



AGENDA STAYTON CITY COUNCIL MEETING

Monday, June 19, 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. June 5, 2017 City Council Minutes
- b. Acceptance of Abstract of Election Results – May 16, 2017
- c. CCRLS Amendment to Intergovernmental Agreement 2017-2018

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

Land Use File #1-02/17 – Application for Subdivision, 1103 Shaff Road, Hayden Homes, Inc.

- 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

UNFINISHED BUSINESS – None

NEW BUSINESS

Resolution No. 960, Authorizing Submittal of Grant Application to Bonneville Environmental Foundation **Action**

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

Charter Review Committee Proposed Changes **Action**

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

Resolution No. 962, City Fees and Charges **Action**

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

STAFF/COMMISSION REPORTS

Finance Department Report – Cindy Chauran & Elizabeth Baldwin **Informational**

- a. May 2017 Monthly Finance Department Report

Police Chief’s Report – Chief Rich Sebens **Informational**

- a. May 2017 Statistical Report

Public Works Director's Report – Lance Ludwick

Informational

- a. May 2017 Operating Report

Planning & Development Director's Report – Dan Fleishman

Informational

- a. May 2017 Activities Report

Library Director's Report – Janna Moser

Informational

- a. May 2017 Activities

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – July 3, 2017

- *Meeting Cancelled*

ADJOURN

CALENDAR OF EVENTS

JUNE 2017

Monday	June 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	June 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	June 26	Planning Commission	7:00 p.m.	Community Center (north end)

JULY 2017

Monday	July 3	City Council	Cancelled	
Tuesday	July 4	CITY OFFICES CLOSED IN OBSERVANCE OF FOURTH OF JULY HOLIDAY		
Wednesday	July 5	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	July 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	July 14	Community Leaders	7:30 a.m.	Covered Bridge Café
Monday	July 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	July 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 31	Planning Commission	7:00 p.m.	Community Center (north end)

AUGUST 2017

Tuesday	August 1	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	August 1	National Night Out	6:00 p.m.	Various City Parks
Monday	August 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	August 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	August 11	Community Leaders	7:30 a.m.	Covered Bridge Café
Wednesday	August 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	August 21	City Council	7:00 p.m.	Community Center (north end)
Monday	August 28	Planning Commission	7:00 p.m.	Community Center (north end)

SEPTEMBER 2017

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

OCTOBER 2017

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

**City of Stayton
City Council Meeting Action Minutes
June 5, 2017**

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

Time Start: 7:00 P.M.

Time End: 7:45 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 Jennifer Niegel (excused)	Lance Ludwick, Public Works Director
Councilor Brian Quigley	Janna Moser, Library Director
Councilor Joe Usselman	Rich Sebens, Chief of Police
	Andy Parks, Interim Financial Consultant

AGENDA	ACTIONS
REGULAR MEETING	
Announcements a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None. None.
Presentations / Comments from the Public a. Presentation from Kevin Mannix on a Potential Railroad Connection	Kevin Mannix and his associate Connor Harrington spoke about the importance of rail connections.
Consent Agenda a. May 15, 2017 City Council Minutes b. Collective Bargaining Agreement with AFSCME Local 3222	Motion from Councilor Kronquist, seconded by Councilor Glidewell, to approve the Consent Agenda as presented. Motion passed 4:0.
Public Hearing Certifying Eligibility and Electing to Receive State Revenue Sharing Funds a. Staff Report – Andy Parks b. Open Public Hearing c. Public Hearing d. Close Public Hearing e. Council Deliberation f. Council Decision on Resolution No. 956 and Resolution No. 957	Mr. Parks reviewed the staff report. Mayor Porter opened the hearing at 7:22 p.m. Brief discussion of gas tax and marijuana tax. Mayor Porter closed the hearing at 7:26 p.m. No discussion. Motion from Councilor Kronquist, seconded by Councilor Usselman, to approve Resolution No. 956 as presented. Motion passed 4:0. Motion from Councilor Kronquist, seconded by Councilor Usselman, to approve Resolution No. 957 as presented. Motion passed 4:0.
City of Stayton 2017-2018 Fiscal Year Budget a. Staff Report – Andy Parks b. Open Public Hearing	Mr. Parks reviewed the staff report. Mayor Porter opened the hearing at 7:33 p.m.

c. Public Hearing d. Close Public Hearing e. Council Deliberation f. Council Decision on Resolution No. 958, Adopting the FY 2017-2018 City Budget, Making Appropriations, and Levying Property Taxes for the Fiscal Year	None. Mayor Porter closed the hearing at 7:34 p.m. None. Motion from Councilor Kronquist, seconded by Councilor Glidewell, to adopt Resolution No. 958 as presented. Motion passed 4:0.
Unfinished Business	None.
New Business Resolution No. 959, Fiscal Year 2016-17 Budget Appropriations Transfers a. Staff Report – Andy Parks b. Council Discussion c. Council Decision	Mr. Parks reviewed the staff report. None. Motion from Councilor Kronquist, seconded by Councilor Quigley, to approve Resolution No. 959 as presented. Motion passed 4:0.
Staff / Commission Reports	
Presentations / Comments From the Public a. Judy Mohney	Ms. Mohney thanked the City for making information easily accessible. She also spoke about the recent Tour of Possibilities in downtown Stayton. Councilor Quigley thanked Ms. Mohney for her work on the Charter Review Committee.
Business from the Mayor	Mayor Porter spoke about the recent passing of Bruce Phillippi.
Business from the Council	None.
Business from City Administrator	Mr. Campbell briefly spoke about the passage of the recent gas tax in the May election.
Future Agenda Items – Monday, June 5, 2017 a. Revised Fee Schedule b. City of Stayton Charter c. CCRLS Agreement d. Hayden Homes Appeal Hearing	

APPROVED BY THE STAYTON CITY COUNCIL THIS 19TH DAY OF JUNE 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: June 19, 2017
SUBJECT: Acceptance of Abstract of Election Results – May 16, 2017

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 May 16, 2017 and citizens of Stayton cast votes for the following:

- Gas Tax on Motor Fuels

OPTIONS

Accept the Abstract of Election Results

MOTION(S)

Consent Agenda approval.

Canvass Report

Run Time 1:52 PM
Run Date 5/31/2017

Marion County, Oregon

May 16, 2017 Special District Election

5/16/2017
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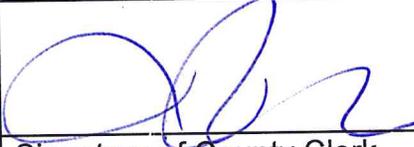
Official results

Registered Voters
44960 of 185321 = 24.26 %

Precincts Reporting
123 of 123 = 100.00 %

24-419: City of Stayton-Gas tax on motor fuels

Precinct	Yes	No	Cast Votes	Overvotes	Undervotes	Write-Ins	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
655	585	557	1142	0	25	0	1167	1167	4655	25.07 %
Totals	585	557	1142	0	25	0	1167	1167	4655	25.07 %

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.	
	5/31/2017
Signature of County Clerk Bill Burgess	Date of Abstract



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

TO: Mayor Porter and the Stayton City Council
FROM: Janna Moser - Library Director
DATE: June 19, 2017
SUBJECT: Renewal of Chemeketa Community Regional Library Service contract

ISSUE

CCRLS annual contract renewal

ENCLOSURES

Amendment to Intergovernmental Agreement-Contract #10196400, Amendment #04 Attachment A; Exhibit 1 to Amendment 04

BACKGROUND INFORMATION

CCRLS was formed in 1973 to help provide library services in the tri-county area, with its service boundaries the same as those of Chemeketa Community College. All residents currently pay \$.08 per thousand to CCRLS services. From those tax dollars an annual reimbursement is provided to member libraries based 50% on the assessed valuation of property in the local service area and 50% on the number of items circulated to non-residents in addition to the services outlined below.

FISCAL IMPACT

Disbursement to the Stayton Public Library of \$83,315 for FY2017-18.

Quarterly reimbursements for net lending at \$1.50 per item.

Continued participation in the Cooperative which provides these services at no additional charge:

- SirsiDynix Symphony (the Integrated Library System)
- RFID technology, equipment and supplies
- Courier service 5 days a week
- Fiber optic internet connection, network support and security
- IT support 24/7
- Computers - six OPACS, five circulation, one reservation station and one Self-Check
- Scanners and thermal receipt printers
- Envisionware PC reservation system, additional software and licensing

- Reimbursement for materials lost by non-Stayton patrons
- Access to OCLC WorldCat for lending
- Training, and mileage reimbursement to trainings and meetings
- Original cataloging for materials
- Online resources, databases and e-books
- Patron access to over 500,000 items
- E-commerce (for patrons to pay fees online)
- Collection agency service

OPTIONS

Approve, deny or direct modification of the proposed agreement

MOTION(S)

N/A Included as a consent agenda item

Chemeketa Cooperative
Regional Library Service



Community. Literacy. Technology.

P.O. Box 14007, Salem, OR 97309-7070 - Phone: 503.315.4584 - Fax: 503.399.7316

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
FOR LIBRARY PARTICIPATION IN CHEMEKETA COOPERATIVE REGIONAL
LIBRARY SERVICE (2017-2018)**

Contract #1019400, Amendment #04

This Agreement is by and between Chemeketa Community College hereafter known as COLLEGE, and City of Stayton, by and through its Stayton Public Library, hereafter known as CCRLS PARTICIPATING ENTITY.

Purpose: The purpose of this amendment is to add funding for the 2017-18 fiscal year and to replace Attachment A. Statement of Work Consideration with a revised attachment.

