finding: See Findings relative to Section 17.20.090 below.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function without undue adverse impact on existing land uses.*

Finding: No barriers are proposed.

l. *The lighting plan satisfies the requirements of Section 17.20.170.*

Finding: No outdoor lighting is proposed.

m. *The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.*

Finding: The owner will be responsible for upkeep and maintenance of the improvements.

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

Finding: The property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

### **Section 17.20.060 – Off Street Parking Requirements**

The following are the applicable provisions from Section 17.20.060

*17.20.060.7.a: The minimum number of parking spaces per 1,000 square feet of gross floor area for eating and drinking establishments is 10.*

*17.20.060.7.b When the required spaces are calculated by this subsection becomes greater than 1/3 of a space, the number shall be rounded up.*

Finding: The application proposes 160 square feet of area, which would require a minimum of 2 parking spaces. The revised plan does not show any parking spaces. The existing gravel surface parking area has capacity for more than 2 parking spaces.

*17.20.060.7.f Drive-Through Facilities Standards. When drive-through uses and facilities are proposed, they shall conform to all of the following standards:*

- 1) *The service window of drive-through facility shall face to an alley, driveway, or interior parking area, and not a street.*
- 2) *None of the drive-through facilities (e.g. windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Automatic Teller Machines and kiosks that serve only pedestrians may be oriented to a street.*
- 3) *The drive-through facility's queuing area shall be adequate for three vehicles in addition to those being serviced and shall not block travel lanes of a parking area or driveway.*
- 4) *Pedestrian ways shall not cross the dedicated drive-through queuing areas.*

Finding: The application proposes a drive-through service window on the south side of the trailer, facing the shared driveway, more than 40 feet from Whitney St. The revised site plan indicates there is 44 feet between the trailer and the west property line, allowing for no more than two vehicles to queue without blocking the travel land of the driveway.

*17.20.060.8 HANDICAPPED/DIABLED PARKING. Except for single family residences and duplexes, parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided in accordance with Table 17.20.060.8.a and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed*

Finding: Table 20.060.8.a requires a minimum of one accessible handicapped space. The site plan does not designate any handicapped parking spaces.

*17.20.060.10 DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows:*

*Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.*

Finding: The site currently has a gravel-surfaced parking area. With the removal of the chain link fence around the pavers, this area could be available for parking.

### **Section 17.20.090 – Landscaping and Screening General Standards**

The following are the applicable provisions from Section 17.20.090

*17.20.090.2 BASIC PROVISIONS. The minimum area of a site in the CR Zone to be retained in landscaping is 15%.*

Finding: The site is 10,000 square feet in area. Therefore a minimum of 1,500 square feet of landscaping is required. The site plan does not indicate the area of landscaping. Staff's estimate of the landscaping from a 2014 aerial photo is 1,800 square feet. No change in the area of landscaping is proposed.

### **Section 17.20.200 – Commercial Design Standards**

The following are the applicable provisions from Section 17.20.200

#### *2. SIZE RESTRICTIONS.*

*a. All retail stores are limited to 45,000 square feet of gross floor area.*

Finding: The application proposes a trailer with 160 square feet of area.

#### *3. SITE DESIGN.*

*a. Height Step Down. To provide compatible scale and relationships between new multi-story commercial buildings and existing adjacent single-story dwellings, the multi-story building(s) shall "step down" to create a building height transition to adjacent single-story building(s).*

Finding: No building is proposed.

*b. Building Orientation. All new commercial developments shall have their buildings oriented to the street. The following standards will apply:*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer.

#### *4. ARCHITECTURAL STANDARDS.*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer.

5. *LIGHTING.* All new commercial development shall provide a lighting plan that meets the standards of Section 17.20.170.

Finding: The application does not propose any outdoor lighting.

### **Relevant Criteria—Santiam Station Architectural and Site Design Standards**

#### *A. Architectural Design*

Finding: No building is proposed. The proposed use is a drive-through coffee kiosk located in a trailer.

#### *B. Site Development*

Finding: The site development features were established with the previous approval and are not proposed to be changed.

### **III. CONCLUSION**

The applicant's request meets the requirements established in SMC 17.12.220.5 and Section 17.20.060 except for the following:

Section 17.20.060.7.f. This section requires a minimum queuing for three vehicles for a drive-through service window. The site plan provides for no more than two vehicles. This standards could be met if the site plan were modified to move the trailer to the east to provide at least 60 feet of queuing space for the drive-through window.

Section 17.20.060.8. This section requires a minimum of one handicapped accessible parking space. This standard could be met if the site plan were amended to designate a handicapped accessible parking space.

Section 17.20.060.10.b. This section requires driveways and parking areas be paved with asphalt or concrete surfacing. There is adequate space on site for the minimum number of parking spaces required by the Code, however the site plan does not designate their location. This standard could be met if the site plan were amended a parking area for two vehicles and indicated that they were to be paved with concrete or asphalt.

### **IV. ORDER**

Based on the conclusions above the City Council approves the minor modification as shown on an untitled undated plan stamped Received, City of Stayton, November 17, 2017 subject to the Standard Conditions of Approval for Land Use Applications attached to this decision and the following specific conditions.

1. All prior conditions of approval from Land Use Files 3-03/13 and 9-06/13 shall continue to be met unless specifically changed by the revised site plan and this order.
2. A revised site plan shall be submitted that allows at least 60 feet of queuing space for the drive-through window in addition to the vehicle being served at the window, without blocking the driveway.
3. A revised site plan shall be submitted that shows the proposed location of on-site parking for a minimum of two vehicles. At least one of the spaces shall meet the requirements for a handicapped accessible parking space and be properly marked and signed. The parking area shall be paved with concrete or asphalt. The driveway lane for drive-through service shall be

paved with asphalt or concrete. Due to the time of year of this decision, the paving may be postponed and the business open. However, the applicant shall file a performance guarantee in accordance with Section 17.20.120 and shall pave the parking area and driveway lane no later than May 15, 2018.

**V. OTHER PERMITS AND RESTRICTIONS**

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

The City of Stayton Land Use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

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

**VI. APPEAL DATES**

The City Council’s action may be appealed to the Oregon Land Use Board of Appeals pursuant to ORS 197.830.

ADOPTED BY THE STAYTON CITY COUNCIL this 4<sup>th</sup> day of December, 2017.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2017 BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Signed: \_\_\_\_\_, 2017 ATTEST: \_\_\_\_\_  
Keith D. Campbell,  
City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Wallace W Lien, City Attorney

## Standard Conditions of Approval for Land Use Applications

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

Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

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



**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: December 4, 2017**  
**SUBJECT: Public Hearing Regarding Application for Housing Rehabilitation Funds**

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**ISSUE**

The issue before the City Council is holding a public hearing on an application to the State of Oregon Infrastructure Finance Authority for a Community Development Block Grant for a Type II housing rehabilitation grant.

**BACKGROUND INFORMATION**

Community Development Block Grants (CDBG) are provided by the federal Department of Housing and Urban Development (HUD) to the states for disbursement to units of local government for the purposes of assisting low and moderate-income households and meeting urgent needs. Cities larger than 50,000 in population receive CDBG funds directly from the federal government. Smaller, “non-entitlement” cities and counties may apply for funding through the established state programs. In Oregon the CDBG program is administered by the Infrastructure Finance Authority (IFA) of the Oregon Business Development Department.

Stayton has had a CDBG-financed housing rehabilitation program since 2002. The program provides low-interest loans to qualified households for home improvements and repairs. As loans are repaid, the funds are available for relending. The original 2002 grant financed 12 loans and has since provided assistance to more than 20 households.

The City contracts with Valley Development Initiatives (VDI) for the administration of the program. VDI is a 501c(3) organization established by the Mid-Willamette Valley Council of Governments for the administration of economic development and housing rehabilitation programs in Marion, Polk and Yamhill Counties. VDI administers housing rehab programs for eleven cities and Marion County. The Housing Rehabilitation Partners meet several times a year to discuss policy issues and I am usually in attendance.

**ANALYSIS**

Under the terms of previous CDBG grants, loans are made to homeowners and a lien is placed on the property to secure the loan. The loan is repaid when the home is sold or ownership is transferred. Owners of manufactured housing units who don't own the land on which the unit

sits have previously been ineligible to participate since a lien could not be recorded to secure the low interest loans. Recent changes to the rules for new grants will allow grants to these homeowners. Stayton has been working with other communities to put together a regional grant application to provide assistance to these residents who have been excluded from previous programs.

Changes in how the state administers the CDBG program now mean that applications must represent a group of at least three local governments. One local government is the lead applicant and bears all responsibility for the administration of the grant. The lead applicant must contract with a regional non-profit for the management of the program. We expect an application from Stayton, Aumsville, Turner, Mt Angel, and Marion County to be submitted to the IFA before the end of the month. Stayton will be the lead applicant and as such, this evening's public hearing must precede the submittal of the application. If successful, over \$100,000 should be available to qualified Stayton manufactured homeowners. We currently have 20 households on a waiting list.

I have provided the Council with the preapplication intake form filed with IFA, the participation agreement, and a sample letter mailed out to the owners of homes in the three mobile home parks in Stayton in order to develop the waiting list.

#### **RECOMMENDATION**

Staff recommends the City accept the role as the lead applicant and the City Council authorize the City Administrator to enter into a participation agreement with our neighboring units of local government.

#### **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

**1. Serve as the lead applicant and authorize execution of the participation agreement**

Move that the City submit an application for a CDBG Housing Rehabilitation Grant and authorize the City Administrator to execute the Participation Agreement.

**2. Participate in the regional grant program but not serve as the lead applicant**

Move to authorize the City Administrator to execute the Participation Agreement for a CDBG Housing Rehabilitation Grant.

**3. Choose not to participate.**

No motion necessary.

# PROJECT INTAKE FORM



*Note: Completion of this form does not guarantee an application will be invited. Program and Policy Coordinator may provide comments and suggestions for further project development.*

SECTION 1 A: POTENTIAL APPLICANT	
<b>Organization Name</b>	<b>Organization</b> <i>(Identify the ORS under which entity is formed if potential applicant is an entity other than city or county, such as special district, authority, association, et cetera.)</i>
<b>Street Address</b>	<b>Mailing Address</b>
<b>Office Phone</b>	<b>Web URL</b>

SECTION 1 B: PROJECT CONTACT	
<b>Name</b>	<b>Title</b>
<b>Phone</b>	<b>Email</b>
<b>Phone (cell)</b>	

SECTION 1 C: PROJECT OVERVIEW	
<b>Project Name</b>	
<b>Project Location</b> <i>(physical address / attach map)</i>	
<b>Project Category</b>	
Planning                      Design only                      Construction only                      Design & Construction Other:	

SECTION 1 D: ESTIMATED FUNDING REQUEST			
	Amount		
<b>Funding Request from Business Oregon</b>			
<b>Funds from potential applicant</b>		<b>Not Budgeted</b>	<b>Budgeted</b>
<b>Other Funds:</b>		<b>Pending</b>	<b>Committed</b>
		If committed, provide term:	
<b>Other Funds:</b>		<b>Pending</b>	<b>Committed</b>
		If committed, provide term:	
<b>Estimated Total Project Cost</b>			

<b>Cost Estimate Date:</b>	<b>Prepared by</b>
<b>Estimated Project Start Date:</b>	<b>Completion Date:</b>
<b>If funding assistance from Business Oregon includes a loan, how will it be repaid?</b>	
<b>Estimated date of first draw:</b>	

**SECTION 1 E: PROJECT DESCRIPTION**

**Opportunity / Problem**

**Proposal / Solution** *Describe the proposed solution to the above problem / opportunity including identification of whether the proposed solution is a planning (feasibility, preliminary engineering, technical assistance et cetera.) only project, a final design only project, a construction only project or a combined final design / construction project.*



**SECTION 1 G: BACKGROUND INFORMATION – PART 2  
FOR DESIGN AND/OR CONSTRUCTION PROJECTS**

**Is the project based on a technical document that shows the project is feasible, cost effective, and completed by a licensed engineer or architect (such as approved Master Plan, Facilities Plan or other technical report)?** **Yes** **No**

**If Yes, date of plan or report:**

**If No, when will an engineering or architectural report be completed?**

**Has the governing body of the potential applicant conducted a public meeting (council or board meeting, public hearing, workshop, et cetera) to identify and discuss the proposed project, including such items as nature and need for the project, starting date, financing requirements that may involve taking on additional debt, and consistency with the local comprehensive land use plan, countywide or regional plan?** **Yes** **No**

**Type of public meeting:**

**Date of public meeting:**

**If No, when will the public meeting be held?**

**FOR WATER OR WASTEWATER PROJECTS ONLY (FOR DESIGN AND/OR CONSTRUCTION PROJECTS)**

**Are the audited financial reports for the three most recent fiscal years available on the Secretary of State website?** **Yes** **No**

**If No, attach the most recent financial reports (audited, if available)**

**What is the existing annual debt service for the existing system?**

**What is the amount, if any, of existing annual debt service for the system that is paid by property taxes?**

per year water

per year wastewater

**Planned Monthly Residential User Charge Upon the Completion of Construction (must adequately cover operation, maintenance, replacement and debt financing):**

per month water

per month wastewater

**Is there a current OM&R (Operation, Maintenance and Replacement) Manual for the system?** **Yes** **No**

**Are Maintenance and Replacement expenditures budgeted annually?** **Yes** **No**

**Are meters installed on all service connections?** **Yes** **No**

**If No, percentage not metered and provide explanation:**

USE	Current / Existing System	Future / at Completion of Construction	Current / Existing System	Future / at Completion of Construction	Gallons per Year
	Connections	Connections	Billable Accounts	Billable Accounts	Usage
Residential					
Commercial and Businesses					
Industrial					
Other					
<b>Total Uses</b>					
<b>Of Residential, Number occupied by Permanent Residents</b>					
<b>Percentage of Permanent Residents</b>					

**SECTION 2: TO BE COMPLETED BY BUSINESS OREGON STAFF ONLY**  
*(APPLICABLE FOR ALL PROJECT TYPES)*

Does the potential applicant have other open Business Oregon grants and/or loans? Yes      No  
If yes, list each open Business Oregon award by project name, number, award amount and project status:

Is potential applicant pursuing CDBG funding? Yes      No

If yes, complete A and B below:

A. Does potential applicant have more than three open CDBG grants? Yes      No  
If yes, explain:

B. Is potential applicant meeting the age and expenditure requirements for all open CDBG grants? See the age and expenditure requirements below: Yes      No

- Requirements for open **ONE-YEAR** grants are:
  - Any Microenterprise grant this is one year old must be 70% drawn
  - Any Microenterprise grant that is two years old must be administratively closed
  - Any Housing Rehabilitation project that is one or two years old must be meeting contract requirements
  - Any Housing Rehabilitation project that is three years old must administratively closed
- Requirements for open **MULTI-YEAR** grants are:
  - Any grant that is two years old must be 60% drawn
  - Any grant that is three years old must be 100% drawn
  - Any grant that is four years old must be administratively closed

<b>Potential Applicant Population</b>	<b>Low / Mod Income %</b>	<b>Median Household Income</b>
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<b>Distressed Area</b>	<b>Yes</b>	<b>No</b>	<b>Mixed</b>	<b>Rural Area</b>	<b>Yes</b>	<b>No</b>	<b>Mixed</b>
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<b>Client Number</b>	<b>Deal Number</b>	<b>County</b>
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**One Stop Meeting** (Attach Financial Worksheet from One Stop session if applicable)

<b>Date</b>	<b>Notes</b>
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<b>Intake Routing Date</b>	<b>Comment received</b>	<b>Yes</b>	<b>No</b>	<b>If yes, attach</b>
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**Invite Application for the following source or sources:**

<b>CDBG</b>	<b>SDWRLF</b>	<b>DWSP</b>	<b>SPWF</b>	<b>Comments</b>
<b>WWF</b>	<b>PPMF</b>	<b>OPRLF</b>	<b>MNIF</b>	
<b>Other</b>				

**Regional Development Officer / Regional Project Manager**

**Name**

**Signature**

**Date**





# City of Stayton

**Department of Planning and Development**

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

[dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

[www.staytonoregon.gov](http://www.staytonoregon.gov)

November 7, 2017

Dear Boulders Mobile Home Park Resident,

The City of Stayton has, for the past fifteen years operated a Housing Rehabilitation Program that has provided financial assistance to homeowners in order to make repairs and improvements to their homes. The City will be submitting an application for additional funding for this program, in order to serve additional residents of the City. Due to changes in federal and state program rules, we are now looking at a program that would provide assistance to the owners of manufactured housing units located in mobile home parks.