- 1) **Attachment A Statement of Work/Consideration** is deleted in its entirety and replaced by the revised **Attachment A Statement of Work/Consideration** which is attached to this amendment #04 as **Exhibit 1** and which is incorporated herein by this reference.
- 2) **Attachment A1 Compensation Schedule 2016-2017** is deleted in its entirety and replaced by the revised **Attachment A1 Compensation Schedule 2017-2018** which is attached to this amendment #04 as **Exhibit 2** and which is incorporated herein by this reference.
- 3) **Attachment B Council Members 2016-2017** is deleted in its entirety and replaced by the revised **Attachment B Council Members 2017-2018** which is attached to this amendment #04 as **Exhibit 3** and which is incorporated herein by this reference. This Attachment will be updated in September 2017 and may be further updated during the amendment period from time to time. A revised Attachment B. will be sent via e-mail.
- 4) This amendment #04 is effective upon signature by both parties. The changes to Attachment A1 are effective for the period July 1, 2017 - June 30, 2018 upon signature by both parties.

Signatures
(see next page)

Parties concur that all other terms and conditions of the original Agreement, and the terms and conditions of any Amendment to the original agreement, shall remain in effect.

In witness whereof, the parties hereto have caused this agreement to be executed on the date set forth below, effective as of the date set forth herein.

For College:

For CCRLS PARTICIPATING ENTITY:

(Signature) (Date)
John Goodyear
Executive Director
Chemeketa Cooperative Regional Library Service

Signature of Library Director
(Signature) (Date)

Printed Name of Library Director

Printed Title of Library Director

Signature of Authorized Entity Signer
(Signature) (Date)

Printed Name of Authorized Entity Signer

Printed Title of Authorized Entity Signer

Chemeketa Community College is an equal opportunity/affirmative action employer and educational institution.
To request this publication in an alternative format, please call 503.399.5192.

Exhibit 1 to Amendment for 2017-2018 CCRLS Participation Agreement

Attachment A Statement of Work/Consideration

1) Statement of Work

- a) Under this agreement CCRLS PARTICIPATING ENTITY shall:
 - 1) Provide at least the basic level of service to nonresidents within the COLLEGE District and to nonresident staff currently employed with the COLLEGE. Basic level of service is defined as ten checkouts and ten holds per person at a time, utilizing individual rather than household cards.
 - 2) Provide free borrowing privileges to card holding residents/patrons of other participating CCRLS cities (including Silver Falls District) and all currently registered College students who present a valid library card.
 - 3) Ensure that in no case shall card-holding residents of the CCRLS district receive less than the basic level of service from CCRLS PARTICIPATING ENTITY.
 - 4) CCRLS PARTICIPATING ENTITY may, at its sole option, elect to provide services to persons incarcerated in county, state, or federal jail or prison facilities. CCRLS PARTICIPATING ENTITY may, at its sole option, elect not to allow its owned materials to be circulated to such facilities.
 - 5) Notify each current non-resident cardholder within its geographic zone at least 30 days prior to instituting a fee for service above the basic level. No advance notification is necessary for fee increases.
 - 6) Provide reference and information services to patrons of the participating libraries of the CCRLS District in cooperation with COLLEGE and other participating libraries.
 - 7) Provide for the regular participation of the library director in meetings of the Polk, Yamhill and Marion Library Association (PYM) and as may be necessary in meetings of the CCRLS Advisory Council. CCRLS depends on member participation. Regular participation shall be defined as attendance by the library director at each meeting, unless excused. CCRLS PARTICIPATING ENTITY library director's attendance at the September meeting of the PYM Association is highly encouraged. Library directors will have private secure email for communicating confidential CCRLS information. Directors will provide a chain of command to allow coverage in their absence.
 - 8) Provide for the regular participation of library staff at subcommittee meetings and training events provided by COLLEGE. CCRLS will reimburse mileage at current college rates; roundtrip from participating library to the meeting/training. Reimbursement will be made biannually.
 - 9) Assume full responsibility for the accuracy of data at its entry into the automation system database, and for updating that data accurately to reflect the proper links to the material in its library. Such data includes, but is not limited to Barcode number, library location, volume number, call number, copy number, type of material, status, etc.
 - 10) Take reasonable measures to protect equipment in CCRLS PARTICIPATING ENTITY's possession from abuse, theft, and misuse, CCRLS PARTICIPATING ENTITY shall, while in possession of the computer system hardware, including peripheral devices, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism or other

sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS PARTICIPATING ENTITY shall have no obligation under this paragraph with respect to loss resulting from defect in the computer system itself, or from the acts of vandals gaining access to the computer system programs. Or data accessed externally and not by the application of physical force to the tangible components of the system; and, provided further, that the CCRLS PARTICIPATING ENTITY shall not be liable under this Agreement for any consequential damages incident to any loss under this section.

- 11) Prepare, provide, and maintain the furniture and physical location for installation of automated system terminals and equipment in its library. This responsibility includes network, cable installation, electrical power, and environment, all meeting industry, manufacturer and vendor specifications.
- 12) CCRLS PARTICIPATING ENTITY may purchase equipment and software to expand and enhance its own operations; provided that such equipment and software is acceptable to CCRLS as compatible with the automated system. CCRLS shall not be responsible for maintenance of CCRLS PARTICIPATING ENTITY equipment, but will configure and ensure CCRLS network connectivity. CCRLS PARTICIPATING ENTITY shall not connect or install any such equipment or software without the review and written approval of CCRLS after at least 90 days prior to notice by CCRLS PARTICIPATING ENTITY. CCRLS may remove non approved equipment from the network at CCRLS discretion. To facilitate this approval it is recommended that CCRLS PARTICIPATING ENTITY include CCRLS in the examination and selection process. CCRLS cannot be responsible for making equipment and software work if this process is not followed. Any computer device connected to the CCRLS network must have approved anti-virus security software and a current, secure Operating System. CCRLS PARTICIPATING ENTITY will not alter COLLEGE network or workstation equipment within their building without communication or direction from CCRLS.
- 13) Provide library staff possessing minimum level of technical ability and skill, with available phone access, to provide an onsite interface with CCRLS technical staff.
- 14) Notify CCRLS of any desired reductions to the number of CCRLS PARTICIPATING ENTITY software licenses held through group software purchases if at all possible at least three months prior to renewal.

b) Under this agreement College shall:

- 1) Provide for the fiscal and administrative management of the CCRLS
 - a. Maintain the following:
 1. The Chemeketa Cooperative Regional Library Advisory Council hereinafter referred to as the CCRLS Advisory Council, through which recommendations on policies of the Service can be expressed. The present membership of the CCRLS Advisory Council which shall be updated as needed and sent electronically for inclusion to all Library Directors and posted on the CCRLS website.
 2. An ongoing liaison with Polk, Yamhill and Marion Library Association (PYM) (or their executive committee) through which recommendations on procedures and their implementation can be expressed.

- b. Provide operation and maintenance of the CCRLS Automated System and related databases, including:
1. Maintain bibliographic, circulation, and borrower data in an automated database management system. Design, applications, enhancements of, and major changes of operation to the automated system database management system shall be subject to review by the PYM Technology Committee.
 2. Manage the CCRLS automated system under the terms of this agreement and other applicable agreements with vendors and participating library so that CCRLS PARTICIPATING ENTITY has access to its bibliographic, circulation, and borrower records during library business hours, and at other times as agreed upon between the CCRLS PARTICIPATING ENTITY Library Director and the CCRLS Executive Director. The management responsibility for the automated system includes the obligation of CCRLS to monitor and evaluate entries for new materials and retrospective conversion of cataloging of old materials in order to maintain the highest quality bibliographic MARC database.
 3. Acquire and provide for effective maintenance and support of all essential present and future, central and remote automated system equipment at its own expense; and provide for secure installation and housing for automated system except such automated system equipment as is acquired by CCRLS PARTICIPATING ENTITY for installation at its library, or as otherwise provided in Attachment A 1) Statement of Work a) 13) of this agreement.
 4. Coordinate and assume cost for installation of telecommunications equipment and lines at CCRLS PARTICIPATING ENTITY's central and branch libraries for use with automated system. Parties agree that COLLEGE does not control, and therefore cannot warrant, the telecommunication networks used to communicate data from a remote site, nor does this agreement cover maintenance of telecommunication lines.
 5. Acquire and furnish to CCRLS PARTICIPATING ENTITY, at COLLEGE's direct cost, certain necessary supplies and services, such as utilities, library cards, bar codes, patron notices, storage media, and other supplies except printer paper, cartridges and toner which may be required to provide the services of automated system to CCRLS PARTICIPATING ENTITY.
 6. Provide through CCRLS, at CCRLS PARTICIPATING ENTITY's request, specialized reports not regularly generated by automation system. CCRLS PARTICIPATING ENTITY shall reimburse COLLEGE for the cost of providing such special reports at College request.
 7. Coordinate all service, support, equipment purchases and maintenance necessary to the proper operation of automated system and enforce rules and standards for use of automated system by participating libraries. CCRLS PARTICIPATING ENTITY shall enter, retrieve, modify, and delete data in and from automated system in accordance with those rules and standards.
 8. Maintain agreements for hardware maintenance and software support with current provider of library automation service(s).

CCRLS shall provide reasonable approved maintenance and support for automated system hardware and software not provided by automation vendor. CCRLS shall provide reasonable prior notice to CCRLS PARTICIPATING ENTITY when system operation must be suspended for operational or maintenance requirements. CCRLS shall exercise its best efforts to schedule such periods of suspension during hours when CCRLS PARTICIPATING ENTITY's libraries are closed. Except for suspension of operation for necessary system maintenance or because security of the CCRLS automated system database or software is compromised or damaged, CCRLS shall not "lock out" CCRLS PARTICIPATING ENTITY terminals from automated system.