In order to be successful in our grant request, our application must include an indication of the number of manufactured housing unit owners who are interested in participating. I am writing to you in an effort to assess whether you would be interested in receiving financial assistance in making repairs or improvements to your home in the Boulders Mobile Home Park. Assistance will be in the form of a grant for eligible repairs or improvements.

The program is open only to households who qualify as low or moderate income. Therefore the attached survey form asks about the number of people who live in your home and your total household income. We also ask about the type of repairs or improvements you have in mind. In order to be eligible for a grant, you must be the owner of the home and reside in it.

Please return the survey in the enclosed envelope or in person to City Hall no later than December 1, 2017.

If you have any questions, I can be reached by any of the methods in the letterhead, above.

Thank you for your assistance in compiling this information.

Sincerely,

Dan Fleishman,  
Planning & Development Director

**THE CITY OF STAYTON IS AN EQUAL OPPORTUNITY EMPLOYER AND SERVICE PROVIDER**

**POLICE**  
386 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-3423  
FAX (503) 769-7497

**PLANNING AND  
DEVELOPMENT**  
362 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-2998  
FAX (503) 767-2134

**PUBLIC WORKS**  
362 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-2919  
FAX (503) 767-2134

**WASTEWATER**  
950 JETTERS WAY  
STAYTON, OR 97383  
(503) 769-2810  
FAX (503) 769-7413

**LIBRARY**  
515 N. FIRST AVENUE  
STAYTON, OR 97383  
(503) 769-3313  
FAX (503) 769-3218



**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: December 4, 2017**  
**SUBJECT: Proposed Resolution Initiating Annexation and Comprehensive Plan Amendment**

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**ISSUE**

The issue before the City Council is the continuation of a public hearing on a combination application from the City for the annexation of approximately 27 acres of land; a Comprehensive Plan Map amendment from Residential to Public; and a Zone Map Amendment from Medium Density Residential to Public/Semi-Public. Following the public hearing the Council will be requested to consider Ordinance 1014.

**BACKGROUND INFORMATION**

On November 20, the City Council started the public hearing on these applications. Staff had noted that the record did not include the necessary traffic impact analysis required under the state's Transportation Planning Rule and had requested the Council continue the hearing. Testimony at the hearing also suggested that the application for annexation was missing the required concept plan.

The City's transportation engineering consultant was requested to prepare the necessary TPR analysis and you will find it enclosed.

Also attached is a conceptual plan of possible development of the Puntney property as a city park. The conceptual plan was prepared for a 2008 grant application. As stated in the previous staff report the City has hired a consultant to prepare a master plan for the Mill Creek Park. The exact nature of the features to be constructed will be determined during the planning process.

Unless there is testimony at the hearing requesting additional time to review the documents added to the record, the Council should be ready for a decision.

## **RECOMMENDATION**

Planning Commission has recommended approval of the applications. Staff recommends adoption of Ordinance 1014 as presented.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Approve the applications and the first consideration of Ordinance 1014**

Move to approve Ordinance 1014 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 1014 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 1014 will be brought before the Council for a second consideration at the December 18, 2017 meeting.

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

Move to approve Ordinance 1014 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 1014 will be brought before the Council for a second consideration at its December 18, 2017 meeting.

### **3. Deny the applications.**

Move to deny the applications of the City of Stayton (Land Use File 7-08/17) for annexation, comprehensive plan map amendment, and zoning map amendment and direct staff to modify the findings and conclusions to represent the Council's discussion and present a revised order to the City Council at the December 18, 2017 meeting.

### **4. Continue the hearing until December 18, 2017.**

Move to continue the public hearing on the applications of the City of Stayton (Land Use File 7-08/17) for annexation, comprehensive plan map amendment, and zoning map amendment until December 18, 2017.

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

Move to close the hearing on the applications of the City of Stayton (Land Use File 7-08/17) but maintain the record open to submissions by the applicant until December 18, 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 January 2, 2018.

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

I move to continue the deliberation on the applications of City of Stayton (Land Use File 7-08/17) until December 18, 2017.

Friday, December 01, 2017

Project #: 3998

Dan Fleishman  
City of Stayton  
Planning and Development Director  
362 N Third Avenue  
Stayton, OR 97383



**RE: Kindle Way Rezone, Stayton, OR**

Dear Mr. Fleishman,

This memorandum summarizes the results of a trip generation analysis focused on the City of Stayton's proposal to rezone two properties in northern Stayton. The City is proposing a zone change for two properties. The northern property is currently under Marion County jurisdiction and is being annexed into the City of Stayton. The property is designated under the current City Comprehensive Plan as residential. For the purpose of this analysis it will be assumed that after the annexation the zoning will be *Low Density Residential (LD)*. The property to the south is currently within the City's jurisdiction and is currently zoned as *Medium Density Residential (MD)*. The proposed land use action is to change the zoning of both parcels to *Public/Semi Public (P)*.

As described herein, the results of the analysis indicate the proposed P zoning designation has the potential to "significantly affect" the transportation system, per the criteria outlined in Oregon's Transportation Planning Rule. As such, a "trip cap" is proposed as suitable mitigation to limit any site development's trip intensity such that it would generate the same or less vehicle trips than what could be generated by the existing residential zoning.

The remaining sections of this report address current site conditions, assesses the implications of the proposed rezone, and includes a recommendation to establish a "trip cap" to ensure compliance with the State's Transportation Planning Rule.

## SITE DESCRIPTION AND PROPOSED REZONE

The two subject properties are located just east of Kindle Way SE in Stayton, OR. The northern parcel is 23.05 acres in size. Part of the parcel is currently used for farming and part is currently undeveloped. The southern property is 12.23 acres and is currently undeveloped. The current Zoning Map and Comprehensive Plan Map are shown in *Appendix A*.

The City plans to rezone the two parcels to P zoning. The proposed Zoning Map and Comprehensive Plan Map are shown in *Appendix B*. The city intends to develop the northern parcel into a park and the southern parcel into a storm water detention facility.

## COMPLIANCE WITH TRANSPORTATION PLANNING RULE (TPR)

The proposed zone change must comply with Oregon's Transportation Planning Rule (TPR), which implements Statewide Planning Goal 12 - "Transportation." Specifically, OAR Sections 660-012-0060(1) and (2) apply when considering amendments to acknowledged comprehensive plans and land use regulations. Below are the applicable sections of OAR 660-012-0060(1) and (2), with emphasis added:

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. **As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment. [emphasis added]***

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

*(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below [emphasis added], unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility" [emphasis added]*

As demonstrated by the criteria above, OAR Subsections (1) and (2) establish a two-step process for evaluating an amendment's impacts on the transportation system. First, the trip generation potential of

a site is assessed assuming a “reasonable worst-case” development scenario under the existing and proposed zoning. If the proposed zoning has the potential to increase the number of trips, an analysis of long-term transportation impacts can be studied to assess whether the rezone will “significantly affect” the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional operational analysis is necessary to conclude that the proposal does not “significantly affect” the transportation system.

Subsections (1) and (2a) provide further guidance for the establishment of a “trip cap” in instances when the reasonable worse-case development scenario under the proposed amendment has the potential to create a significant affect. This option is explored later in this report.

## REASONABLE WORSE CASE LAND USES

The test for significant effect involves an analysis of land uses representing “reasonable worse case” development scenarios. These “reasonable worst case” scenarios are independent of current or planned site uses.

Per the City of Stayton Land Use and Development Code Chapter 17.16.060, housing in LD zones may not to exceed 6 dwelling units per acre and housing in MD zones may not to exceed 12 dwelling units per acre. For this analysis the northern parcel is assumed to be zoned LD and the southern parcel is zoned MD. To assess a “reasonable worst case” for the existing zoning, it was assumed that both parcels could be built out according to the zoning designation.

Per the City of Stayton Land Use and Development Code Chapter 17.16.060, the P zone allows lands, buildings and facilities that are common to a public area and will not unreasonably change the area of the community. Based on the designation, it is assumed that a “reasonable worst case” for a public area would be a public school or schools.

The proposed zone change site was compared to existing school sites in the Mid-Willamette Valley. For a site of approximately 35 acres, a combined middle school and elementary school was determined to represents a “reasonable worst case”. The average Floor to Area Ratio (FAR) was analyzed at three combined middle school & elementary school sites in the Mid-Willamette Valley. This average was applied to the two parcels to determine a reasonable building size for both a Middle School and Elementary School. Table 1 summarizes the FAR at the school sites.

**Table 1: Summary of FAR at Similar School Sites**

Area Types	Lincoln Elementary School & French Prairie Middle School	Molalla Elementary & Molalla River Middle School	Lee Elementary School & Ackerman Middle School	Average
	Woodburn, OR	Molalla, OR	Canby, Oregon	
Elementary School Building Area	59,500 sq. ft.	59,000 sq. ft.	56,500 sq. ft.	58,333 sq. ft.
Middle School Building Area	61,000 sq. ft.	98,000 sq. ft.	102,500 sq. ft.	87,167 sq. ft.
Total Site Area	1,089,000 sq. ft. (25 ac.)	1,524,600 sq. ft. (35 ac.)	1,437,480 sq. ft. (33 ac.)	1,350,360 sq. ft. (31 ac.)
Elementary School FAR	6%	4%	4%	5%
Middle School FAR	8%	6%	7%	7%
Combined FAR	14%	10%	11%	12%

### REASONABLE WORSE CASE TRIP GENERATION

“Reasonable worst case” trip generation estimates were prepared for the existing and proposed zoning development scenarios based on information provided in the standard reference manual, *Trip Generation, 10th Edition*, published by the Institute of Transportation Engineers.

Table 2 summarizes the daily, weekday AM and weekday PM peak hour trips associated with reasonable worst-case development scenarios under existing and proposed zoning designations. The Single-Family Detached Housing land use was used for both of the existing zoning parcels and represents the “reasonable worst case”. The Middle School and Elementary School trip generation reflect an average FAR ratio determined from similar sites and applied to the gross area of the two parcels (35.28 acres).

**Table 2: Reasonable Worst-Case Trip Generation (Proposed VS. Existing Zoning)**

Land Use	ITE Code	Building Size	Total Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total Trips	In	Out	Total Trips	In	Out
<i>Proposed P Zoning Scenario</i>									
Elementary School	520	71,720 SF	1,400	500	275	225	98	44	54
Middle School	522	107,580 SF	2,170	724	398	326	128	67	61
<b>Subtotal</b>			<b>3,570</b>	<b>1,224</b>	<b>673</b>	<b>551</b>	<b>226</b>	<b>111</b>	<b>115</b>
<i>Existing LD/MD Zoning Scenario</i>									
Single-Family Detached Housing	210	285 Dwellings	2,692	211	53	159	283	178	105
<b>Proposed Zoning – Existing Zoning Trips</b>			<b>+878</b>	<b>+1,013</b>	<b>+620</b>	<b>+392</b>	<b>-57</b>	<b>-67</b>	<b>10</b>

\*Note: Weekday AM and PM peak hour trip generation was evaluated using the “Peak Hour of Adjacent Street Traffic” with the exception of the Middle School Weekday AM peak hour. “Peak Hour of Adjacent Street Traffic” data was available for a Middle school and the table reflects the “AM Peak Hour of Generator” for a Middle School.

As shown in Table 2, the proposed zone change could result in an increase of 878 daily trips, an increase of 1,013 weekday AM peak hour trips, and a reduction of 57 trips PM peak hour trips. The proposed zoning has the potential to create an increased impact and possible significant effect on the surrounding transportation system because of the increase in daily and weekday AM peak hour trips.

## TRIP CAP

Per OAR 660-012-0060, if a zone change amendment is found to significantly affect an existing or planned transportation facility, then the local government must put in place measures which mitigate the significant effect. One potential remedy is a “trip cap” designed to limit the vehicle trips associated with future development of the property.

To mitigate the potential for possible significant effect, the City of Stayton is proposing a “trip cap” to restrict future development on the subject properties to a level allowed under the existing zoning. By imposing the following “trip cap”, the proposed zone change can comply with the TPR.

### Proposed Trip Cap:

- 3,570 daily trips;
- 673 AM peak hour trips; and
- 226 PM peak hour trips.

## PLANNED DEVELOPMENT

As previously noted, the city intends to develop the northern parcel into a park and the southern parcel into a storm water detention facility. A trip generation analysis was performed based on these land uses. Table 3 compares the proposed land uses to the proposed “trip cap”.

**Table 3: Trip Generation Estimate for Trip Cap Scenario**

Land Use	ITE Code	Size (acre)	Total Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total Trips	In	Out	Total Trips	In	Out
<i>Trip Cap (Based on Existing LD/MD Zoning)</i>									
Trip Cap	N/A	35.28	<b>2,692</b>	<b>211</b>	<b>53</b>	<b>159</b>	<b>283</b>	<b>178</b>	<b>105</b>
<i>Proposed Development</i>									
Public Park	441	23.05	18	1	1	-	3	2	1
Storm Water Detention <sup>1</sup> Facility	None	12.23	-	-	-	-	-	-	-
<b>Subtotal</b>			<b>18</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Remaining Trips (Trip Cap - Proposed Development)</b>			<b>2,674</b>	<b>210</b>	<b>52</b>	<b>159</b>	<b>280</b>	<b>176</b>	<b>104</b>

<sup>1</sup>The storm water detention facility is not expected to generate daily or peak hour trips after construction.

As shown in Table 3, the daily, AM peak hour, and PM peak hour trip generation of the proposed of development would be well under the proposed “trip cap”.

## TPR COMPLIANCE FINDINGS

Per the analysis described above, if a “trip cap” were included as a condition of approval for the zone change, the trip generation potential of the subject site would be held to an amount equal to or less than what is allowed under the existing zoning. With a “trip cap” in place, no additional further

transportation analysis is necessary to support the zone change, as a the “trip cap” would not trigger a significant effect on the transportation system. A traffic impact analysis may be required for the development application if the proposed uses require a traffic impact analysis per the City’s code. The currently envisioned uses would not trigger a traffic impact analysis.

## FINDINGS AND CONCLUSIONS

In conclusion, the results of this analysis indicate the proposed P zoning designation has the potential to “significantly affect” the transportation system, per the criteria outlined in Oregon’s Transportation Planning Rule. As such, a “trip cap” is proposed as suitable mitigation to limit the any site development’s trip generation potential to be the same or less trips than what could be generated by the existing residential zoning.

For the purposes of establishing a “trip cap”, development on the rezoned site should be limited to no more than:

- 3,570 daily trips;
- 673 AM peak hour trips; and
- 226 PM peak hour trips.

Further the proposed site development of a public park and storm water detention facility can be built on the rezoned parcels while staying under the “trip cap”.

Please contact us if you have questions or comments as you review this material.

Sincerely,  
**KITTELSON & ASSOCIATES, INC.**



Pat Marnell, P.E.  
Senior Engineer



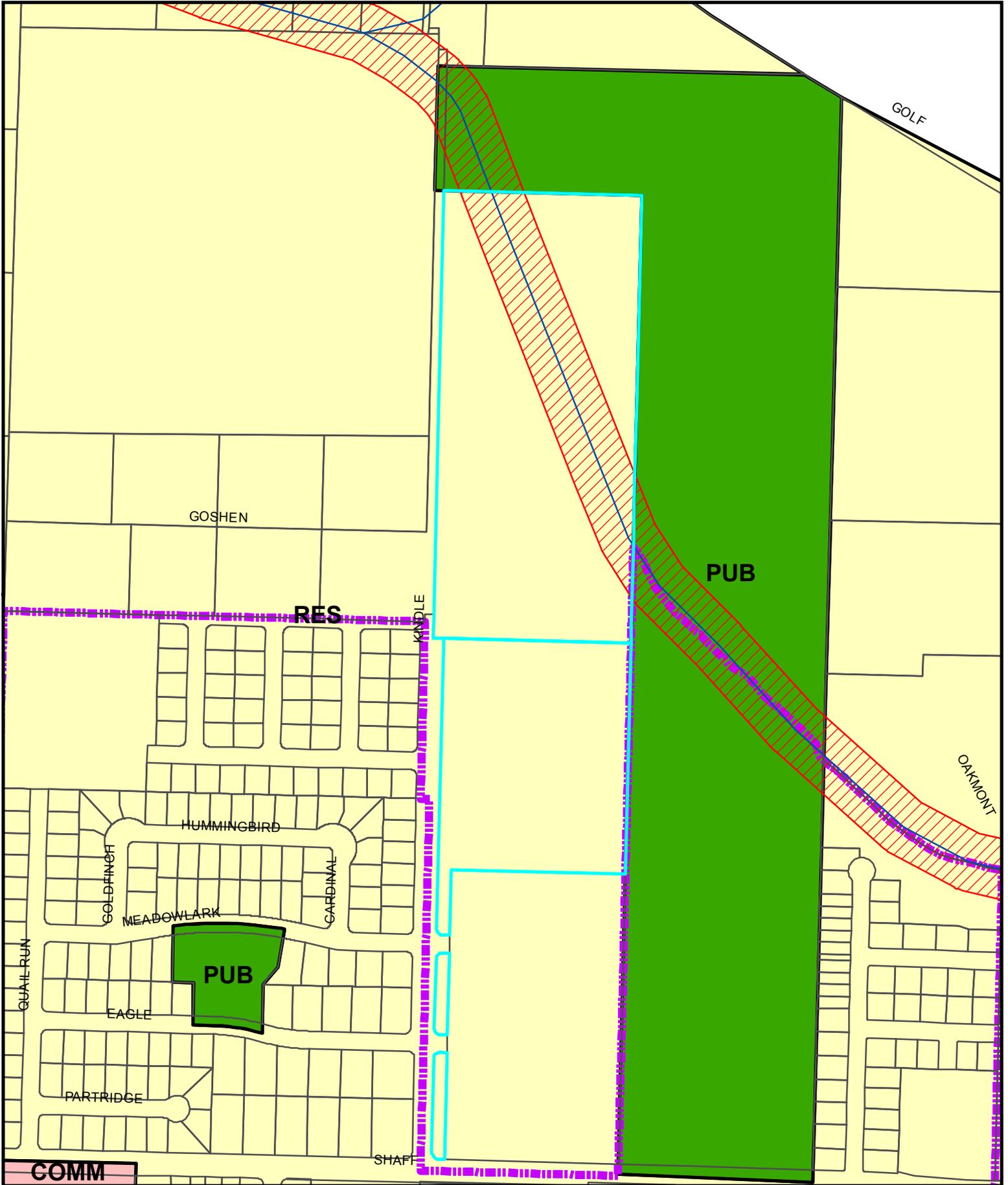
Jacki Gulczynski  
Transpiration Analyst

Appendix A – Existing Comprehensive Plan and Zoning Map

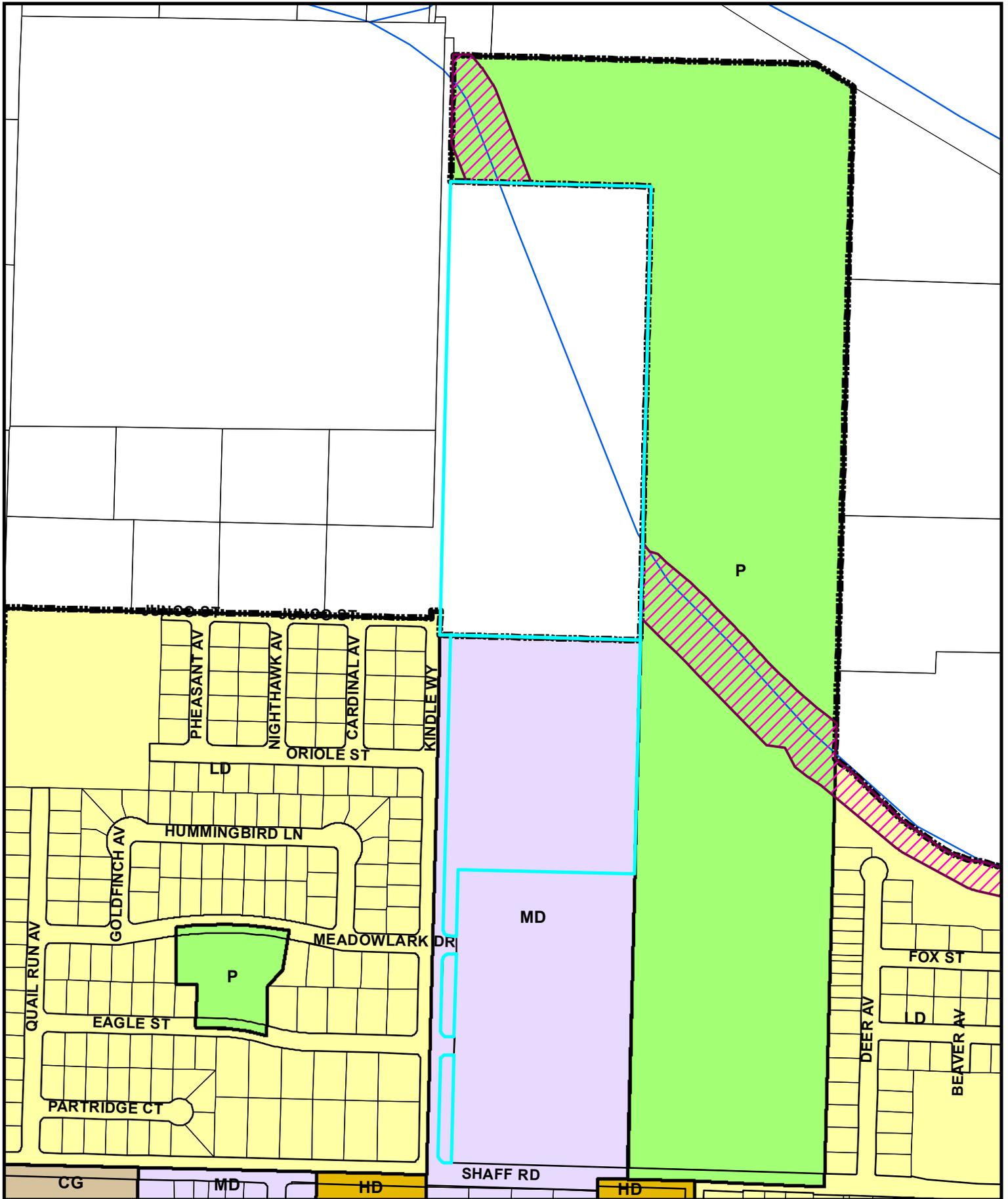
Appendix B – Proposed Compressive Plan and Zoning Map