9. Provide, through CCRLS, one or more dedicated telephone lines to serve the system, and related telecommunication equipment as provided in the agreement with the vendor for the automation system, and pay all related installation, acquisition, maintenance, and use cost.
10. Except for equipment and software purchased by CCRLS PARTICIPATING ENTITY under Attachment A 1) Statement of Work a) 13), all automated system hardware, software, and other capital equipment shall remain the property of COLLEGE, and CCRLS PARTICIPATING ENTITY shall have no claim thereto other than the right to use thereof under this AGREEMENT.
11. Contract for hosting maintenance and backup of CCRLS automated system data. In the event of system malfunction or loss of data, CCRLS shall promptly arrange for restoration of the most recently backed up data to the system once it is again functioning. No liability is assumed by CCRLS if the automated system experiences down time or loss of data which cannot be recovered.
12. Provide training for at least one CCRLS PARTICIPATING ENTITY staff person at any time the automated system operating systems or procedures are changed, enhanced, or otherwise revised. CCRLS shall provide up-to-date access to on-line user manuals for CCRLS PARTICIPATING ENTITY's staff. All other training of CCRLS PARTICIPATING ENTITY staff shall be the responsibility of CCRLS PARTICIPATING ENTITY. CCRLS PARTICIPATING ENTITY shall designate one staff position responsible for coordinating training and operations matters with the CCRLS staff person responsible for automation system operations.
13. Provide for general maintenance and utilities to support the CCRLS automated system. This obligation includes janitorial service, maintenance painting as necessary, structural repairs, lighting and electrical system maintenance, and HVAC maintenance.
14. While providing computer network access to the CCRLS automated system, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism, or other sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS PARTICIPATING ENTITY shall have no obligation under this

paragraph with the acts of vandals gaining access to the computer system, programs, or data tangible components of the system; and, provided further, that CCRLS PARTICIPATING ENTITY shall not be liable under this agreement for any consequential damages incident to any loss covered under this section.

15. Provide personnel for the operation of the system. "Operation" includes: use of supplied software to generate reports, notices, lists, and similar documents and files; preparation and sending of overdue notices, hold notices, reports, billings, and other specified documents produced for routine system operation by the vendor(s) of the system and its installation, maintenance, or support of software, or the maintenance, repair or replacement of hardware or firmware.
16. Through its governing board, retain final authority over the policies and decisions relating to budget, operating procedures, system design, participation by other libraries, and other like issues of a general policy nature affecting their operation of CCRLS and automated system. The board, however, shall not take such actions without the recommendation of the CCRLS Advisory Council.
17. In serving card-holding CCRLS district nonresident patrons, abide by each CCRLS PARTICIPATING ENTITY's rules and procedures regarding borrowing privileges. In no case shall card-holding residents of the CCRLS district receive less than the basic level of service from COLLEGE.
18. Provide a quarterly financial report to the CCRLS Advisory Council that includes revenue and expense information for the quarter and year to date, compared to a) current year budget and b) prior year for the same period. The report will be made available to CCRLS participating entities.
19. Reimburse CCRLS PARTICIPATING ENTITY for library materials borrowed by non-residents under this AGREEMENT and not returned by the borrowers within six months of due date. CCRLS PARTICIPATING ENTITY hereby transfers and assigns all interests in such materials and all rights to unpaid overdue fines and replacement charges with respect thereto.
20. Provide regular courier service between the participating libraries.
21. May coordinate group purchasing of CCRLS related equipment, software or non-essential supplies, as needed, to assist CCRLS PARTICIPATING ENTITY and other participants. Charges for purchased supplies, equipment, services, maintenance contracts, delivery charges, postage, etc. will be billed to CCRLS PARTICIPATING ENTITY at direct cost and payable to COLLEGE.
22. Coordinate group purchasing of printer and computer management software licenses from Envisionware (or subsequent vendor) and will invoice CCRLS PARTICIPATING ENTITY annually for CCRLS PARTICIPATING ENTITY's proportionate share of software licenses.
23. Coordinate group purchasing of such CCRLS-related services on behalf of member libraries including, but not limited to Debt

Collect, ORBIS and Cascade Alliance Courier. College will invoice CCRLS PARTICIPATING ENTITY annually or quarterly for the cost of these services on a usage basis.

24. CCRLS will create and co-manage library websites on an acceptable/affordable platform. CCRLS will create a general site template, from which multiple library sites will be derived and customized.

At least one individual at each participating library shall be identified and trained to serve as their library site's principal editor. Subsequently, access to sites will be granted to these individuals, who will then assume primary responsibility for content development and general maintenance.

A CCRLS account will retain "ownership" (a defined role of the platform) of these sites. Relevant training will be delivered by CCRLS staff at the Chemeketa Salem Campus. Attendance will be mandatory for local site editors. Libraries which currently have a registered domain name will need to investigate options for mapping that domain to the new platform. Libraries without a registered domain name will receive an alias under the ccrls.org domain

Upon adoption of the service, participating libraries will be charged a proportionate share of the hosting fees, if any.

c. Electronic Payments for Fines, Lost Book Charges, or Other Charges

1. Through CCRLS, collect and process electronic payments for fines, lost book charges, or other charges owed to CCRLS member libraries.
2. Process charges that are paid only through the shared library automation system operated by COLLEGE.
3. COLLEGE shall not be financially responsible to refund corrected charges to a library patron. Any dispute of charges is the responsibility of CCRLS PARTICIPATING ENTITY to resolve with the patron. Deductions from the merchant banking account will be deducted from the next regular payment to the associated CCRLS PARTICIPATING ENTITY library.
4. Compile and calculate charges on a monthly basis. However, payment to CCRLS PARTICIPATING ENTITY will be made on a quarterly basis. In the event the amount due to CCRLS PARTICIPATING ENTITY is less than \$15, the payment may be held for the next quarterly payment.
5. Make payment to CCRLS PARTICIPATING ENTITY in the amount paid on their behalf, minus merchant services for the period. Associated fees will be distributed on a pro-rata basis to each library based on the percentage of total funds collected that month and total fees that month.
6. COLLEGE shall be credited payments for unidentified charges, or for items which COLLEGE has previously reimbursed CCRLS PARTICIPATING ENTITY.

7. COLLEGE shall acknowledge responsibility only for the amount of any correction without penalty.
8. COLLEGE shall, at all times during the term of this Agreement, comply with Oregon Revised Statutes Chapter 295 and shall deposit any fines, fees, charges, or other payments collected pursuant to this Agreement in an institution included in the Oregon State Treasurer's list of Qualified Depositories for Public Funds.
9. COLLEGE shall, at all times during the term of this Agreement, comply with all Payment Card Industry Data Security Standards and shall annually provide to CCRLS PARTICIPATING ENTITY a copy of its current PCI compliance certificate, and that of any acquirer, third party provider, or processor that is used in providing services pursuant to this Agreement

2) Consideration

- a) CCRLS PARTICIPATING ENTITY will be compensated by COLLEGE in the amount shown in Attachment A1 – Compensation Schedule for CCRLS PARTICIPATING ENTITY for providing nonresident library service for the residents of the COLLEGE District. Payments shall be made in four equal installments at the end of each quarter as provided herein.
- b) CCRLS PARTICIPATING ENTITY will be compensated by COLLEGE CCRLS PARTICIPATING ENTITY for each net loan provided, i.e., the difference between the number of CCRLS PARTICIPATING ENTITY items loaned to and checked out in another CCRLS library and the number of items owned by other CCRLS libraries borrowed and checked out by the CCRLS PARTICIPATING ENTITY library. Tabulation of net loans shall be provided by the CCRLS automated integrated library system. Each net loan shall be paid in the amount shown in Attachment A1. Payments shall be made quarterly as provided herein.
- c) City of Salem Only: The City of Salem will be paid a monthly Interlibrary Loan Service Fee by COLLEGE on a quarterly basis for as long as they fulfill the central role as Referral Center for the CCRLS OCLC ILL Referral Center. The Interlibrary Loan Referrals fee for each year of this Agreement shall be as found in Attachment A1. Salem Library agrees to provide quarterly ILL statistics to CCRLS.
- d) City of Newberg Only: In consideration for participation in the CCRLS system and in lieu of taxes, since the CCRLS PARTICIPATING ENTITY is outside the area taxed to provide this service, the CCRLS PARTICIPATING ENTITY shall pay to the COLLEGE the sum shown in Attachment A1 on or before December 15 of each year.
- e) CCRLS PARTICIPATING ENTITY will be invoiced by College for services and licensing, provided through group purchases quarterly or annually as more specifically described in subsections of Section 1) b) 1) b. (Including but not limited to §21, 23, 24, 25) and fees described in 1) b) 1).c.
- f) Payments made or invoices issued under this Agreement, either for full or partial payment, shall reference the College contract number written herein.

**EXHIBIT 2 TO 2017-2018 CCRLS PARTICIPATION AMENDMENT
ATTACHMENT A1 COMPENSATION SCHEDULE FY 2017-18**

Non-Resident Library Service Fee to CCRLS PARTICIPATING ENTITY Library by College

Library	Amount	Quarterly Payment
AMITY	\$6,194	\$1,548
CHEMEKETA (Chemeketa Community College)	\$7,812	\$1,953
DALLAS	\$78,050	\$19,512
DAYTON	\$7,200	\$1,800
INDEPENDENCE	\$56,885	\$14,221
JEFFERSON	\$15,931	\$3,983
LYONS	\$12,660	\$3,165
MCMINNVILLE	\$161,709	\$40,427
MONMOUTH	\$80,493	\$20,123
MT ANGEL	\$16,349	\$4,087
NEWBERG	\$72,430	\$18,108
SALEM	\$604,005	\$151,001
SHERIDAN	\$15,255	\$3,814
SILVER FALLS (Silver Falls Library District)	\$76,873	\$19,218
STAYTON	\$83,315	\$20,829
WAGNER LIBRARY (Falls City School District)	\$3,343	\$836
WILLAMINA	\$15,759	\$3,940
WOODBURN	\$78,165	\$19,541

Net Loan Payment to CCRLS PARTICIPATING ENTITY by College: The net loan payment rate for fiscal year 2017-18 shall be \$1.50 per item.

Interlibrary Loan Referrals Service Fee (City of Salem Only): The Interlibrary Loan Referrals payment to the City of Salem for fiscal year 2017-18 shall be \$1791.66/mo., payable quarterly for a \$21,500 annual maximum.