Appendix A – Existing  
Comprehensive Plan and  
Zoning Map

# Current Comprehensive Plan Designation

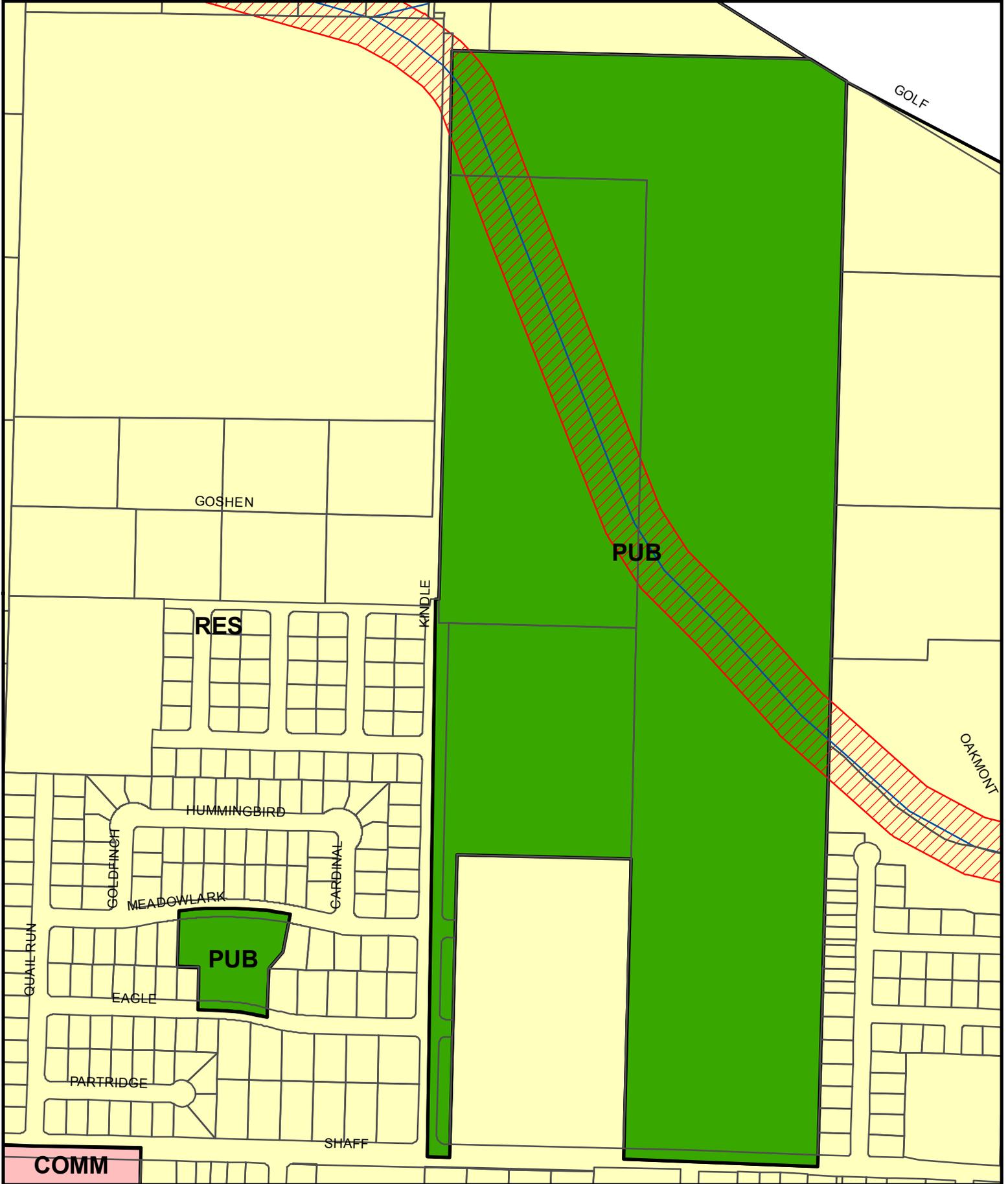


# Current Zoning

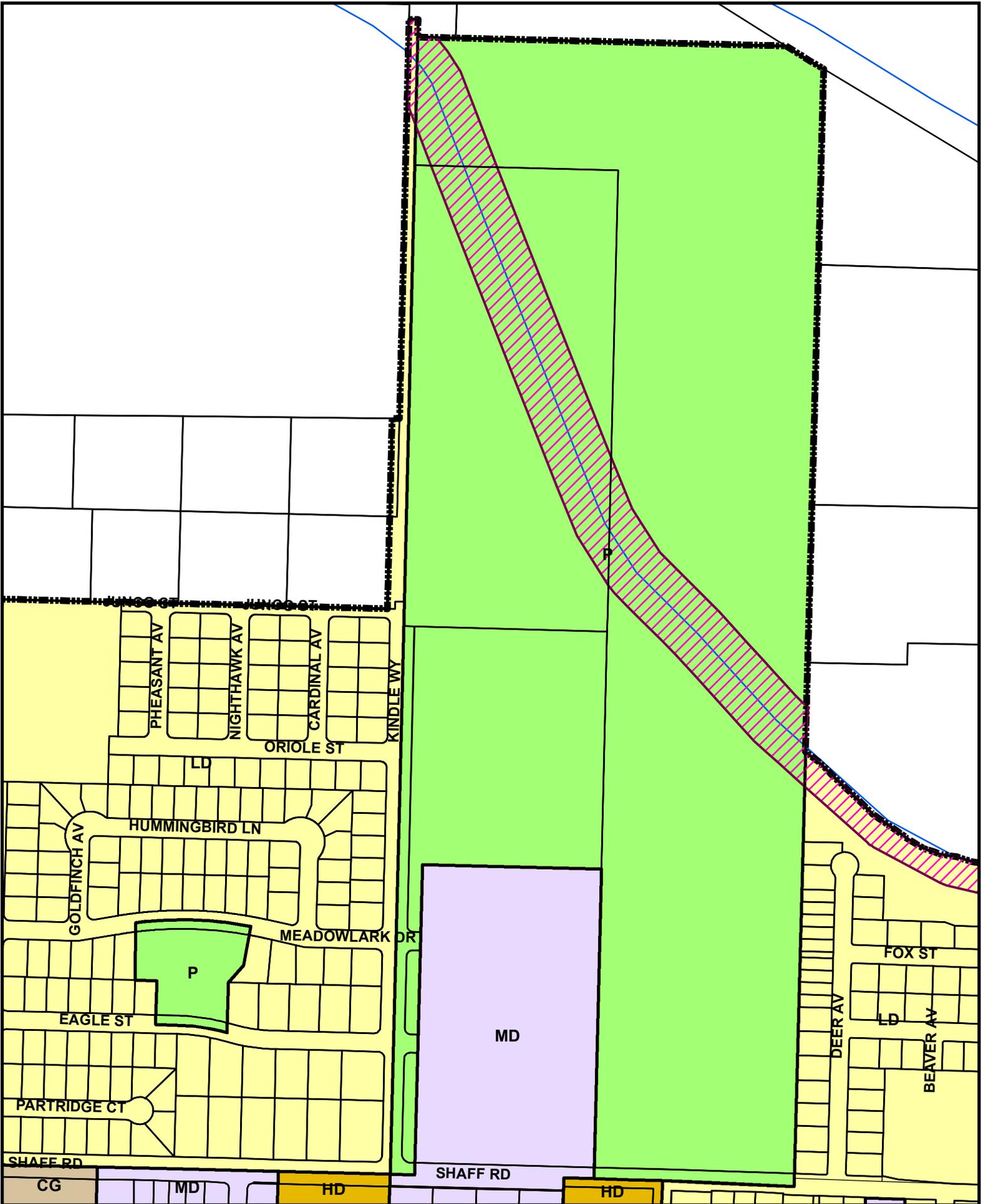


Appendix B – Proposed  
Comprehensive Plan and  
Zoning Map

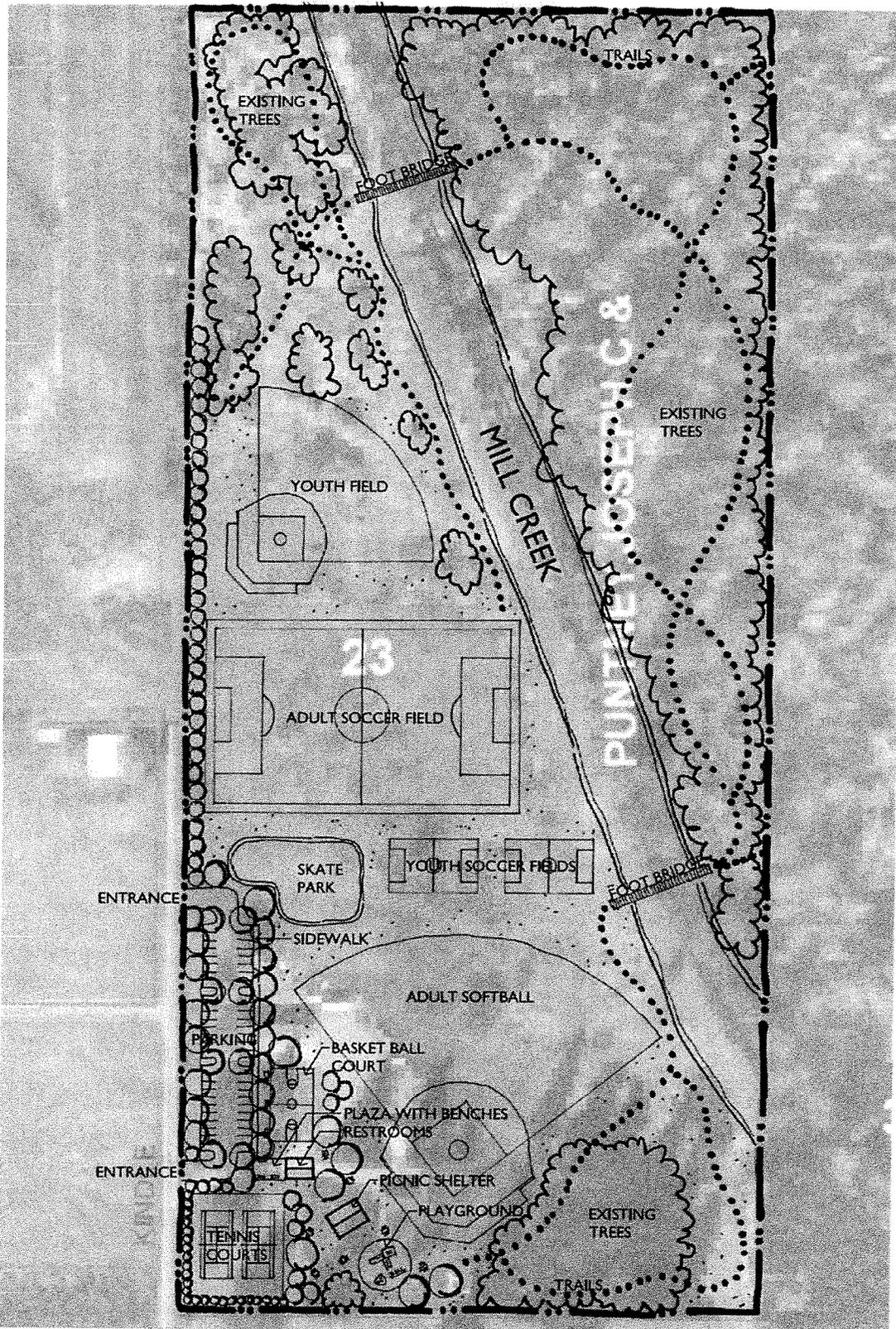
# Proposed Comprehensive Plan Designation



# Proposed Zoning

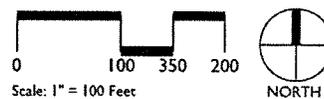


Attachment 4 – Draft Mill Creek Community Park Conceptual Design Plan



# Mill Creek Community Park

Stayton, Oregon



ORDINANCE NO. 1014

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED AT 2800 KINDLE WAY AND PORTIONS OF THE REAL PROPERTY LOCATED AT 1450 GOSHEN RD SE AND 2847 KINDLE WAY; AMENDING THE CITY OF STAYTON COMPREHENSIVE PLAN MAP FROM RESIDENTIAL TO PUBLIC; AMENDING THE CITY OF STAYTON ZONING MAP FROM MEDIUM DENSITY RESIDENTIAL TO PUBLIC/SEMI-PUBLIC; AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL AND PUBLIC/SEMI-PUBLIC; AND ESTABLISHING A NATURAL RESOURCE OVERLAY DISTRICT.

WHEREAS, the Stayton City Council has, through the approval of Resolution 966, initiated annexation of that certain real property located at 2800 Kindle Way, Stayton, Marion County, Oregon, more particularly described in Exhibit 1 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein;

WHEREAS, on August 23, 2016, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, the City of Stayton, Oregon, submitted current applications for annexation of the property located at 2800 Kindle Way, for a comprehensive plan amendment to change the comprehensive plan designation of 2400 Kindle Way and 2800 Kindle way from Residential to Public, and for an Official Zoning Map amendment to assign Public/Semi-Public Zoning to both parcels;

WHEREAS, on October 6, 2017, Kirk A Kindle, as the owner the properties, has consented to the annexation of the portions of the real properties located at 1450 Goshen Rd SE and 2847 Kindle Way, Stayton, Marion County, Oregon, more particularly described in Exhibit 3 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 4 attached hereto and incorporated herein;

WHEREAS, a public hearing was held on the applications before the Stayton Planning Commission on September 25, 2017 and continued until October 30, 2017;

WHEREAS, the property to be annexed is contiguous to the City Limits on three sides;

WHEREAS, the property is currently zoned Urban Transition (UT-20), and the applicant has requested that the property be zoned Public/Semi-Public in accordance with the concurrent amendment of the Stayton Comprehensive Plan Map;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on November 20, 2017;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the applications as contained in Exhibit 5 attached hereto and incorporated herein;

WHEREAS Chapter 51 of the Oregon Laws of 2016 requires the City Council to finalize the annexation and not forward the application to the voters of the City as required by City Charter and SMC Section 17.12.210.2.a.2); and

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit 5 that the applications meet the criteria for approval in SMC Section 17.12.210.4 for annexations, Section 17.12.170.6 for Comprehensive Plan Amendments, and Section 17.12.180.6 for Official Zone Map amendments;

NOW THEREFORE, the City of Stayton ordains:

**Section 1.** The City of Stayton City Council makes findings of fact regarding the applications as contained in Exhibit 5 attached hereto and incorporated herein

**Section 2.** Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory at 2800 Kindle Way, the legal description of which is described in Exhibit 1 and is shown in Exhibit 2, which are attached hereto and by reference incorporated herein.

**Section 3.** Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory comprising portions of the properties located at 1450 Goshen Rd SE and 2847 Kindle Way, the legal description of which is described in Exhibit 3 and is shown in Exhibit 4, which are attached hereto and by reference incorporated herein.

**Section 4.** 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 enactment of this Ordinance.

**Section 5.** Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the enactment 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 6.** 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 7.** 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 descriptions and maps of the territories being annexed, and a copy of documents indicating consent of the property owners.

**Section 8.** The Stayton Comprehensive Plan Map is hereby amended as follows:

Area to be Changed from Residential to Public

Beginning at the intersection of the centerline of Kindle Way and the centerline of Shaff Rd, proceeding northerly along the centerline of Kindle Way a distance of 1,801 feet to the southwest corner of Tax Lot 091W04D00200; then continuing northerly along the west line of Tax Lot 091W04D00200 a distance of 1,507.5 feet; then easterly 665 feet; then southerly 2,291 feet to the southeast corner of Tax Lot 091W04D00301; then westerly 585.5 feet; then southerly 1,016 feet to the centerline of Shaff Rd; then westerly 80 feet to the point of beginning.

**Section 9.** The Stayton Official Zoning Map is hereby amended as follows:

Area to be changed from Medium Density Residential to Public/Semi-Public

Beginning at the intersection of the centerline of Kindle Way and the centerline of Shaff Rd, proceeding northerly along the centerline of Kindle Way a distance of 1,801 feet to the southwest corner of Tax Lot 091W04D00200; then easterly 670 feet; then southerly 785 feet to the southeast corner of Tax Lot 091W04D00301; then westerly 585.5 feet; then southerly 1,016 feet to the centerline of Shaff Rd; then westerly 80 feet to the point of beginning.

Newly Annexed Area to be Zoned Public/Semi-Public

Beginning at the southwest corner of Tax Lot 091W04D00200, proceeding northerly along the west line of Tax Lot 091W04D00200 1,445 feet; then easterly 665 feet; then southerly 1,445 feet; then westerly 665 feet to the point of beginning.

Newly Annexed Area to be Zoned Low Density Residential

Beginning at the northeast corner of Tax Lot 091W04DA02100, proceeding westerly along 29.7 feet; then southerly 1,306 feet to the southeast corner of Tax Lot 091W04A02100; then westerly 30 feet; then southerly 662 feet to the north right of way line of Junco St; then easterly to Kindle Way; then northerly along the right of way line of Kindle Way; then easterly along the terminus of the Kindle Way right of way; then northerly 1,905 feet to the point of beginning.

Newly Annexed Area to be Placed within Natural Resource Overlay District

Those portions of the newly annexed areas that are within 100 feet of Mill Creek.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit 6.

**Section 10.** The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject properties generating not more than 3,570 daily trips, of which can be no more than 673 AM peak hour trips and no more than 226 PM peak hour trips. Any application for development on the subject properties shall submit with the development application a Transportation Impact Analysis or a Transportation Assessment Letter as provided for in the SMC that verifies the proposed development will conform to the trip cap limitations stated here

**Section 11.** Upon adoption by the Stayton City Council and the Mayor’s signing, this Ordinance shall become effective 30 days after the date of signing.

**Section 12.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE CITY COUNCIL this 4<sup>th</sup> day of December, 2017.

CITY OF STAYTON

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

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

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

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

APPROVED AS TO FORM:

Wallace W Lien, Acting City Attorney

Revised Draft

## EXHIBIT 1, Annexation Area, City-owned Property

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

### Parcel I:

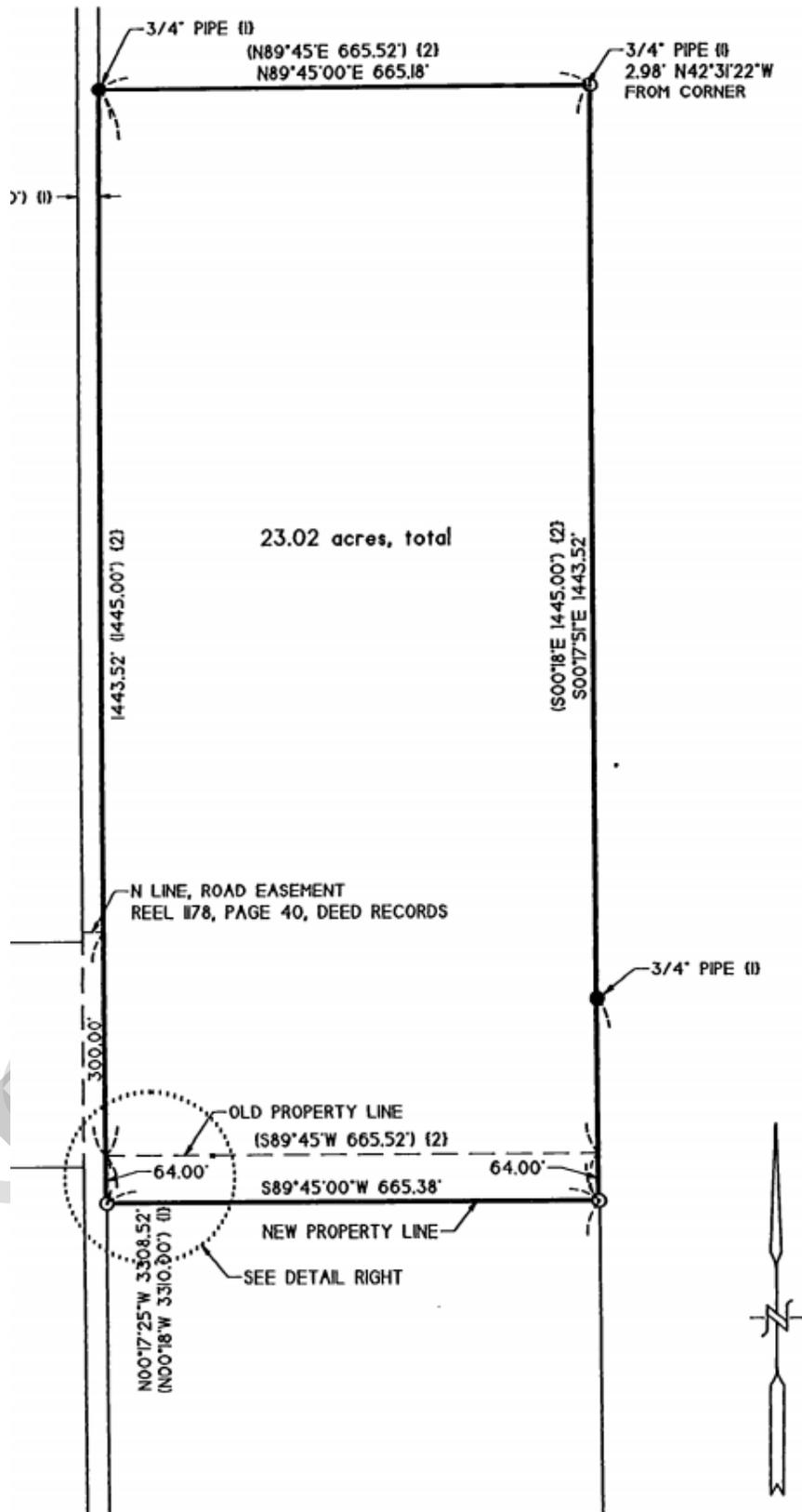
Beginning at a point on the westerly line of a tract of land conveyed to Lola Lambert by deed recorded in Volume 564, Page 428, Deed Records for Marion County, Oregon, which place of beginning is 20 chains South 89° 45' West and 1865.00 feet North 0° 18' West from the Southeast corner of the Henry Foster 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.

EXHIBIT 2, Map of Annexation Area, City-owned Property



### EXHIBIT 3, Annexation Area, Kindle Property

Beginning at the Northeast corner of that parcel deeded to the City of Stayton and described in a deed recorded in Reel 3029, Page 285, Deed records for Marion County, Oregon which point is 1320 feet south 89° 45' West and 1881.00 feet North 00° 17' West from the Southeast corner of the Henry Foster Donation Land Claim in township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon;

Thence North 00° 17' West along the East line of Parcel II of Tract VI as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon a distance of 1936.90 feet to a parcel of land deed to the City of Sublimity in Reel 14, Page 486, Deed Records for Marion County, Oregon;

Thence South 89° 45' West 29.70 feet to the West line of Said Parcel II;

Thence South 00° 17' East along the West line of said Parcel II a distance of 1313.90 feet to the Northeast corner of Tract VII as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon;

Thence South 89° 45' West 25.00 feet to a point;

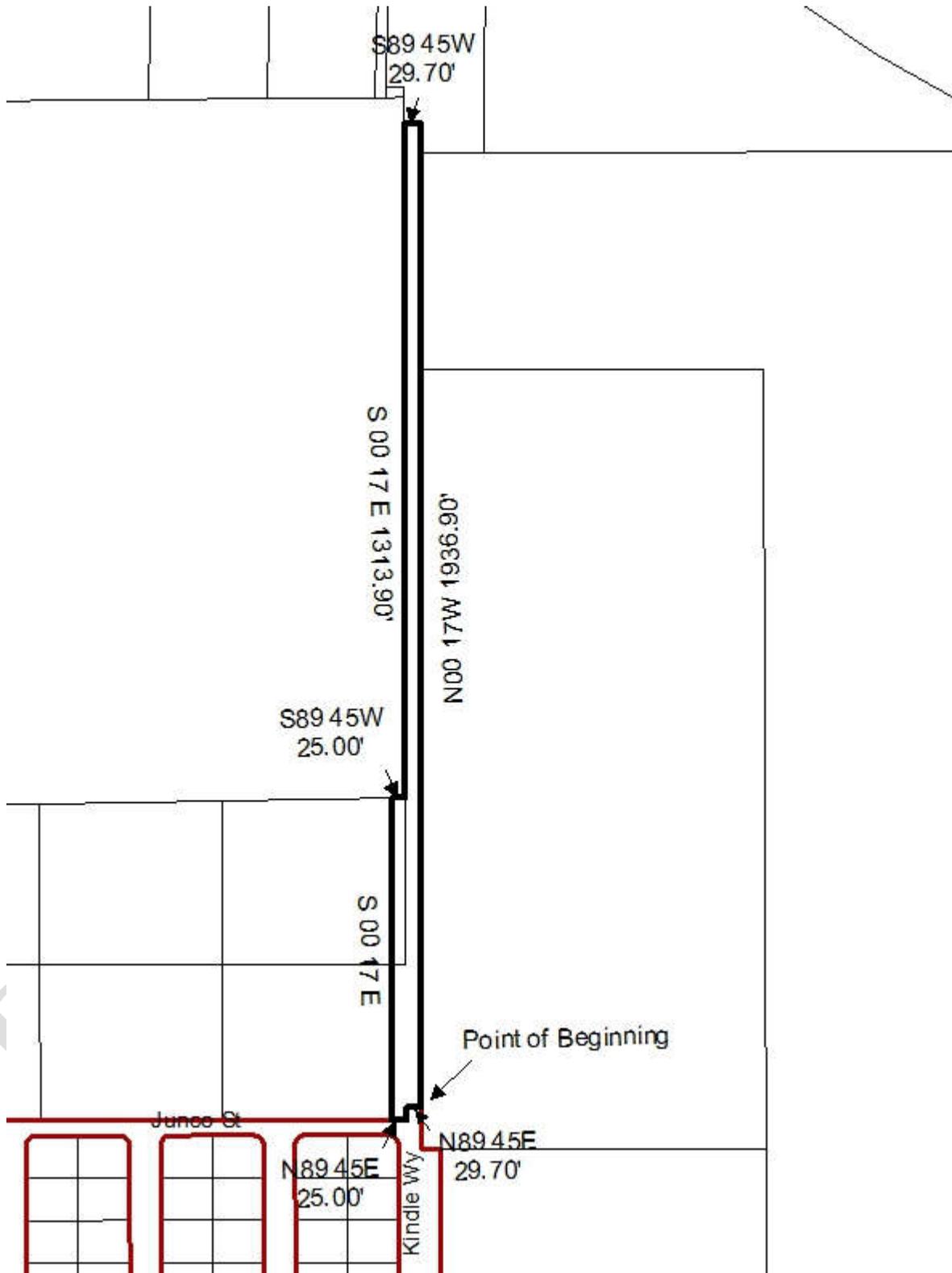
Thence South 00° 17' East to the south line of Parcel II of Tract VI as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon and the north right of way line of W Hobson Road as shown on the plat of Phillips Estates – Phase I recorded in the Marion County Book of Town Plats, Volume H47, Page 8;

Thence North 89° 45' East 25.00 feet along the south line of the said Parcel II of Tract VI to the west line of the parcel deeded to the City of Stayton ad described in a deed recorded in Reel 3029, Page 285, Deed Records for Marion County, Oregon;

Thence North 00° 17' West along the west line of the City of Stayton Parcel to the northwest corner of that parcel;

Thence North 89° 45' East 29.70 feet to the Point of Beginning.

EXHIBIT 4, Map of Annexation Area, Kindle Property



## EXHIBIT 5, CITY COUNCIL FINDINGS OF FACT

### LAND USE FILE #7-08/17

#### A. GENERAL FACTS

1. The owners of the properties and the applicants are the City of Stayton and Kirk Kindle.
2. The properties can be described as tax lots 301 and 200 on Map 91W04D and portions of tax lots 2100 and 2200 on Map 91W04DA.
3. The properties are located at 2400 Kindle Way, 2800 Kindle Way, a portion of 2847 Kindle Way, and a portion of 1450 Goshen Rd SE.
4. 2400 Kindle Way is Parcel 2 of Partitioning Plat 2016-057. It was annexed into the City in February 2017. The property is designated Residential by the Comprehensive Plan Map. It was zoned Medium Density Residential (MD) when annexed. The property is 12.23 acres in area with approximately 1,740 feet of frontage on Kindle Way and 45 feet of frontage Shaff Road. The property is vacant. The property was purchased by the City from the Lambert family and will be referred to in these findings as the Lambert property.
5. 2800 Kindle Way is approximately 23 acres in area with approximately 80 feet of frontage on Kindle Way. The property is developed with a single family detached dwelling and accessory buildings. The property is outside of the City Limits, is designated as Residential by the Comprehensive Plan Map and is zoned Marion County Urban Transition (UT). The property is bisected by Mill Creek. The Comprehensive Plan Map designates a 200-foot wide Natural Resource Overlay District along Mill Creek. The property was purchased by the City from the Puntney family and will be referred to in these findings as the Puntney property.
6. The portions of 2847 Kindle Way and 1450 Goshen Rd SE that are proposed for annexation together comprise approximately 1.7 acres of land and are referred to in this order as the Kindle Property. This area is owned by Kirk A Kindle, who has consented in writing to its annexation. This area is outside of the City Limits, is designated as Residential by the Comprehensive Plan Map and is zoned Marion County Urban Transition (UT).
7. The neighboring property to the east and the north is zoned Public/Semi-Public (P) and is developed as the Stayton Middle School. The neighboring properties to the west are zoned Low Density Residential (LD) and are developed as single family detached dwellings or are located outside of the City Limits, are zoned Marion County UT, and are developed as acreage residential properties or are vacant. The neighboring property to the south is zoned MD, is developed with a single family dwelling, and has been approved by the Planning Commission for a 51-lot single family subdivision.
8. The Puntney property and the Lambert property were purchased by the City of Stayton in the winter of 2016-2017. The City intends to use the Lambert property as a stormwater detention facility. The City intends to develop the Puntney property into a park.
9. Annexation of the Kindle property will allow for future dedication of right of way for the future extension of Kindle Way.
10. The proposal is to annex the Puntney property and Kindle property into the City Limits, to amend the comprehensive plan designation from Residential to Public for the Puntney and Lambert properties, to amend the zoning from MD to P for the Lambert property, to assign P zoning to the

Puntney property, to assign LD zoning to the Kindle Property, and to establish a 100-foot wide Natural Resource Overlay District along Mill Creek on the Puntney and Kindle property.

11. This proposal must comply with the Transportation Planning Rule (TPR), which implements Statewide Planning Goal 12 when considering amendments to acknowledged comprehensive plans and land use regulations. The process for analysis of the TPR is a two-step process for evaluating a proposal's impacts on the transportation system. First, the trip generation potential of a site is assessed assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the proposed zoning has the potential to increase the number of trips, an analysis of long-term transportation impacts can be studied to assess whether the rezone will significantly affect the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional operational analysis is necessary to conclude that the proposal does not significantly affect the transportation system.
12. The test for significant effect involves an analysis of land uses representing "reasonable worst-case" development scenarios. These "reasonable worst-case" scenarios are independent of current or planned site uses. Per SMC 17.16.060, housing in LD zones may not to exceed 6 dwelling units per acre and housing in MD zones may not to exceed 12 dwelling units per acre. For this analysis the northern parcel is assumed to be zoned LD when annexed and the southern parcel is zoned MD. To assess a reasonable worst case for the existing zoning, the City's transportation consultant correctly assumed that both parcels could be built out according to the zoning designation. Per SMC 17.16.060, the P zone allows lands, buildings and facilities that are common to a public area and will not unreasonably change the area of the community. Based on the designation, it was assumed that a reasonable worst case for a public area would be a public school or schools.
13. The proposed zone change site was compared to existing school sites in the mid-Willamette valley. For a site of approximately 35 acres, a combined middle school and elementary school was determined to represent the reasonable worst case. The average Floor to Area Ratio (FAR) was analyzed at three combined middle school & elementary school sites in the mid-Willamette valley. This average was applied to the two parcels to determine a reasonable building size for both a middle school and an elementary school. Reasonable worst case trip generation estimates were prepared for the existing and proposed zoning development scenarios based on information provided in the standard reference manual, Trip Generation, 10th Edition, published by the Institute of Transportation Engineers. The Single-Family Detached Housing land use was used for both of the existing zoning parcels and represents the reasonable worst case. The middle school and elementary school trip generation reflect an average FAR determined from similar sites and applied to the gross area of the two parcels (35.28 acres). The proposed zone change could result in an increase of 878 daily trips, an increase of 1,013 weekday AM peak hour trips, and a reduction of 57 trips PM peak hour trips. The proposed zoning has the potential to create an increased impact and possible significant effect on the surrounding transportation system because of the increase in daily and weekday AM peak hour trips.
14. Per OAR 660-012-0060, if a zone change amendment is found to significantly affect an existing or planned transportation facility, then the local government must put in place measures which mitigate the significant effect. One potential remedy is a "trip cap" designed to limit the vehicle trips associated with future development of the property. To mitigate the potential for possible significant effect, the City of Stayton may impose a "trip cap" to restrict future development on the subject properties to a level allowed under the existing zoning.

15. The City's transportation engineers determined that if a "trip cap" was applied, the application would be in compliance with the TPR. The necessary "trip cap" as proposed by the transportation engineers would be a limit of traffic to be generated from the subject properties of 3,570 daily trips, of which can be no more than 673 AM peak hour trips and 226 PM peak hour trips.
16. The city intends to develop the northern parcel into a park and the southern parcel into a storm water detention facility. A trip generation analysis was performed based on these land uses. Assuming the imposition of the "trip cap" as recommended by the transportation engineers, the trip generation potential of the subject site would be held to an amount equal to or less than what is allowed under the existing zoning. With a "trip cap" in place, no additional further transportation analysis is necessary to support the zone change, as the "trip cap" would not trigger a significant effect on the transportation system. A traffic impact analysis may be required for the development application if the proposed uses require a traffic impact analysis per the SMC. The currently envisioned uses would not trigger a traffic impact analysis.
17. In conclusion, the results of this analysis indicate the proposed P zoning designation has the potential to "significantly affect" the transportation system, per the criteria outlined in the TPR. As such, a "trip cap" is proposed as suitable mitigation to limit the any site development's trip generation potential to be the same or less trips than what could be generated by the existing residential zoning. The proposed site development of a public park and storm water detention facility can be built on the re-zoned parcels while staying under the "trip cap."

#### B. AGENCY COMMENTS

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

#### C. PUBLIC COMMENTS

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

#### D. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4. Comprehensive Plan amendment applications are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17, Section 17.12.180.6.

#### E. APPROVAL CRITERIA

**Section 17.12.210.4 Annexation Approval Criteria.** Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by an application for Comprehensive Plan amendment:

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

Finding: The 2004 Stayton Parks and Recreation Master Plan identifies the need for an additional 40 acres of community parks in the City by the year 2020. The Puntney property was purchased with the intention of developing a community park. Annexation of the Kindle property will facilitate extension of Kindle Way in accordance with the Transportation System Plan.

- 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 water and sewer service to the Puntney property. The development of the property into a community park will not create substantial demand on the city or private utility services.

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

Finding: The property is contiguous to the City Limits on the north, east, and south sides.

- 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: The development of the Puntney property as a community park is in compliance with the adopted Parks and Recreation Master Plan and will provide recreational opportunities to the residents of the northwest corner of the City. Annexation of the Kindle property will facilitate extension of Kindle Way in accordance with the Transportation System Plan.

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

Finding: The property owners have consented to the annexation. Chapter 51 of the Oregon Laws of 2016 requires a city to annex the territory without submitting the proposal to the electors if the territory is within the urban growth boundary, the territory will be subject to an acknowledged comprehensive plan, the territory is contiguous to the city limits, and the proposal conforms to all other requirements of the city's ordinances.

- 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.

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

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

Finding: The Comprehensive Plan describes the Public land use designation as appropriate for land owned by governmental agencies, churches, golf club, utilities or not-for-profit organizations. The Plan narrative indicates that the public designation will be applied after land is acquired by a public agency in order to avoid affecting private property values.

The City purchased the two parcels in the winter of 2016-17 for development as public facilities.

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

Finding: The Comprehensive Plan envisions that land obtained by public institutions will be designated for public use after it is obtained, in order to avoid limitations on privately owned property. The Comprehensive Plan indicates that there may be the need for additional public land for park purposes. The Parks and Recreation Master Plan identifies the need for an additional 40 acres of community parks in the City by the year 2020. The subject property was purchased by the City for park and stormwater management needs. There is no other City-owned land that is appropriate for these uses.

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

Finding: The pertinent Statewide Land Use Goals are Goal 8 and Goal 11. Goal 8 is to satisfy the recreational needs of the citizens of the state and visitors. The City has purchased the Puntney property to provide recreational opportunities and in compliance with the City's Parks and Recreation Master Plan. Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The City has purchased the Lambert property to develop a stormwater facility in accordance with the City's Stormwater Master Plan.

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

Finding: A trip generation analysis was prepared by Patrick Marnell, PE, of Kittelson & Associates. The Analysis determined that the comprehensive plan amendment could result in an increase in total daily trips and AM peak hour trips, but a decrease in PM peak hour trips from the area. The Transportation Planning Rule requires an analysis of the "worst-case" trip generation from the current zoning and comprehensive plan designation compared to the "worst-case" trip generation from the proposed zoning and comprehensive plan designation. For purposes of the analysis, it was assumed that the Puntney property would be zoned as Low Density Residential and developed at a density of 6 units per acre. The Lambert property is zoned as Medium Density Residential and has the potential to be developed at 12 dwelling units per acre. For purposes of the analysis, the "worst-case" traffic generation scenario under the proposed Comprehensive Plan designation of Public was determined to be a public school complex with a 71,720 square foot elementary school and a 107,580 square foot middle school. Based on the analysis, Kittelson & Associates concluded that the comprehensive plan amendment would have a significant effect on existing or planned transportation facility unless the traffic from the site is capped by a condition of approval.

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

Finding: There are 1,867 acres of land in the UGB designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 54 acres of residential land annexed, including the concurrent application for annexation. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there was 144 acres of buildable land in the city zoned for residential use.

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

Finding: The properties are serviced by public water and by public sewer. The development of the Lambert property as a stormwater detention facility will not require any utility services. The development of the Puntney property as a public park will have minimal public water and sewer demand.

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

Finding: The development of a park will provide needed public recreation opportunities to nearby residents. The stormwater detention facility will have no impact on neighboring properties.

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

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

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

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

Finding: The properties are serviced by public water and by public sewer. The development of the Lambert property as a stormwater detention facility will not require any utility services. The development of the Puntney property as a public park will have minimal public water and sewer demand. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

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

Finding: A trip generation analysis was prepared by Patrick Marnell, PE, of Kittelson & Associates. The Analysis determined that the comprehensive plan amendment could result in an increase in total daily trips and AM peak hour trips, but a decrease in PM peak hour trips from the area. The Transportation Planning Rule requires an analysis of the “worst-case” trip generation from the current zoning and comprehensive plan designation compared to the “worst-case” trip generation from the proposed zoning and comprehensive plan designation. For purposes of the analysis, it was assumed that the Puntney property would be zoned as Low Density Residential and developed at a density of 6 units per acre. The Lambert property is zoned as Medium Density Residential and has the potential to be developed at 12 dwelling units per acre. For purposes of the analysis, the “worst-case” traffic generation scenario under the proposed zoning of Public/Semi-Public was determined to be a public school complex with a 71,720 square foot elementary school and a 107,580 square foot middle school. Based on the analysis, Kittelson & Associates concluded that the zone map amendment would have a significant effect on existing or planned transportation facility unless the traffic from the site is capped by a condition of approval.