Participation Payment to College (City of Newberg Only): The participation payment to College by the City of Newberg for fiscal year 2017-18 shall be \$141,268.



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: June 19, 2017
SUBJECT: Applicant's Appeal of Conditions of Approval by Planning Commission
120 DAYS ENDS: waived by applicant until July 19, 2017

ISSUE

The issue before the City Council is a public hearing on an appeal by Hayden Homes, LLC regarding the Planning Commission's conditions of approval on their application to subdivide the property at 1103 Shaff Road. The City Council accepted the appeal at its June 15 meeting and scheduled this public hearing. The City Council scheduled the hearing as a *de novo* hearing, which brings the entire review of the subdivision application under the jurisdiction of the City Council.

BACKGROUND INFORMATION

Staff will be entering into the City Council record all of the application and review materials that were before the Planning Commission. Whereas the appeal addresses only the conditions of approval imposed by the Planning Commission regarding traffic impacts and street improvements, the entire application packet and review materials have not been included in the City Council's packet. All of the submission items and review memoranda are still posted on the City's website. Any City Council member who would like to review more information, may find them at http://www.staytonoregon.gov/page/gov_planning_agendas_minutes.

The packet includes only the information relative to the issues being raised on appeal. Included in the packet are the following documents:

- The application for subdivision approval with the applicant's narrative and the plans submitted at the time
- Executed order of approval from Planning Commission
- Appeal form and letter from applicant
- June 8 letter from Alan Sorem
- June 8 email from MCPW
- Shaff Road striping diagram and cross section

The City Council was previously provided the technical information regarding traffic impacts and street improvements. These are all posted on the website cited above and not provided to the Council again. If Council members want copies to review prior to or at the hearing, Alissa will print them for you if you request.

ANALYSIS

The appellant submitted an application for a 51-lot subdivision for the 13-acre parcel to the west of the Stayton Middle School. The subdivision has frontage on Shaff Road. The planning Commission held a public hearing on the application on February 27, 2017. At the public hearing, staff presented its analysis of the application and a draft order that would have imposed three conditions of approval. Among the review documents were memoranda from the City's transportation engineering consultant, Kittelson Associates, and from Marion County Public Works that requested clarification and corrections on the applicant's Transportation Impact Analysis. An addendum to the TIA was submitted the afternoon of the public hearing. Because there was not adequate time to review the addendum, the Planning Commission closed the public hearing, but kept the record open for written testimony regarding the issue of traffic impacts and scheduled deliberations on the application for their March 27 meeting.

At the Planning Commission's February 27 hearing, the applicant testified they had an objection to only one of the proposed conditions of approval, dealing with Section 17.26.020.5.c, which establishes a maximum block length of 600 feet. Staff had suggested a condition that required the subdivision to be redesigned to meet this standard and the applicant suggested an alternative to moving the streets. On April 10, the Planning Commission found the application could be made consistent with the Land Use and Development Code with certain modifications and conditions, and granted approval with a number of conditions. The Planning Commission modified the condition of approval for compliance with Section 17.26.020.c to allow for a mid-block walk rather than shortening the length of the block.

There are two conditions of approval that the applicant has objected to in their appeal: the requirement to construct an east-bound left turn lane on Shaff Rd at Kindle and the requirement to complete a half street improvement along the applicant's frontage along Shaff Rd. It should be noted that the draft order presented to the Planning Commission at their February hearing did not include the condition of approval for an east-bound left turn lane. It did, however, include the requirement for a half street improvement and for review and approval of the plans by Marion Co. The applicant did not object to this condition of approval before the Planning Commission.

Half Street Improvement

There are two sections of the municipal code that have control. Section 12.04.030.1 states

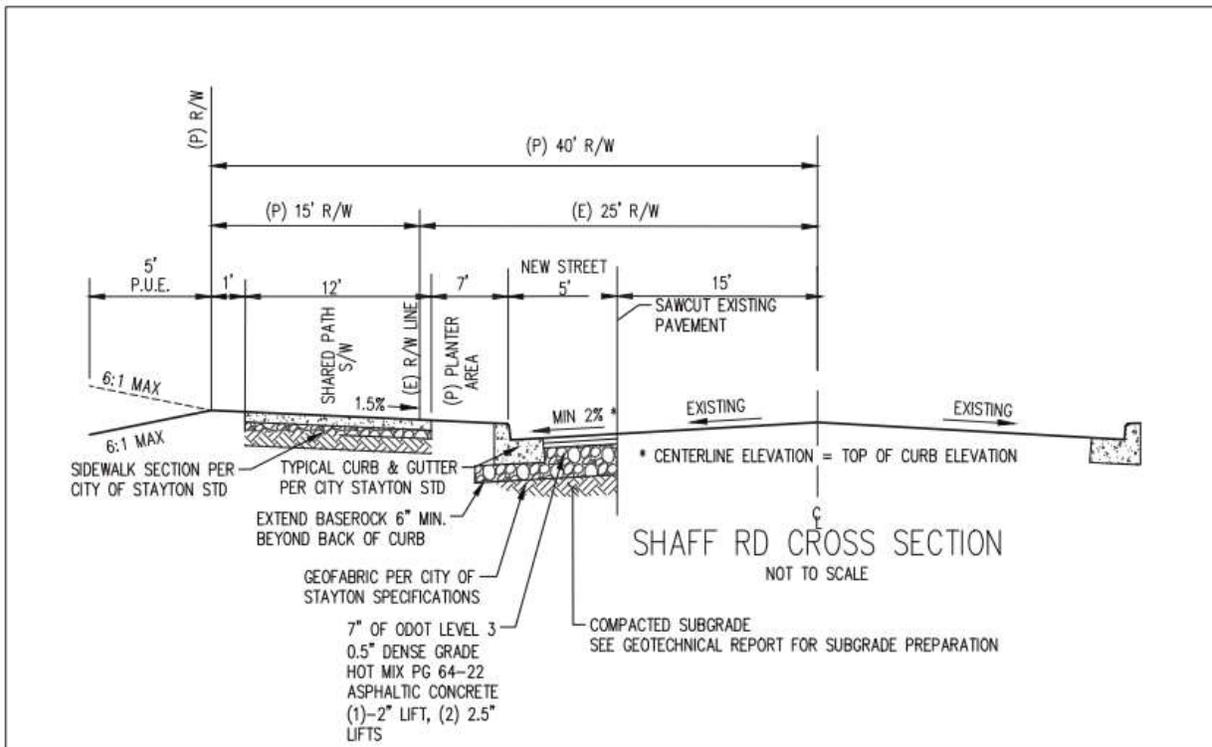
1. Except as provided in Sections 12.04.040 through 12.04.380 of this chapter, no person shall construct any building or structure or parking lot improvements within the City and no parcel of land shall be divided within the City, unless:
 - a. The street(s) and sidewalk(s) bordering such lot or area are fully improved to City standards and
 - b. The right-of-way adjacent to the property has been dedicated to the City of Stayton, Marion County or the State of Oregon

All street improvements and right-of-way dedications shall comply with the requirements of this Chapter, the Stayton Transportation System Plan, SMC Chapter 12.08 “Standard Specifications”, and SMC Chapter 17.26 “Transportation Requirements”.

Section 17.26.050.12 establishes the conditions of approval that should be considered as part of every land use action and includes

- d. Half-street improvements along site frontages that do not have full-buildout improvements in place at the time of development.

As part of their application, the applicant proposed improvements to Shaff Road to expand the pavement and construct a 12-foot multi-use pathway along the north right of way line. Their application included the following diagram to illustrate their proposal for improvements to Shaff Rd (see sheet C9 of the attached subdivision plans).



Shaff Road does not have full-buildout improvements along the frontage of the subject property. Shaff Road is classified as a Minor Arterial street by the City’s Transportation System Plan. The Stayton Public Works Design Standards (PWDS) call for full-buildout improvements to Shaff Road of a 50-foot improvement width with two 12-foot travel lanes and a 14-foot center left turn lane; two 6-foot bicycle lanes and no on-street parking. The PWDS also call for an 8-foot property line sidewalk and a 6-foot landscape area between curb and sidewalk. A portion of the Geometric Design Requirements table from the PWDS is reproduced below.

Construction of the above specifications from the PWDS would require relocation of the franchise utility transmission poles in order to accommodate the 25-foot half-street improvement. Whereas the transmission poles are estimated to cost \$75,000 each to move, the City developed an alternative improvement section for the portion of Shaff Road between

Right-of-way Width (ft)	Improvement Width (ft) (curb - curb)	Number & Size Lanes (No. / Width)	Bicycle Lanes (No. / Width)	On-street Parking (No. / Width)	Sidewalk Alignment	Sidewalk Width (ft)	Landscape Area Width (ft)	Street where the Standard is to Apply		At Major Intersections		Roadway Jurisdiction
								Specific Street	Where Standard will Apply	Lanes **	Intersection Locations	
Major (Principal) Arterial												
Variable	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Highway 22	Along northern Stayton UGB	N/A	Varies	ODOT
100'	74'	4/12' + 14'	2/6'	No	Property line	6'	6'	Cascade Highway	Highway 22 to Regis Street (TSP shows 5 lanes)	5 lanes	Shaff	Marion Co.
Minor Arterial												
100'	74'	4/12' + 14'	2/6'	No	Property line	6'	6'	Golf Club Road ¹	Highway 22 to Shaff Road	5 lanes	Shaff	Marion Co.
80'	50'	2/12' + 14'	2/6'	No	Property line	8'	6'	Shaff Road ²	Wilco Road to 1 st Avenue	5 lanes	1 st Avenue & Wilco	Marion Co.
60'	40'	2/12'	2/6'	No	Property line	6' - 8'	5' - 8' varies	W. Washington Street ³	Wilco Road to 1 st Ave. (City RAW per TSP)	3 lanes	1 st Coefer & Wilco	City

Kindle Way and Cascade Highway when the design for improvements associated with the Wildlife Meadows subdivision was being discussed.