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

Finding: Policy PF-1 calls for the City to provide storm water management and parks and recreational facilities within the urban growth boundary. The City has purchased the properties for stormwater and park facilities. Policy PF-3 is for that recreational facilities should be developed as the City's population grows.

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

Finding: The Comprehensive Plan indicates that the public designation will be applied after land is acquired by a public agency in order to avoid affecting private property values. There is no other City-owned land that is appropriate for these uses. Following the zone map amendment, the Planning Department reports there will be 15 vacant parcels zoned MD within the City, with a total land area of approximately 7 acres.

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

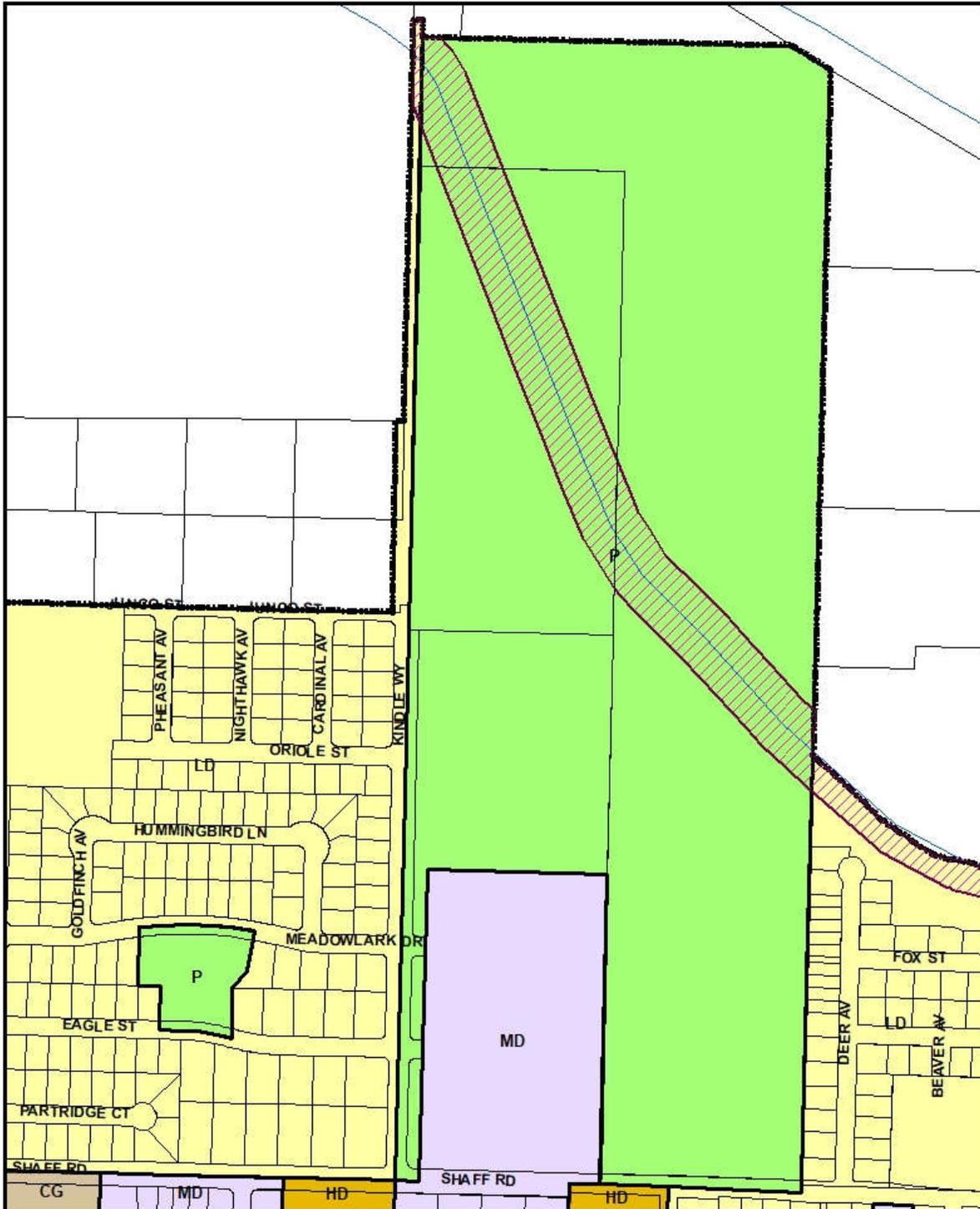
Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 14.

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

Finding: The properties are generally flat and would allow for a wide variety of development opportunities. The Puntney property is bisected by Mill Creek and the portion of the property on the north side of the creek is mapped as forested wetlands. Development of the properties as a park and as stormwater detention facility will provide open space and recreational opportunities for nearby residents. The properties are adjacent to the Stayton Middle School campus, already zoned Public/Semi-Public.

EXHIBIT 6, EXCERPT FROM OFFICIAL ZONING MAP

Proposed Zoning





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

**TO:** Mayor Henry Porter and the Stayton City Council  
**THRU:** Keith Campbell, City Administrator  
**FROM:** Lance S. Ludwick, P.E. Public Works Director  
**DATE:** December 4, 2017  
**SUBJECT:** Mill Creek Park Project

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**BACKGROUND INFORMATION**

The project includes, but is not limited to, all labor, materials, and equipment necessary to prepare a park master plan and Land Use and Site Development Plans and Specifications for the Mill Creek Park.

This project shall be accomplished in two (2) phases:

PHASE 1 will consist of using the City of Stayton Park and Recreation Master Plan to develop the Mill Creek Park Master Plan. The consultant will produce renderings of the final park master plan and a preliminary cost estimate.

PHASE 2 will consist of preparing engineered plans and documents to gain Land-Use Approval and Site Development Permit Approval. The consultant shall also prepare all construction contract documents for the Mill Creek Park construction.

The project was advertised competitively on August 25<sup>th</sup>, 2017, in the Daily Journal of Commerce. The City of Stayton received one (1) sealed bid by the bid closing deadline of September 28<sup>th</sup>, 2017, from AKS Engineering & Forestry (AKS) of Tualatin, Oregon.

A group comprised of the Public Works Director, the Director of Planning and Development, the

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Deputy City Recorder, the City Administrator and a member of the Parks and Recreation Board met with representatives from AKS to discuss their proposal.

AKS discussed the professional background and experience of their Project Team and showed examples of previous park development projects.

Their attached proposal discusses the Mill Creek Park Master Plan process and highlights opportunities for the general public, Stayton's Parks and Recreation Board and the City Council to participate in the overall park design.

After AKS's presentation the representatives for the City discussed the merits of the AKS proposal and a consensus was formed that AKS should be retained to prepare the Mill Creek Park Master Plan.

## **FINANCIAL IMPACT**

The consultant will perform the Mill Creek Master Planning in two (2) phases. PHASE 1 will consist of developing the Mill Creek Park Master Plan. The cost for this service is \$29, 861.00.

The Consultant recommended breaking PHASE 2 of the project into two (2) phases; PHASE 2A and PHASE 2B.

PHASE 2A of the project will consist of obtaining Land Use Approval and preparing cost estimates for the park construction. The proposed cost for PHASE 2A is \$51,680.00.

PHASE 2B will consist of preparation of all construction documents and obtaining the Site Development Permit. The consultant's fee for PHASE 2B will be negotiated once the Final Order and Conditions of Approval are approved.



## CITY OF STAYTON

# Proposal for Mill Creek Park Development Project

September 28, 2017



AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062

September 28, 2017

City of Stayton  
Attn: Lance Ludwick, PE | Public Works Director  
362 N Third Avenue  
Stayton, OR 97383

## **RE: PROPOSAL FOR MILL CREEK PARK DEVELOPMENT PROJECT**

Dear Mr. Ludwick and Selection Committee Members,

AKS Engineering & Forestry, LLC (AKS) has completed the survey and wetland delineation for the site of the proposed Mill Creek Park. Supported by our understanding of the project area, our planners, engineers, and landscape architects will support the City of Stayton (City) in developing a Master Plan for the future park that includes recreational facilities such as sports fields, a skate park, and picnic areas, and ties the park into the City's existing trail system. After completion of the Master Plan, we will continue to work with the City to uncover funding opportunities, develop final construction documents, and assist during bidding and construction.

AKS brings recent experience developing new parks in the Cities of Happy Valley and Hillsboro with features such as Americans with Disabilities Act (ADA)-compliant trail networks, passive open spaces, and various types of sports fields and courts. We also have an extensive resume for park, field, and trail design, including projects for the Tualatin Hills Park and Recreation District (THPRD), North Clackamas Parks and Recreation District, Oregon Parks and Recreation Department, and a multitude of private development parks and open spaces. Our team of experienced professionals will work closely with City staff and residents to determine whether the priorities and amenities most important during the development of your 2002 Park and Recreation Master Plan are currently applicable so we can plan and design a concept that meets the unique needs of the Stayton community.

As an Associate with AKS, I will serve as your Project Manager and primary point of contact, and am authorized to negotiate and sign any contracts that may result from this proposal. AKS has reviewed the Request for Proposals (RFP) and supplemental material and will comply with the terms and conditions contained therein. You can reach me at (503) 563-6151 or via e-mail at [chuckg@aks-eng.com](mailto:chuckg@aks-eng.com). Thank you for this opportunity to collaborate with the City as you work toward realizing your goals for the Mill Creek Park.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Chuck Gregory, PE  
Project Manager, Associate

# Introduction

AKS has been providing professional services to public agencies and private clients throughout Oregon and Washington since 1996. Our staff work from offices in Tualatin, Keizer, and Bend, Oregon, and Vancouver, Washington, and specialize in the areas of civil engineering, surveying, planning, natural resources, landscape architecture, water resources, arboriculture, and forestry and forest engineering. We offer the following services that will be relevant to the development of Mill Creek Park:

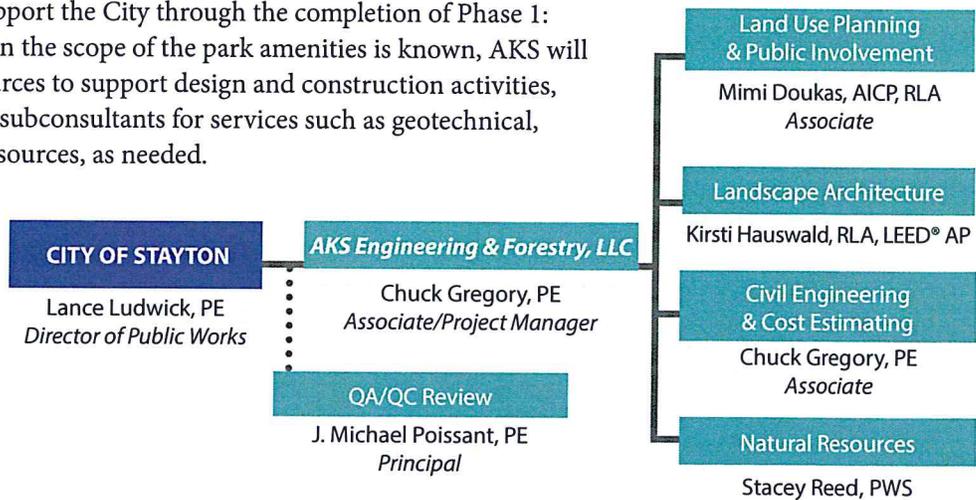
- Parks, trail systems, and sports field design
- Street and frontage improvements design
- Landscape and irrigation design
- Land surveying
- Land use planning
- Stormwater evaluation, management, treatment, collection, reuse, and system design
- Alternatives analyses
- Infrastructure evaluation, coordination, and design
- Hydraulic modeling and analysis
- Natural resources delineations, mitigation plans, and permitting
- Arborist tree evaluation/tree risk assessment
- Grading and erosion control design and review

- Construction specification preparation
- Public outreach/meetings
- Cost estimating
- Construction permit processing
- Contractor bidding assistance
- Construction administration and construction management
- Construction observation and inspection
- As-built/record drawing preparation

While we have numerous public and private projects active at any given time, we prioritize providing individualized service to each and every one of our clients. Our proposed Project Manager, Chuck Gregory, PE, has 23 years of industry experience and is AKS' best-qualified project manager in parks development projects. Chuck will be supported by Principal J. Michael Poissant, PE, who brings an understanding of City practices and experience with the Putney and Lambert properties through previous and ongoing work performed by AKS. Chuck will also call on a team of engineering designers, landscape architects, land use planners, surveyors, natural resource specialists, arborists, and construction inspectors to help our team meet the City's needs.

# The AKS Team

AKS is proud to offer our parks development experience and unique local knowledge to the City for the creation of the new Mill Creek Park. The team displayed in the organizational chart below will support the City through the completion of Phase 1: Mill Creek Park Master Plan. When the scope of the park amenities is known, AKS will dedicate additional in-house resources to support design and construction activities, as well as reach out to appropriate subconsultants for services such as geotechnical, structural, electrical, or cultural resources, as needed.



## **CHUCK GREGORY, PE**

*Project Manager, Project Engineer, Associate*

Education: BS, Civil Engineering  
Technology, Oregon Institute of  
Technology



Registrations/Certifications: Registered  
Professional Engineer: Oregon  
(#50644PE), Washington (#35656)

Role: Chuck will work with the City to establish the scope, schedule, and budget of the project, and ensure that the project hits performance targets from the Notice to Proceed through completion. He will be the City's primary point of contact and oversee all work completed by in-house staff and potential future subconsultants.

Qualifications: Chuck Gregory is a professional civil engineer with more than 23 years of design and project management experience on a variety of projects, ranging from public sports fields, parks, and trails to large educational, commercial, and industrial institutions, and multiphase residential subdivisions. He coordinates with owners and developers, as well as multidisciplinary design teams often including architects and landscape architects, structural engineers, surveyors, wetland biologists, electrical/field lighting engineers, and contractors. His experience includes the preparation of construction drawings, technical specifications, and bid documents for parks, trails, street frontage, sanitary sewers, potable water, and surface water drainage facilities such as stormwater quality treatment and detention facilities.

### Relevant Projects:

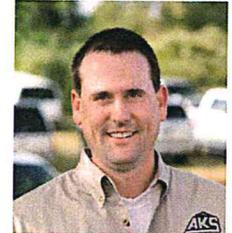
- THPRD The Bluffs Park, Washington County, OR
- THPRD AM Kennedy Park, Beaverton, OR
- THPRD McMillan Park Play Area Relocation, Beaverton, OR
- THPRD Pioneer Park, Beaverton, OR
- THPRD Howard M. Terpenning (HMT) ADA Parking Lot and Drop-off Improvements, Beaverton, OR
- THPRD Hazeldale Park Parking Lot, Aloha, OR
- THPRD Conestoga Field Conversion, Beaverton, OR
- THPRD/Portland Community College (PCC) Rock Creek Campus Sports Park, Washington County, OR
- THPRD Beaverton Swim Center Rain Garden, Beaverton, OR
- THPRD Bonny Slope Trail, Beaverton, OR

- THPRD Northwest Quadrant Youth Athletic Field, Aloha, OR
- City of Hillsboro Magnolia Park, Hillsboro, OR
- Oregon State University (OSU) Goss Stadium Grass to Turf Field Conversion, Corvallis, OR
- George Fox University (GFU) Lemmons Field Grass to Turf Field Conversion, Newberg, OR
- GFU Baseball Field Improvements, Newberg, OR
- GFU Austin Sports Complex, Newberg, OR
- University of Portland Soccer Fields, Portland, OR

## **J. MICHAEL POISSANT, PE**

*QA/QC Reviewer, Principal*

Education: BS, Civil Engineering,  
Oregon State University



Registrations/Certifications: Registered  
Professional Engineer: Oregon  
(#55486PE), Washington (#37130), Idaho (#9807),  
California (#C59173), Arizona (#44829); National Council  
of Examiners for Engineering and Surveying (#18725)

Role: Michael will provide quality assurance and quality control (QA/QC) review of deliverables and advise the team on City standards and expectations to ensure a successful project.

Qualifications: Michael Poissant is a Project Manager for AKS, with more than 19 years of experience. He has completed hundreds of civil engineering projects throughout the Northwest for both public and private clients. His background includes design of public improvements for industrial parks, roads, stormwater systems, wastewater systems, water supply projects, fire stations, parks, office buildings, military projects, medical facilities, parks, and detention facilities. His recent experience working with the City and subject properties will provide the AKS team with insights and direction for the best delivery of this project.

### Relevant Projects:

- City of Stayton Kindle Way Street and Storm Drainage System, Stayton, OR
- City of McMinnville Joe Dancer Park Expansion, McMinnville, OR
- US Cellular, Community Park, Medford, OR
- Fairview Hills Redevelopment Open Space, Salem, OR
- City of Salem Barnes Road Realignment and Commercial Street Widening, Salem, OR

- Hawthorne Avenue Street Widening and Bridge Water Main, Salem, OR
- Rickey Street Widening and Water Line Improvements, Salem, OR
- Winter Street Streetscape between Salem Parkway and the Mill Race, Salem, OR
- City of Keizer Garland Way Storm Drain Repair, Keizer, OR
- City of Keizer Shoreline Drive Storm Drain Repair, Keizer, OR
- City of Keizer Staats Lake Pump Station and Control Structure, Keizer, OR
- Oregon Military Department On-Call, Various Locations, OR

**MIMI DOUKAS, AICP, RLA**

*Land Use Planner, Associate*

Education: Master of Urban Planning (MUP), University of Kansas; BS, Landscape Architecture, Kansas State University



Registrations/Certifications: Registered Landscape Architect: Oregon (#499), Washington (#1177)

Role: Mimi will lead the master planning effort, coordinate land use planning approvals, and lead public involvement efforts.

Qualifications: Mimi Doukas has more than 23 years of experience and has led a variety of projects, including school facilities, mixed-use master plans, transportation projects, residential subdivisions, retail commercial centers, and senior living centers. Through combining her construction knowledge and landscape architectural design skills with urban planning methodology and analysis experience, she takes a project from early conceptual sketches through construction. Her experience ranges from master planning, theming, zone change applications, and preliminary utility layout to detailed site plans, development plans, and construction documents. Mimi is skilled in communicating broad design concepts to the client and public, making sure the developer and public know what is going on within their communities. Mimi has managed some of the most complex entitlement efforts in the region for both public and private clients. Her detail-oriented approach to project management allows her to be proactive and efficient.

Relevant Projects:

- THPRD Conestoga Field Conversion, Beaverton, OR
- Rosedale Neighborhood Parks and Open Space, Hillsboro, OR
- Butternut Creek Neighborhood Park and Regional Trail System, Hillsboro, OR
- Suncrest Trails and Open Space, Corvallis, OR
- Laurel Woods Community Park, Cornelius, OR
- North Plains Urban Growth Boundary Expansion Master Planning, North Plains, OR
- AmberGlen Community Plan, Hillsboro, OR
- Springbrook Master Plan and Land Use Planning, Newberg, OR
- Battle Ground Public Schools Master Plan, Battle Ground, WA
- Hillsboro School District Sports Fields Land Use Approvals (multiple sites), Hillsboro, OR
- Scappoose School District Land Use Approval for Otto Peterson Elementary School and Sports Fields, Scappoose, OR

**KIRSTI HAUSWALD, RLA, LEED® AP**

*Landscape Architect*

Education: BLA, Landscape Architecture, Washington State University



Registrations/Certifications: Registered Landscape Architect: Oregon (#797), Washington (#1309); LEED® Accredited Professional

Role: In Phase 1, Kirsti will complete graphics for the color-rendered master plan. In Phase 2, Kirsti will lead landscape design and develop planting plans.

Qualifications: Kirsti Hauswald is a Registered Landscape Architect who has worked for AKS since 2007. She has provided master planning and landscape design services for numerous park projects, with past projects involving working with private developers, non-profit organizations such as Habitat for Humanity and various churches and schools, municipal clients, and architectural and engineering consultants. Many of her projects have an emphasis on stormwater management, natural resource mitigation and enhancement, and LEED® sustainability. She is responsible for computer-aided design (CAD) and drafting, designing landscape plans from conceptual plans through construction documentation (including planting

and irrigation plans), preparing color presentation graphics, and performing construction administration duties.

Relevant Projects:

- THPRD Conestoga Field Conversion, Beaverton, OR
- THPRD Hazeldale Parking Lot, Aloha, OR
- Scouter's Mountain Neighborhood Park and Trail System, Happy Valley, OR
- THPRD McMillan Park Play Area Relocation, Beaverton, OR
- THPRD HMT ADA Parking Lot and Drop-off Improvements, Beaverton, OR
- THPRD Northwest Quadrant Youth Athletic Field, Aloha, OR
- Pioneer Canyon Planned Unit Development (PUD) Neighborhood Parks, Ridgefield, OR
- Rosedale Neighborhood Parks and Open Space, Hillsboro, OR
- Butternut Creek Neighborhood Park and Regional Trail System, Hillsboro, OR
- Laurel Woods Community Park, Cornelius, OR
- Suncrest Trails and Open Space, Corvallis, OR
- Svaboda Court LEED® Certified Community, Portland, OR
- Juneberry Lane LEED® Certified Community, Portland, OR
- Habitat for Humanity Trillium Court, Portland, OR

**STACEY REED, PWS**

*Natural Resources Specialist*

Education: BA, Environmental Science, Evergreen State College

Registrations/Certifications: Society of Wetland Scientists, Professional Wetland Scientist: PWS #2499



Role: In Phase 1, Stacey will collaborate with the design and planning team on ways to minimize permitting needs and assist in estimating wetland mitigation costs. If the chosen master plan concept features wetland fill, Stacey will lead permitting and mitigation efforts in Phase 2.

Qualifications: Stacey Reed has over a decade of experience performing evaluation and design of natural ecosystem attributes throughout the Willamette Valley. Her routine responsibilities include conducting wetland delineations and wetland permitting projects such as U.S. Army Corps of

Engineers (USACE) Sections 404 and 10 and Department of State Lands (DSL) wetland removal-fill applications and wetland mitigation plans. Stacey has excellent professional relationships with DSL and USACE staff. She participated in the Oregon Rapid Wetland Assessment Protocol (ORWAP) repeatability study with DSL and regularly attends policy change meetings with both DSL and USACE to remain current on state and federal regulations. She works closely with DSL and USACE regulatory staff to anticipate regulatory needs in ensuring complete permit applications. Stacey has never had a wetland delineation report rejected or deemed incomplete from DSL, and has never had a DSL or USACE permit denied.

Relevant Projects:

- THPRD AM Kennedy Park Wetlands and Waters Delineation, Beaverton, OR
- THPRD Conestoga Field Conversion Wetland Delineation, Beaverton, OR
- THPRD Bethany Trail Wetland and Waters Delineation, Washington County, OR
- City of Tigard Derry Dell Creek Stream Restoration DSL/USACE permitting, Tigard, OR
- Bald Peak Road Stream Crossing Wetland and Waters Delineation and DSL/USACE Wetland Permitting, Washington County, OR
- Stafford Hills Racquet and Fitness Club Wetland and Waters Delineation, DSL/USACE Permitting, Wetland Mitigation Design and Monitoring, Turtle Habitat Enhancement Design, Tualatin, OR
- City of Hillsboro SW 253rd Avenue Extension from Evergreen to Meek Road Improvements Wetland Delineation, DSL/USACE Permitting, City of Hillsboro Permitting, Hillsboro, OR
- Frog Pond Lane Bridge Replacement and Stream Stabilization Wetland Delineation, Stream and Wetland Mitigation and Restoration Plan, Permitting, and Monitoring, Beaverton, OR
- City of Happy Valley SE 129th/Mt. Scott Creek Culvert Replacement Wetland and Waters Delineation, DSL/USACE Permitting, Oregon Department of Fish and Wildlife (ODFW) Fish Passage, Water Environment Services Vegetated Corridor Mitigation Plan, Happy Valley, OR

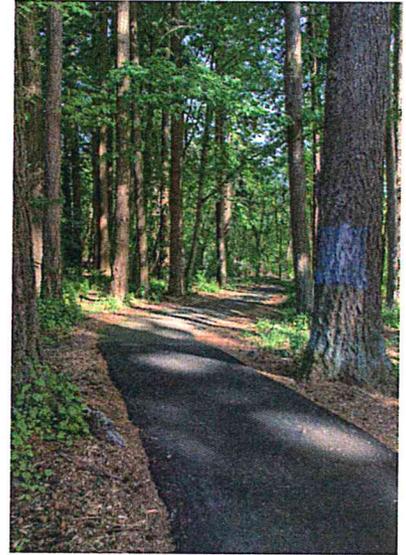
# Relevant Project Experience and References

## Public Parks Design Experience

### THPRD AM Kennedy Park, Beaverton, OR

Reference: Gery Keck, THPRD, (503) 629-6305 x2732, gkeck@thprd.org

AKS acted as a subconsultant in participating in project scope meetings and identifying THPRD's needs. AKS participated in meetings with the numerous stakeholders, including maintenance, security, programming, and development providers, and gained approval from the Park Board to move forward with the project. AKS completed civil engineering design and construction administration for improvements to this 8.36-acre park, including site layout, grading, stormwater systems, and erosion control design and inspection for a new multiuse field, play structure area, ADA-compliant plaza, community garden, picnic shelter, and 90-foot-long pedestrian footbridge. The pathway network was also extended with an additional 900 lineal feet of ADA-compliant asphalt pavement trails. AKS designed and provided inspections for the street frontage improvements along two sides of the park. One street was within the City of Beaverton's jurisdiction and the other within Washington County's jurisdiction. AKS also provided land use planning and surveying, including coordination and permitting with the City of Beaverton and Washington County. A major design challenge was spanning a creek with only 6 inches of clearance over the 100-year floodplain while matching existing street location and elevation. AKS designed the park/trail to accommodate an off-the-shelf, pre-engineered bridge, resulting in significant savings to THPRD.



AM Kennedy Park

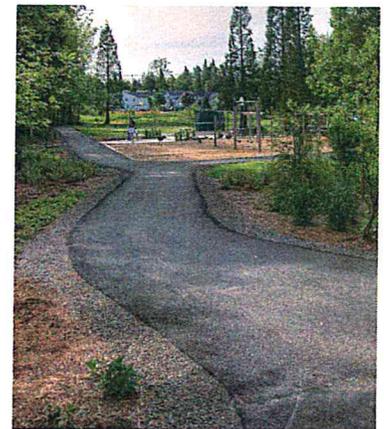


AM Kennedy Park

### THPRD Pioneer Park, Beaverton, OR

Reference: Rene Brucker, THPRD, (503) 645-6305, rbrucker@thprd.org

Working as a subconsultant, AKS provided surveying, civil engineering, and construction observation for significant improvements to this existing park. The 6.14-acre site was heavily wooded in portions and had a large wetland area, one intermittent and one perennial stream, some existing trails, and park amenities. The design included removing trails and other features and replacing them with a new play area, open plaza, boardwalk along the wetlands area, new trails, and a relocated footbridge. AKS also prepared a HEC-RAS model to determine flood elevations on the property and a "no-rise analysis."



Pioneer Park

**THPRD The Bluffs Park Trail,  
Portland, OR**

Project Dates: David Lewis, formerly with THPRD, (503) 645-6433

AKS designed a 1,200-foot-long trail on this steep 3.84-acre site. The property is wedged between the backyards of a 1977 condominium complex and the rear and side yards of single-family homes. The property was earmarked for a neighborhood park and trail. AKS provided civil engineering design, land use permitting, and construction administration services for the new trail. After several public meetings and additional voluntary one-on-one meetings with adjacent property owners, the trail was designed with multiple switchbacks, grades ranging from 0% to 12%, and elevations varying by more than 100 feet.



The Bluffs Park Trail

AKS efficiently used AutoCAD Civil 3D advanced features and automatic update capabilities to quickly evaluate different trail alignments, profile grades, and impacts to clearing limits. This allowed us to concentrate our efforts on determining the optimal design, thus saving time and resources.

**THPRD Conestoga Field Conversion, Beaverton, OR**

Reference: Tim Bonnin, THPRD, (503) 629-6305, tbonnin@thprd.org

AKS worked with THPRD and the City of Beaverton to upgrade the existing recreational sports field at Conestoga Middle School. The upgrades included converting the natural grass turf to a synthetic turf field, adding new field lighting, designing an ADA paved pathway, and improving the existing maintenance and jogging trail that followed the property lines. In addition to civil engineering services, AKS also provided a wetland delineation, conducted a natural resources

assessment, and provided landscape architecture with a detailed planting plan. Our staff worked with concerned citizens and key stakeholders to provide screening for noise and light pollution, restore the vegetated corridor on the site, follow school district policies for allowed plantings, and limit negative impacts to surrounding neighborhoods. The field is shared between THPRD and the Beaverton School District.



Conestoga Field



## City of Happy Valley Skate Park, Happy Valley, OR



Happy Park Skate Park

Reference: Chris Randall, City of Happy Valley, (503) 783-3842, [chrisr@happyvalleyor.gov](mailto:chrisr@happyvalleyor.gov)

Located on 24 acres, Happy Valley Park is the City's most popular park. In 2011, the City of Happy Valley began exploring options for a beginner-level skateboard area as an addition to the park. With AKS' history of designing many of the City's neighborhood parks, AKS prepared alternative plans for the City's discussion and review. The skate park area was limited to approximately 5,000 square feet, situated in the park for high visibility, and integrated into the site to create amphitheater-type seating for the City's summer concerts. AKS prepared civil engineering and landscape architecture construction plans, as well as provided surveying and inspection services for the project.

## The Park Academy Sports Fields, Lake Oswego, OR

Reference: Andy Pihl, The Park Foundation, (503) 730-1290, [apihl@parkcorp.com](mailto:apihl@parkcorp.com)

AKS worked with The Park Corporation to build a new private school dedicated to serving students with dyslexia. The school is situated on a 5-acre campus on the former site of a National Guard Armory facility, and features synthetic turf sports fields, walking paths, lush vegetation, and mature trees, providing the students with year-round outdoor meeting and play areas. AKS assisted with the feasibility and land use planning and provided civil engineering, land surveying, arborist, landscape architecture, construction administration, and permitting coordination services. AKS coordinated public meetings throughout the development process to engage neighbors and seek comments.



Park Academy Soccer Field

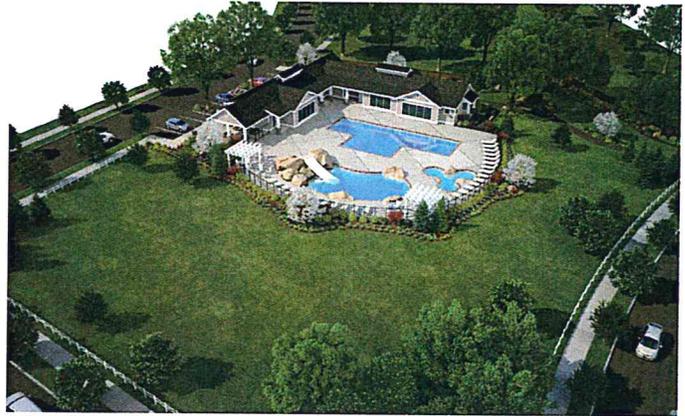
AKS' excellent track record of successfully completing parks and field development projects continues to win us work with new and existing clients. We were recently awarded the Bonny Slope Trail and Northwest Quadrant Athletic Field projects with THPRD, as well as a contract with the Hillsboro School District to design turf conversions for two existing fields and one new turf field, and add field lighting. Our team was also recently awarded a contract with the City of Wood Village to repair a dilapidated irrigation system and perform regrading improvements to restore a 23-acre park, including a sports field and arboretum, to its former glory. We will bring the same high-quality service to the City as we do to all our parks clients.