The alternative improvement section developed by the City of Stayton for this section of Shaff Road calls for only a 42-foot improvement width without a bicycle lane on the north side. The sidewalk is expanded from 8 feet in width to a 12-foot multi-use path to accommodate bicycle and pedestrian traffic. This allows the power transmission poles to remain in place and avoids close to a \$1 million in relocation costs over the length of Shaff Road. There are three transmission poles on the subject property, saving over \$200,000 in relocation costs to the applicant and will reduce costs of street widening.

After substantial discussion with Marion County Public Works, the alternative improvement section was acceptable to Marion County. This alternative improvement section has now been constructed to the east of the Stayton Middle School and improvements designed in accordance with the alternative improvement section have been approved by MCPW and the City for the frontage of the Stayton Middle School and are anticipated to be constructed during the summer of 2017.

Shaff Road is a Marion County maintained street. Therefore, Marion County has jurisdiction over improvements to the street and intersections involving Shaff Rd. Regardless of the City's land use process or conditions of approval, any work within the Shaff Rd right of way requires a permit from MCPW. The Planning Commission's condition of approval that is under appeal requires submission of engineered constructions plans and supporting documentation to be submitted to the City and to MCPW (as applicable) for review and approval prior to the issuance of the City's Site Development Permit. The condition requires

Prior to issuance of a Site Development Permit, the Developer shall provide written documentation that Marion County Public Works has reviewed and approved the Shaff Road street improvement plans. The Developer shall design, permit and construct up to a half-street urban frontage improvement adjacent to the Shaff Road property frontage in accordance with appropriate City and County standards...

The condition to construct a half-street improvement is required by Section 12.04.030.1 which requires the street and sidewalk to be fully improved in association with the division of property within the City and Section 17.26.050.12.d which indicates that conditions of approval to require half-street improvements shall be evaluated for all land use proceedings.

Included in the packet are two pieces of correspondence from June 8, 2017. The first is a letter from the applicant's attorney. The second is an email from John Rasmussen of Marion County Public Works. Together, the two documents constitute an agreement for proposed improvements to Shaff Rd. The applicant and the County have agreed to provide a 35.5-foot improvement with curb and gutter on the north side, a 7-foot landscape strip and 12-foot multi-use path. The applicant appears to have agreed to add a minimal amount of paving and assure there is a 4.5-foot gravel shoulder on the south side of the street.

East-bound Left Turn Lane

The applicant's TIA studied the operation of a number of intersections, including the intersection of Kindle Way and Shaff Rd. The TIA noted that this intersection currently operates at Level of Service C during the morning, afternoon, and evening peak hours. The TIA concluded that this intersection would continue to operate at LOS C in 2019, following build-out of the subdivision. (page 14) The TIA concluded that a left turn lane at the Kindle Way intersection for eastbound traffic on Shaff Rd would not be warranted.

While Kittelson's review of the TIA asked for some clarifications and additional information, there were no comments regarding the operation of the subject intersection. MCPW's review of the TIA noted that the TIA did not cite the methodology used in the left turn lane warrant analysis. MCPW noted that the County uses the Texas Transportation Institute methodology, provided in the ODOT publication, Analysis Procedures Manual Version 1 to determine if left-turn warrants are met. MCPW indicated that this methodology suggests that the criteria for an eastbound left turn lane on Shaff Road at Kindle Way are met. Therefore, MCPW requested the Planning Commission impose a condition of approval that requires construction of an eastbound left turn lane on Shaff Rd at Kindle Way, with associated widening and tapers.

In response to the review comments from Kittelson and MCPW, the applicant submitted an addendum to the TIA. The TIA Addendum notes that the methodology preferred by the County may not be appropriate in the current situation and further noted that the left-turn lane warrants are not mandates but are intended to serve as guidance. (page 6)

Kittelson replied to the TIA Addendum by noting they "have no further technical comments." In response to a question from staff, Kittelson clarified that "the City's standards will be met without the eastbound left turn lane."

MCPW's March 13 letter noted that the original TIA did not address left-turn lane warrants at Shaff Road to Kindle Way. The basis for the requested condition was satisfaction of a left-turn lane warrant analysis prepared by county staff based upon left-turning volumes projected by the TIA. The March 13 letter states Shaff Rd is designated an arterial street by both the County and by the City's TSP, and that impeding traffic speeds is not viewed as advantageous. Finally, MCPW pointed out that the left turn lane would be consistent with the frontage improvements adjacent to the proposed Lambert Place subdivision, Stayton Middle School, and Wildlife Meadows development.

Based on the record in front of it and the correspondence noted above and fully included in your packet, the Planning Commission included the condition of approval requested by Marion County and required construction of the eastbound left turn lane. Staff recommends the City Council include the same condition in its approval.

The appeal raised the issue that as a "needed housing" development, ORS 197.307(4) requires the City to apply only clear and objective standards, conditions and procedures to the application. The appeal argues that one of the Planning Commission's conditions is not clear and objective.

The draft order provided to the City Council is modified from the Order of Approval from the Planning Commission by the inclusion of reference to two additional sections of Code. Section 17.26.050.10 address intersection operation standards and Section 17.26.050.12 specifies the

conditions of approval that should be considered as part of a subdivision application. These standards are clear and objective. The draft order includes findings and conclusions relative to these standards, that were not included in the Planning Commission order.

The appellant has argued that the condition of approval to obtain approval from Marion County Public Works prior to commencing construction of improvements to a County-maintained street is not a clear and objective condition, because the condition of approval does not specify the standards by which approval will be granted and is an improper delegation of the City's authority to MCPW.

The applicant's June 8 letter requests that City Council include a "finding" that a portion of the Shaff Rd improvements are "qualified public improvements," as defined in Section 13.12.205 of the Stayton Municipal Code. Staff has not included such a finding in the draft order, believing that it is inappropriate to do so. The applicant has not requested such a finding regarding the conditions of approval that a 12-inch sewer line be installed in the development or that a 10-inch water line be installed in the project. If a required improvement is a qualified public improvement, the developer is due reimbursement for some of the costs for its installation. Section 13.12.245 spells out the procedures for granting credits to the developer for future SDCs based on the costs of construction qualified public improvements. Working out the extent of those credits is an administrative function carried out by the Public Works Department with the assistance of the City Attorney. It is not proper or necessary for the Order of Approval under the land use process to state whether there are qualified public improvements or not and failure to do so does not impact the City's obligation to provide SDC credits to the applicant.

RECOMMENDATION

Staff recommends the City Council approve the application with conditions and has provided a draft order which reflects the Staff's recommendation. The draft order provided to the City Council includes two of the three conditions of approval that were imposed by the Planning Commission. The third condition of approval from the Planning Commission required revision or supplementation of the Transportation Impact Analysis. This was accomplished prior to the close of the record before the Planning Commission and this condition should have been removed before final order of approval was adopted.

The draft order presented to the City Council resembles the Planning Commission's order, but has additional Code standards and findings inserted. The City Council's draft order includes findings relative to Section 17.26.050.10 and Section 17.26.050.12, which were not cited in the Planning Commission's order. The draft order reflects the agreement on Shaff Rd improvements that are documented in the June 8 correspondence from the applicant and MCPW.

OPTIONS AND MOTIONS

Staff has provided the City Council with a number of options, each with an appropriate motion. The Planning and Development Department recommends the first option.

1. Approve the application, adopting the draft order as presented.

I move the Stayton City Council approve the application of Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) and adopt the draft order presented by Staff.

2. Approve the application, adopting modifications to the draft order.

I move the Stayton City Council approve the application of Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) and adopt the draft order with the following changes...

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

I move the Stayton City Council approve the application of Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) 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 July 17, 2017 meeting.

4. Deny the application, directing staff to modify the draft order.

I move that the Stayton City Council deny the application Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) 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 July 17, 2017 meeting.

5. Continue the hearing until July 17, 2017.

I move the Stayton City Council continue the public hearing on the application of Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) until July 17, 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 Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) but maintain the record open to submissions by the applicant until July 3, 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 July 17, 2017.

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 Hayden Homes for preliminary subdivision plan approval (Land Use File #1-02/17) until July 17, 2017.



CITY OF STAYTON
APPLICATION TO APPEAL A LAND USE DECISION

APPELLANT: Hayden Homes
Address: 2464 SW Glacier Place, Suite 110
City/State/Zip: Redmond, OR 97756
Phone: () Contact - Consultant
Email: Contact Consultant - AKS Engineering & Forestry

PROPERTY OWNER: Lambert LT, et al.
Address: 1103 Shaff Road SE
City/State/Zip: Stayton, OR 97383
Phone: () Contact - Consultant
Email: Contact Consultant - AKS Engineering & Forestry

APPELLANT'S REPRESENTATIVE: Mark D. Shipman, Saalfeld Griggs PC
Address: Park Place, Suite 200, 250 Church Street NE
City/State/Zip: Salem, OR 97301
Phone: (503) 399 - 1070
Email: mshipman@sqlaw.com

ORIGINAL APPLICANT: Hayden Homes
Address: 2464 SW Glacier Place, Suite 110
City/State/Zip: Redmond, OR 97756
Phone: () Contact - Consultant
Email: Contact Consultant - AKS Engineering & Forestry

DECISION MAKER WHOSE DECISION IS BEING APPEALED:
[] City Planner [x] Planning Commission

APPEALS BODY TO WHOM APPEAL IS BEING MADE:
[] Planning Commission [x] City Council

DATE OF DECISION BEING APPEALED Notice sent 4/11/2017
LAND USE FILE NUMBER Subdivision 1-02/17

CONSULTANT
Joey Shearer
AKS Engineering & Forestry
4300 Cherry Avenue NE
Keizer, OR 97309

1. Basis of appeal (attach additional pages if necessary):
Please see attached written response.

2. Identify sections of SMC Title 17 that apply to this appeal:
Please see attached written response.

3. Signature of Appellant: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Appeal received by: UEM Date: 4-25-17 Fee Paid: \$ 400.00 Receipt No. 10,002322

April 25, 2017

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

RE: Appeal of Planning Commission Decision on Subdivision #1-02/17

Dear Mr. Fleishman,

Pursuant to Stayton Municipal Code (SMC) Section 17.12.110, please accept this letter, accompanying information, and the \$400 fee as a formal written appeal of the Planning Commission decision on Subdivision #1-02/17. This written appeal is submitted to the City within 14 days of the mailing of the Notice of Decision.

Section 17.12.110

(***)

4. SPECIFICITY. Issues of appeal must be raised with sufficient specificity before the appeal body to have afforded the decision authority and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue.

RESPONSE: As stated in the application, the Lambert Place subdivision is a "Needed Housing" application. "Needed Housing" is defined in Oregon Revised Statute (ORS) 197.303(1)(a) as including owner and renter-occupied single family housing. Oregon Revised Statute 197.307(4) provides that a local government may apply only clear and objective standards, conditions, and proceedings regulating the development of needed housing on buildable land. See also OAR 660-008-0005. The subject property is identified as buildable land.

The Planning Commission approved the subdivision subject to several conditions. The following excerpts from Condition 1(a) of the Planning Commission decision are not clear and objective conditions based on a clear and objective standard:

Prior to issuance of a Site Development Permit, the Developer shall provide written documentation that Marion County Public Works has reviewed and approved the Shaff Road street improvement plans.

As stated in the findings adopted by the Planning Commission, the City's consulting traffic engineer concludes "that the City's standards for traffic impacts are met." In addition to holding the project to the undefined standard of Marion County Public Works "review" and "approval,"

this condition is a delegation of the City's authority to Marion County Public Works. It is also not clear to which specific, clear, and objective decision criteria this condition of approval is related.

The Developer shall design, permit and construct up to a half-street urban frontage improvement adjacent to the Shaff Road property frontage in accordance with appropriate City and County standards and shall include an exclusive eastbound left-turn lane on Shaff Rd at Kindle Way, with associated widening and tapers.

The Planning Commission findings include the statement that, "Kittelson has indicated that the Shaff/Kindle intersection will operate within City standards without the left-turn lane." Substantial evidence in opposition to this fact was not presented by any party, yet the City imposes a condition that the applicant bear the entire burden for constructing an off-site transportation improvement that the Transportation Impact Analysis as well as the City's consulting traffic engineer deemed unnecessary and not required by any applicable standards.

The primary finding in the Planning Commission's Executed Order, upon which the condition appears to be based is as follows:

MCPW requested a condition of approval that the applicant [sic] an exclusive east bound left-tum lane on Shaff Road at Kindle Way, with associated widening and tapers. This condition of approval is based on Marion County standards. Kittelson has indicated that the Shaff/Kindle intersection will operate within City standards without the left-tum lane.

Again, the condition holds the project to ambiguous "appropriate City and County standards" including "associated widening and tapers," and delegates the City's authority to Marion County.

Developer shall be responsible to preserve and protect the current PCI rating and the structural integrity of Shaff Road to the satisfaction of Marion County Public Works throughout all phases of development.

Again, the City delegates its authority and holds the project to an ambiguous standard related to "the satisfaction of Marion County Public Works."

Finally, in *Koontz v. St. Johns River Water Management District*, the U.S. Supreme Court held that requiring off-site improvements is an exaction of money, and is therefore subject to the "rough proportionality" requirement of *Dolan v. City of Tigard*. Under the Dolan test, the City bears the burden of proof and must show in its findings that any exaction-type conditions are roughly proportional to the impacts of the project. Both the County and the City fail to address, let alone justify, this proportionality test. In addition to the other deficiencies listed above, the

improvements required by the conditions are so ambiguous as to make such justification impossible.

The Planning Commission appears to tie the numerous requirements in Condition 1(a) to SMC Section 17.26.050(11), presented in its entirety, below.

Section 17.26.050 Transportation Impact Analysis Requirements

- 11. Review Policy and Procedure. The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.*
- a. The road system is designed to meet the projected traffic demand at full build-out.*
 - b. Proposed driveways do not adversely affect the functional character of the surrounding roadways.*
 - c. Adequate intersection and stopping sight distance is available at all driveways.*
 - d. Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard*
 - e. Opportunities for providing joint or crossover access have been pursued.*
 - f. The site does not rely upon the surrounding roadway network for internal circulation.*
 - g. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.*
 - h. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.*

The findings under SMC Section 17.26.050(11) do not directly address (a) through (h), several of the standards in Section 17.26.050(11) are neither clear nor objective, and the findings do not justify how the conditions are necessary to meet any of the applicable approval standards.

In summary:

- The City (and County) failed to apply only clear and objective standards, conditions, and proceedings.
- The City (and County) failed to adopt findings that the conditions requiring off-site improvements are necessary to meet any of the applicable approval standards.
- The City (and County) failed to conduct the required rough proportionality analysis related to conditions for off-site improvements.

Consequently, the Applicant requests that the City Council hold a hearing on the record to amend the Planning Commission decision, striking the elements of Condition 1(a) that are not clear and objective, unnecessary to meet the applicable approval standards, and/or do not meet the proportionality test.



CITY OF STAYTON
APPLICATION FOR PARTITION OR SUBDIVISION

Application for: [X] Subdivision [] Partition

PROPERTY OWNER: Lambert LT, et al.
Address: 1103 Shaff Road
City/State/Zip: Stayton, OR 97383
Phone: () Contact - Consultant
Email: Contact Consultant

APPLICANT: Hayden Homes - Eric Peterson
Address: 2464 SW Glacier Place, Suite 110
City/State/Zip: Redmond, OR 97756
Phone: () Contact - Consultant
Email: Contact Consultant

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

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Joey Shearer, AKS Engineering
Address: 4300 Cherry Avenue NE
City/State/Zip: Keizer, OR 97303
Phone: (503) 563 - 6151
Email: shearerj@aks-eng.com

ENGINEERING
Name: David Karr, AKS Engineering
Address: 4300 Cherry Avenue NE
City/State/Zip: Keizer, OR 97303
Phone: (503) 400 - 6028
Email: davidk@aks-eng.com

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 [X] engineer

LOCATION:

Street Address: 1103 Shaff Road
Assessor's Tax Lot Number and Tax Map Number: 091W04D Tax Lot 300
Closest Intersecting Streets: Shaff Road and Kindle Way SE

DESCRIPTION OF PROPOSAL: Total Acreage: ± 13.1 No. of Lots 51

ZONE DISTRICT: MD Medium Density Residential

NAME OF PROPOSED SUBDIVISION (does not apply to partitions): Lambert Place

SIGNATURE OF APPLICANT: Eric Peterson

DO NOT WRITE BELOW THIS LINE

Application received by: Date: Fee Paid: \$ Receipt No.

Land Use File#

easement. If the streets within the subdivision are lighted, the accessways shall also be lighted at residential/residential illumination standard. See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.21, Street Lighting for actual specific street lighting standards. Stairs or switchback paths may be used where grades are steep. Any vegetation planted within the accessway shall be less than 30 inches in height and must not create a safety issue for pedestrians and bicyclists.

RESPONSE: No cul-de-sac streets are planned. Therefore, the criteria do not apply.

c. **Street Connectivity and Formation of Blocks (Block Length and Perimeter Standard).**

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site development shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway measured from right-of-way line to right-of-way line as shown in Figure 17.26.020.5.c.

1) **Residential Districts.**

Minimum 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter;

RESPONSE: As shown on the Preliminary Phased Subdivision Plans, the new looped inner street connects outward to Kindle Way SE at two locations that align with the existing Meadowlark Drive and Eagle Street intersections. Applicable block design standards are met and addressed in the response to Section 17.24.050(6), above. Therefore, the criteria are met.

17.26.050 **TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS**

(***)

11. **Review Policy and Procedure.** The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.

- a. The road system is designed to meet the projected traffic demand at full build-out.
- b. Proposed driveways do not adversely affect the functional character of the surrounding roadways.
- c. Adequate intersection and stopping sight distance is available at all driveways.
- d. Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.
- e. Opportunities for providing joint or crossover access have been pursued.
- f. The site does not rely upon the surrounding roadway network for internal circulation.

-
- g. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
 - h. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.

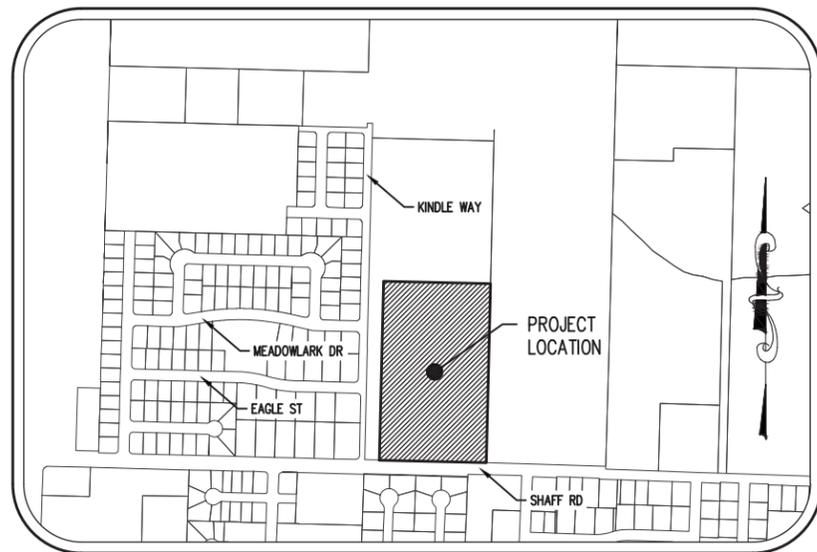
RESPONSE: The Transportation Impact Analysis is provided as Exhibit D. The applicable criteria are met.