## AKS Park Planning Experience

A significant amount of our park work is for private property developers who ultimately turn the parks over to the local city, county, or park district. The creation of new neighborhood parks and amenities is interwoven into many of our residential development projects. Some are small pocket parks, and others are a series of neighborhood parks designed into a trail system with open spaces. Deliverables for these projects typically include a color-rendered master plan allowing stakeholders to envision the proposed improvements. The following descriptions are some of our parks projects currently in progress.

### Rosedale Neighborhood Parks and Open Space, South Hillsboro, OR

Working in conjunction with Hillsboro Parks and Recreation and the developer, AKS is leading conceptual planning for 5 to 6 acres of open space and public access trails for this planned community being developed in South Hillsboro. The park will feature a community center with a pool, waterslides, outdoor seating, an indoor meeting space, plazas, lawns, and an extensive ADA-compliant trail network connecting to Rosedale Elementary. The plan will also preserve and enhance the on-site wetlands. AKS will create the final landscape architecture and civil engineering plans once approval is granted for the initial conceptual plan.



Rendering of proposed Rosedale Neighborhood Pool and Open Space

### Butternut Creek Neighborhood Park and Regional Trail System, South Hillsboro, OR

In conjunction with Hillsboro Parks and Recreation and the developer, AKS is leading conceptual planning for 48 acres of passive and active open space for a new planned community in Hillsboro. The park will feature picnic shelters, restroom facilities, a splash pad, a playground, a skate park, basketball courts, community gardens, a BMX track, and a dog park. The entire area will be linked by ADA-compliant public access trails, with periodic fitness stations. The area has several unique features that will be integrated into the park plan, including its location under Bonneville Power Administration power lines, a significant natural resource area that will be preserved, and a future school site. Once the initial conceptual plan is approved, AKS will create the final landscape architecture and civil engineering plans.



## Scouter's Mountain Neighborhood Park and Trail System, Happy Valley, OR

AKS worked with the developer of a new multiphase neighborhood and the City of Happy Valley to complete the conceptual design of a 2.5-acre neighborhood park in consideration of the future needs of the increasing population in the area. Based on feedback from the City, AKS provided a conceptual master plan for the park to provide a wide variety of activities and uses, including a natural grass soccer field; covered picnic shelter; large, multiage, group-friendly playground area; and half-court basketball court. AKS worked with the developer and City to address steep topography, dense tree coverage, and varied neighborhood interests when laying out the park, preserving several stands of trees while maximizing usable activity areas. In conjunction with the neighborhood park, several smaller tot lot play areas, picnic areas, and over two miles of regional trails containing multiple stream crossings with pedestrian bridges have been incorporated into the overall development plan.



Scouters Mountain Neighborhood Park Conceptual Plan

## Pleasant Valley Villages Trail System and Open Space, Happy Valley, OR

As part of a large, multiphase planned development, AKS has completed conceptual design for a new 7.4-acre neighborhood park to serve the growing surrounding community. Part of the park is dedicated as a natural resource area with native riparian enhancement plantings and restoration of a tributary stream to Rock Creek that had been channelized during its previous use in a golf course. The park will serve the larger neighborhood and have varied amenities, including a covered full-size basketball court for year-round use, two playground areas, a community center building, picnic areas, a large plaza for community events, and will connect to two miles of paved trails that are part of a network of trails within the development and City of Happy Valley's larger regional Mt. Scott/Scouters Mountain Trail Loop. A key piece of the design is a natural grass multipurpose field designed for convertible uses, allowing free play use during non-scheduled organized sport activity times.

# Understanding and Work Plan

## Understanding

As stated in the RFP, the City has purchased two parcels on Kindle Way to support stormwater, recreational, and other infrastructure improvements associated with residential expansion in the area. The purchase of these properties has created the opportunity to develop a long-awaited park to serve the Stayton community. The City's 2002 Park and Recreation Master Plan identified several needs with the potential to be addressed through the development of Mill Creek Park. These include:

- Two youth baseball fields
- Youth soccer field
- Basketball court
- Skate park
- Restroom/picnic shelter facility
- Play structure
- Parking lot
- Trail system (hard surface)
- Traditional park amenities such as benches, picnic tables, and drinking fountains
- Potential splash park
- Potential sand volleyball court

This RFP process intends to identify a consultant team to support the City with planning a park concept efficiently and cost-effectively meeting the needs identified above. Ideally, this consultant would also support the City with identifying funding sources for design and construction of the new park, and see development through these phases. The AKS team is the right fit for this work, as we bring an extensive resume of parks and trails experience, have already performed fieldwork and studies on portions of the site, and have a strong working relationship with City staff.

## Work Plan and Objectives

AKS understands that in Phase 1, the City would like to develop a conceptual master plan for the park and determine a preliminary cost estimate that will help them pursue grants and funding for the park's construction. As recommended in the RFP, we have proposed to slightly modify the scope to reflect these goals. We propose to split Phase 2 into:

- Phase 2a: Land Use Approvals and Cost Estimates
- Phase 2b: Construction Documents, Permitting, and Construction Administration

We have provided an expanded scope for Phases 1 and 2a addressing the tasks necessary to meet these objectives. We will prepare a similar scope for Phase 2b upon completion of the Master Plan, when we have a better understanding of the extent of the planned development.

### Phase 1: Master Plan

#### *Task 1.1: Design Team Meeting #1/Project Kick-Off*

AKS will coordinate and attend a project kick-off meeting with City staff and the Parks Board to review existing information provided by the City; define the project vision, limits, and objectives; and define the project schedule. AKS will request a list of other documents the City may have that will aid in the design process, as well as a list of questions regarding the project. AKS will employ our open communication policy and expert project management processes to meet the schedule, scope, and budget.

#### *Deliverables:*

- List of requested documents needed for conceptual design
- Site visit and meeting with City staff and Parks Board
- Meeting summary of project team conversations
- List of key issues and considerations
- Updated project schedule

#### *Task 1.2: Arborist Review (optional)*

If requested, AKS will conduct a review of trees on and adjacent to the site to determine which trees are appropriate to retain vegetated features. If needed, AKS' arborists will:

- Conduct a tree survey identifying tree type, size, condition, etc.
- Prepare a tree hazard assessment

#### *Deliverables:*

- Tree preservation and removal plan

#### *Task 1.3: Wetland Delineation*

AKS will conduct a site visit to confirm and update wetland boundaries delineated in December of 2016 by AKS on the Putney Property, and delineate any potentially jurisdictional wetlands and waters on the Lambert Property. Due to the extreme wet conditions last winter and complications associated with filling wetlands, AKS proposes to reassess the previously performed wetland delineation and obtain more accurate data, if appropriate. AKS will Global

Positioning System (GPS) survey any revised boundaries and newly identified jurisdictional wetlands and waters boundaries, including the on-site portions of the Ordinary High Water Mark (OHWM) of Mill Creek. The GPS-surveyed wetlands and waters boundary CAD files will be used to assist with the preparation of the Master Plan.

*Deliverables:*

- Updated wetlands and waters data added to base file

*Task 1.4: Schematic Master Plan Design/  
Neighborhood Meeting*

Working with City staff, AKS will prepare up to three preliminary color concept plans showing potential layouts/programming for the new park, including those amenities the City has identified as most important. The designs will be based on AKS' topographic survey, considering a variety of factors such as impact to existing trees and wetlands, maximizing use of existing utilities and infrastructure, maintenance and utility access considerations, proximity to neighboring properties and the school, trail connectivity, and required frontage improvements. The concepts will be sent to staff for preliminary review. After refinement, the concepts will be presented at a neighborhood meeting for feedback from residents. Additionally, AKS will attend a City Council work session present the conceptual alternatives, solicit preliminary feedback on the alternatives, and respond to Council questions and feedback. AKS recommends that members of the Parks Board join the City Council work session.

*Deliverables:*

- Up to three color-rendered preliminary conceptual plans, including base maps, site analysis, and field layouts for presentation at the neighborhood meeting. Photo boards of example park amenities will also be provided.
- Participation at the neighborhood meeting
- Participation at a City Council/Parks Board work session
- Summary of comments from the public open house and City Council meeting, summary of project recommendations, and changes to the concept plans' project goals and layout

*Task 1.5: Design Team Meeting #2/Plan Refinement*

AKS will host a video conference or meet in person with City staff to review the conceptual master site plan options presented at the first neighborhood meeting, discuss City

and neighborhood concerns, discuss requested revisions, and receive direction on the overall project vision. AKS will then refine the design to a single preferred alternative draft plan, which will be forwarded to City staff for review. AKS will then present the preferred alternative to City Council and respond to their questions. AKS will work with City staff to incorporate final minor adjustments to the plan based on Council input.

*Deliverables:*

- Color-rendered preferred final master plan
- Participation at a City Council hearing

*Task 1.6: Cost Estimate*

AKS will prepare a preliminary cost estimate for the final preferred master plan.

*Deliverables:*

- Preliminary cost estimate

**Phase 2A: Land Use Approvals and Cost Estimates**

*Task 2A.1: Preliminary Site Development Plan/  
Design Team Meeting*

AKS will prepare a detailed site plan implementing the final preferred master plan and conforming to land development standards in the City's Municipal Code. AKS will meet with City staff to review this plan prior to finalizing the site plan. We recommend that this meeting be combined with a pre-application meeting with the Planning Department to discuss the land use process and submittal requirements. At this meeting, AKS will also discuss any additional materials needed for the land use application, such as a traffic report, arborist study, geotechnical investigations, etc.

*Deliverables:*

- Preliminary Site Development Plan
- Project meeting with staff and pre-application meeting
- Summary of meeting discussions and list of materials required for land use submittal

*Task 2A.2: DSL Wetland Delineation Report*

Locally significant wetlands associated with Mill Creek are mapped on the site and will require a DSL Wetland Delineation concurrence for land use approval, in accordance with Section 17.20.180 of the City's Land Use and Development Code and DSL current rules. AKS will prepare a Wetland Delineation summary report documenting the results of the wetland delineation completed in Phase 1.

*Deliverables:*

- Report and wetland delineation map for DSL concurrence

*Task 2A.3: Preliminary Land Development Plans/ Neighborhood Meeting*

Once the site plan design has been approved by the City, AKS will prepare a set of plans for the land use application. This will include existing conditions, a site plan, grading and erosion control, a utility plan, a lighting plan (if necessary), and a landscape plan. When the plans are at a completion level of 70%, AKS will hold a neighborhood meeting, as required, to solicit feedback and outline the public review process to the surrounding property owners. AKS will then hold a work session with the Parks Board to review public feedback and discuss any further refinements that may be needed.

*Deliverables:*

- 70% plan set for the land use application package
- Attend a neighborhood meeting
- Work session with City Council/Parks Board

*Task 2A.4: Land Use Application*

AKS will prepare a land use application package that includes a land use narrative addressing how the plan complies with applicable sections of the Stayton Municipal Code, a preliminary plan set, required application forms, neighborhood meeting documentation, and other materials identified by Planning staff. We will submit the application, work through the completeness review comments, review the Staff Report and conditions of approval, prepare a presentation to the Planning Commission, and manage the public hearing.

*Deliverables:*

- Land use application submittal package
- Planning Commission presentation/hearing

**Phase 2B: Construction Documents, Permitting, and Construction Administration**

Tasks under this phase will be developed in more detail after completion of Phases 1 and 2a. The tasks presented herein are for reference and based on AKS' understanding of the project, familiarity with the project site and City requirements, and experience performing similar projects.

*Task 2B.1: DSL/USACE Permitting*

Permanent and/or temporary impacts to jurisdictional wetlands and/or waters require authorization from DSL and potentially the USACE. If necessary, AKS will prepare a Joint Permit Application and necessary permit figures to obtain state and federal wetland removal-fill permits. AKS will also prepare a stormwater plan in accordance with National Oceanic and Atmospheric Administration (NOAA)'s Standard Local Operating Procedures for Endangered Species (SLOPES) V and Oregon Department of Environmental Quality (DEQ) Water Quality Certification requirements.

*Deliverables:*

- DLS/USACE Joint Permit Application
- Stormwater Management Plan

*Task 2B.2: 60% Construction Documents/Design Team Meeting #1*

AKS will use the land use plans developed in Task 2A.4 to develop 60% construction documents for City review. These documents will also address conditions from the land use review process. AKS staff will meet with the City to review the 60% design package and associated permitting issues.

*Deliverables:*

- 60% construction sheets
- Technical specifications
- Stormwater drainage report
- Updated cost estimate
- Updated project schedule

*Task 2B.3: 90% Construction Documents/Design Team Meeting #2*

Using the input gained in Task 2B.2, AKS will develop 90% construction documents. AKS staff will meet with the City to review the 90% design package.

*Deliverables:*

- 90% construction plans
- Updated specifications
- Updated cost estimate
- Updated schedule

#### Task 2B.4: 100% Construction Documents

AKS will develop 100% construction drawings as required for construction. This final plan set will address final comments from the City and meet all jurisdictional requirements. This task will also include development of final contract documents and specifications.

#### Deliverables:

- Final 100% construction plans
- Final specifications

#### Assumptions

- The survey work already completed by AKS is complete and accurate for use in the park planning and design process. Outside of arborist services (if requested), no additional survey field work is needed.
- Archaeological, geotechnical, structural, traffic, or cultural services are not included in AKS' scope. These services, if required, will be provided by subcontractors during Phase 2b.
- Private dry utilities (electric, telephone, gas, etc.) will be designed by others.
- An extension of Kindle Way though the project site is not anticipated to be required under this project.
- Water and sanitary sewer extensions will likely be required to serve on-site facilities. These items will be addressed in Phase 2b and are not detailed in this scope.
- Wetland fill may be required. As discussed in our approach, we are prepared to perform the required permitting and mitigation services to support this aspect. However, due to the costs and processes associated with filling wetlands, our conceptual design will attempt to avoid filling wetlands.

- Trail connections to the adjacent middle school are not anticipated to be included in this project.
- Zone changes, variances, and boundary survey services are not required.

#### Involvement from the City

AKS views our public sector clients as team members in the development of public projects. We strive to bring the same level of passion and commitment to the final product as you do. For development of the Mill Creek Park project, we will require the following involvement from City staff:

- Meet monthly with AKS staff via phone or in person to review progress and make any changes to the scope or schedule
- Attend public meetings
- Participate in land use planning approvals
- Review deliverables at appropriate intervals

#### Schedule

The schedule on the following page shows approximate timelines for the key tasks identified above. AKS is committed to having a final master planned concept and cost estimate ready for the Mill Creek Park project before March 8, 2018, which is the date identified for the completion of Phase 1 in the RFP. With these deliverables in hand, AKS will be able to support the City in pursuing grant and other funding sources for Phase 2 and construction. We have proposed a realistic timeline for land use approvals based our previous parks experience, and will work closely with the City to develop construction plans on a timeline that supports funding and other potential project limitations.

## Staff Hours, Rates, and Cost Estimate

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AKS has included a detailed cost estimate for Phases 1 and 2a, and hourly rates for staff that may work on both phases of the project in a separate, sealed envelope. Because the scope of work for Phase 2b will be strongly influenced by the park layout developed during Phases 1 and 2a, we will be in a position to provide the City with a much more accurate cost estimate for Phase 2b upon completion of Phase 2a.

Task	2017						2018								
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Phase 1: Master Plan</b>															
1															
2															
3															
4															
5															
6															
<b>Phase 2a: Land Use Approvals and Cost Estimates</b>															
1															
2															
3															
4															
<b>Phase 2b: Construction Documents, Permitting, and Construction Administration*</b>															
1															
2															
3															
4															

\* Approximate only. The Phase 2b schedule will be refined upon acceptance of the final concept under Phase 1.