IV. Conclusion

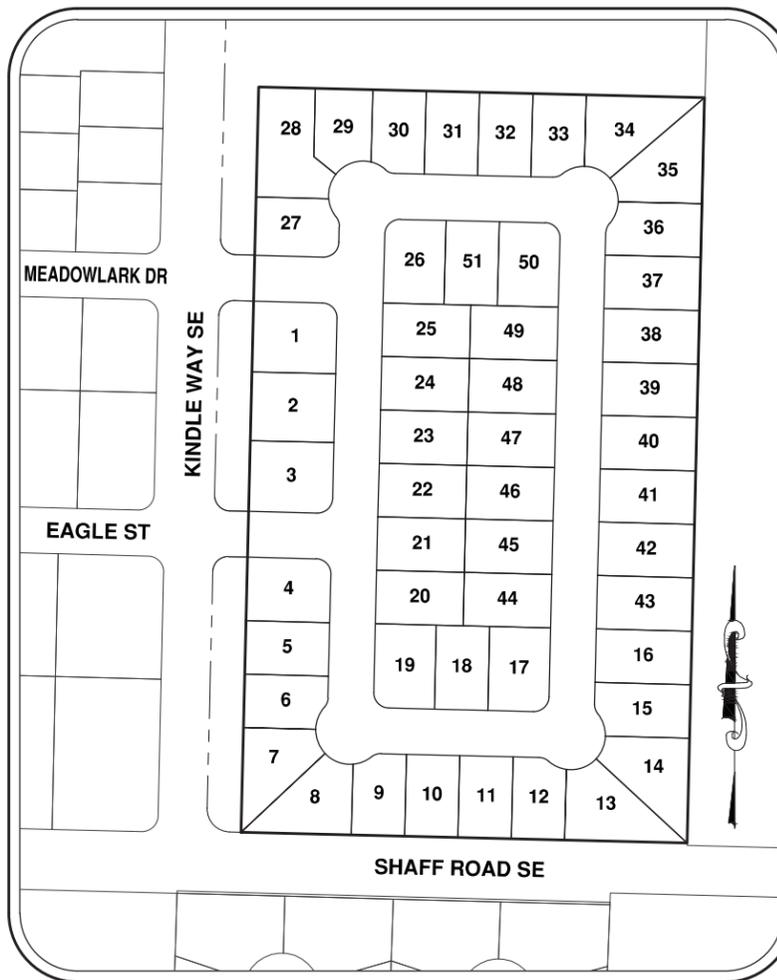
The required findings have been made, and this written narrative and the accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Stayton Land Use and Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the applicant respectfully requests the City approve this Phased Subdivision application.

LAMBERT PLACE

PRELIMINARY PHASED SUBDIVISION PLANS



VICINITY MAP
1"=500'



SITE MAP
1"=120'

**PLANNING/
CIVIL ENGINEERING /
SURVEYING FIRM**
AKS ENGINEERING & FORESTRY, LLC
CONTACT: DAVID KARR, PE, PLS
4300 CHERRY AVE NE
KEIZER, OR 97303
PH: 503-400-6028
FAX: 503-400-7722

APPLICANT
HAYDEN HOMES
CONTACT: ERIC PETERSON
2464 SW GLACIER PLACE, SUITE 110
REDMOND, OR 97756

PROPERTY OWNER
LAMBERT LT, ET AL.
1103 SHAFF ROAD SE
STAYTON, OR 97383

SHEET INDEX

C0	COVER SHEET
C1	EXISTING CONDITIONS PLAN
C2	PRELIMINARY DEMOLITION AND TREE REMOVAL PLAN
C3	PRELIMINARY PLAT
C4	PRELIMINARY PHASING PLAN
C5	PRELIMINARY PAVING PLAN
C6	PRELIMINARY CONCEPTUAL UTILITY PLAN
C7	PRELIMINARY STORMWATER PLAN
C8	PRELIMINARY STREET PROFILES
C9	PRELIMINARY STREET SECTIONS

PROPERTY LOCATION:

1103 SHAFF ROAD
STAYTON, OREGON 97383

PROPERTY DESCRIPTION:

TAX LOT 300, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 SOUTH, RANGE 1 WEST, MARION COUNTY OREGON.

EXISTING LAND USE:

SINGLE-FAMILY HOME, ASSOCIATED BUILDINGS, AND PASTURE

PROPOSED LAND USE:

51-LOT SUBDIVISION FOR FUTURE SINGLE-FAMILY HOMES

VERTICAL DATUM

VERTICAL DATUM: ELEVATIONS ARE BASED ON TRIMBLE VRS NETWORK NAD88(2011). OBSERVED ELEVATIONS WERE THEN ADJUSTED TO NGVD29 DATUM - 3.507 FROM A COMPUTED DATUM SHIFT AT A POINT WITH GRID VALUES OF (NORTH 525879.408 EAST 7603616.408).

WETLANDS

NO MAPPED WETLANDS ON THE PROPERTY ARE SHOWN IN THE CITY OF STAYTON LOCAL WETLANDS AND RIPARIAN INVENTORY, JULY 1998.

ANTICIPATED CONSTRUCTION SCHEDULE

PHASE 1: 2017-2018
PHASE 2: 2018-2019

PLANNING COMMISSION ACTION _____
DATE OF DECISION _____

EXISTING		PROPOSED		EXISTING		PROPOSED	
DECIDUOUS TREE			STORM SEWER CLEAN OUT				
CONIFEROUS TREE			STORM SEWER CATCH BASIN				
FIRE HYDRANT			STORM SEWER AREA DRAIN				
WATER BLOWOFF			STORM SEWER MANHOLE				
WATER METER			GAS METER				
WATER VALVE			GAS VALVE				
DOUBLE CHECK VALVE			GUY WIRE ANCHOR				
AIR RELEASE VALVE			POWER POLE				
SANITARY SEWER CLEAN OUT			POWER VAULT				
SANITARY SEWER MANHOLE			POWER JUNCTION BOX				
SIGN			POWER PEDESTAL				
STREET LIGHT			COMMUNICATIONS VAULT				
MAILBOX			COMMUNICATIONS JUNCTION BOX				
			COMMUNICATIONS RISER				

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE		
OVERHEAD WIRE		
COMMUNICATIONS LINE		
FIBER OPTIC LINE		
GAS LINE		
STORM SEWER LINE		
SANITARY SEWER LINE		
WATER LINE		

AKS
AKS ENGINEERING & FORESTRY, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
P: 503-400-6028
F: 503-400-7722
aks-eng.com

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

LAMBERT PLACE
STAYTON
OREGON
MARRION COUNTY TAX MAP 09 1W 04D
TAX LOT 300

COVER SHEET

DESIGNED BY: DMK
DRAWN BY: SDB
CHECKED BY: DMK
SCALE: AS NOTED
DATE: 01/30/2017
REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
DAVID M. KARR, P.E.
EXPIRES: JUNE 30, 2017
REVISIONS:

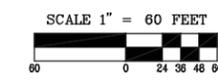
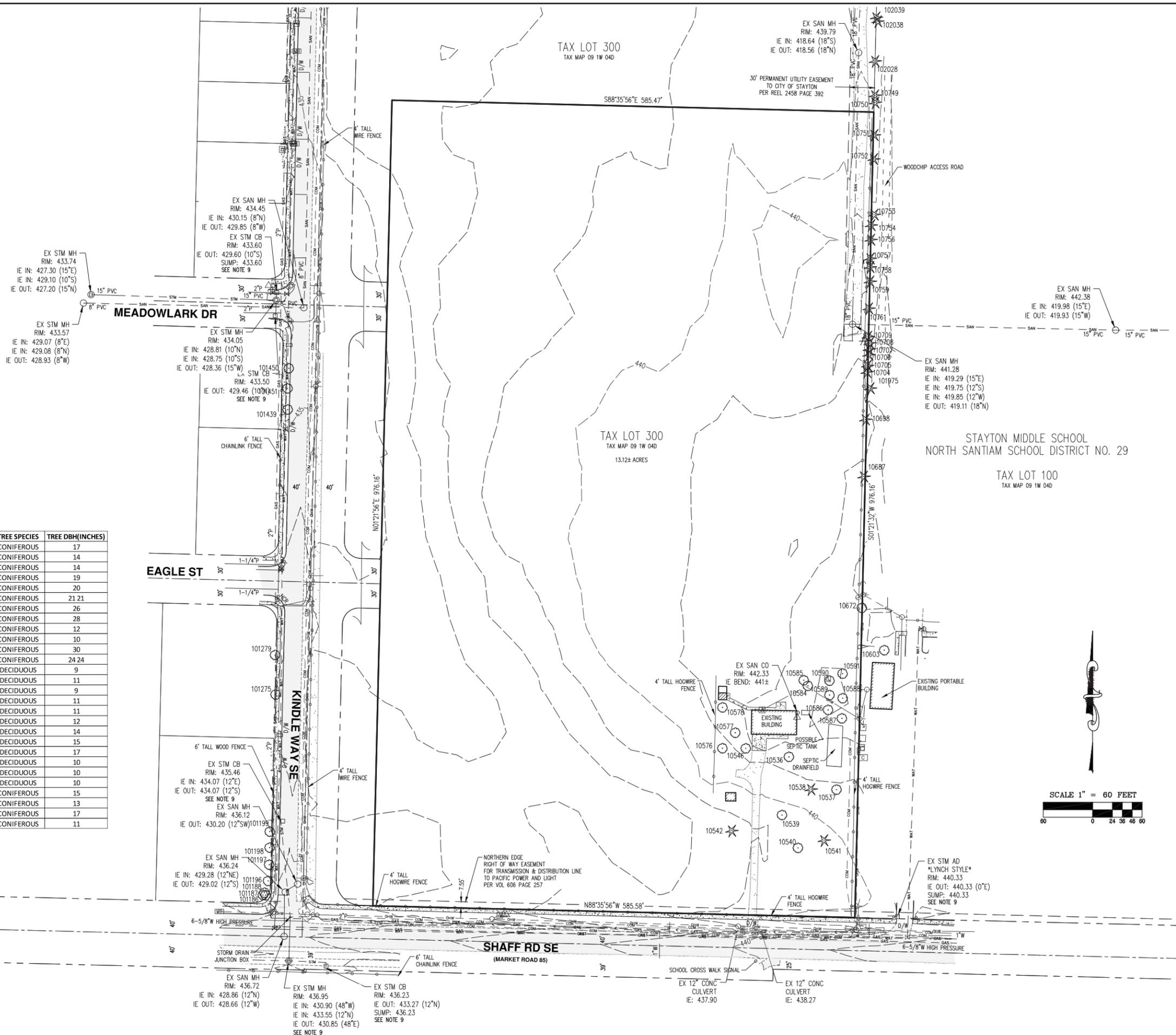
JOB NUMBER
5519
SHEET
C0

NOTES:

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 16291337 & 16293992. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- SURVEY FIELD WORK WAS CONDUCTED DECEMBER 2, 5, 6, 12 AND 14TH 2016.
- THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON TRIMBLE VRS NETWORK NAD88(2011). OBSERVED ELEVATIONS WERE THEN ADJUSTED TO NGVD29 DATUM -3.507 FROM A COMPUTED DATUM SHIFT AT A POINT WITH GRID VALUES OF (NORTH 425879.408 EAST 7603616.408).
- SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
- BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
- BASIS OF BEARING IS OREGON STATE PLANE COORDINATE SYSTEM OF 1983. A LOCAL DATUM PLANE SCALED FROM OREGON STATE PLANE NORTH 3601 NAD83(2011) EPOCH 2010.0000 BY HOLDING A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001036254 AT A CALCULATED CENTRAL POINT WITH GRID VALUES OF (NORTH 425879.408 EAST 7603616.408)
- DATA TO THE WEST AND NORTH OF SUBJECT SITE WAS PROVIDED BY BARKER SURVEYING. "BARKER" DATA WAS THEN INTEGRATED WITH FIELD DATA ACQUIRED BY AKS FIELD CREWS ON THE DATES LISTED IN NOTE 1. THE ACCURACY OF THE DATA PROVIDED BY BARKER CANNOT BE VERIFIED AND WAS INTEGRATED WITH AKS DATA PER CLIENT REQUEST.
- UTILITY PIPE INVERTS ARE PER SAID "BARKER" DATA AND HAVE NOT BEEN VERIFIED BY AKS.

TREE TABLE:

TREE NUMBER	TREE SPECIES	TREE DBH(INCHES)	TREE NUMBER	TREE SPECIES	TREE DBH(INCHES)
10536	DECIDUOUS	13	10709	CONIFEROUS	17
10537	DECIDUOUS	10.9	10749	CONIFEROUS	14
10538	CONIFEROUS	14	10750	CONIFEROUS	14
10539	DECIDUOUS	12	10751	CONIFEROUS	19
10540	DECIDUOUS	9	10752	CONIFEROUS	20
10541	CONIFEROUS	24.9	10753	CONIFEROUS	21.21
10542	CONIFEROUS	20	10754	CONIFEROUS	26
10546	DECIDUOUS	4.4 6	10756	CONIFEROUS	28
10576	DECIDUOUS	5 6 6 10	10757	CONIFEROUS	12
10577	DECIDUOUS	18	10758	CONIFEROUS	10
10578	DECIDUOUS	17	10759	CONIFEROUS	30
10584	DECIDUOUS	33	10761	CONIFEROUS	24 24
10585	DECIDUOUS	27	101186	DECIDUOUS	9
10586	DECIDUOUS	4	101187	DECIDUOUS	11
10587	DECIDUOUS	8 6 8	101188	DECIDUOUS	9
10588	DECIDUOUS	8 7 5	101196	DECIDUOUS	11
10589	DECIDUOUS	6 6	101197	DECIDUOUS	11
10590	DECIDUOUS	7	101198	DECIDUOUS	12
10591	DECIDUOUS	8 8 5	101199	DECIDUOUS	14
10603	DECIDUOUS	6	101275	DECIDUOUS	15
10672	DECIDUOUS	5 5 5 5 11 6	101279	DECIDUOUS	17
10687	CONIFEROUS	19	101439	DECIDUOUS	10
10698	CONIFEROUS	28	101450	DECIDUOUS	10
10704	CONIFEROUS	28 26	101451	DECIDUOUS	10
10705	CONIFEROUS	12	101975	CONIFEROUS	15
10706	CONIFEROUS	12	102028	CONIFEROUS	13
10707	CONIFEROUS	15	102038	CONIFEROUS	17
10708	CONIFEROUS	12	102039	CONIFEROUS	11



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 aks-eng.com

LAMBERT PLACE
STAYTON
OREGON
 TAX MAP 09 1W 04D

EXISTING CONDITIONS
PLAN

DESIGNED BY: DMK
 DRAWN BY: SDB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 02/26/2018

REGISTERED PROFESSIONAL LAND SURVEYOR
Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 7052LS
 RENEWS: 6/30/18

REVISIONS

JOB NUMBER
5519

SHEET
C1

KEYED DEMOLITION NOTES (LTR)

- A PLUG, ABANDON, AND/OR REMOVE EXISTING UTILITY LINES PER CITY AND/OR UTILITY CO. STANDARDS.
- R CONTRACTOR TO REMOVE AND HAUL OFF SITE FOR DISPOSAL.
- R1 REMOVE/DECOMMISSION EXISTING SEPTIC TANK AND DRAINFIELD PER COUNTY REQUIREMENTS.
- R2 REMOVE EXISTING FENCE
- R3 REMOVE EXISTING GRAVEL ROAD
- P PROTECT

LEGEND

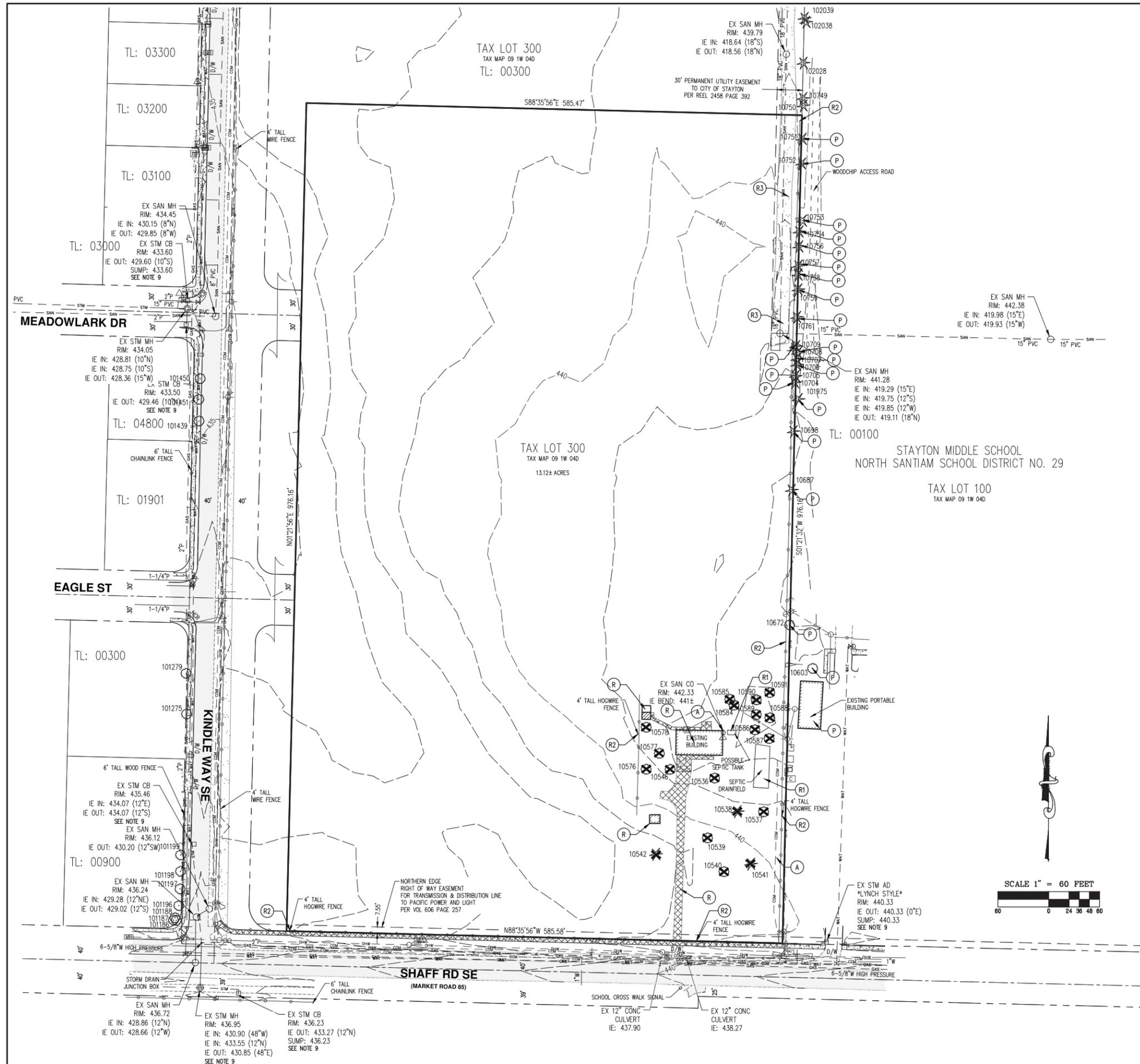
- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT)
- GRADING LIMITS
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- TREE REMOVAL
- AC TO BE REMOVED

NOTE: SEE COVER SHEET FOR GENERAL PLAN LEGEND

TREE TABLE:

TREE NUMBER	TREE SPECIES	TREE DBH(INCHES)	TO BE REMOVED	
10536	DECIDUOUS	13	X	
10537	DECIDUOUS	10.9	X	
10538	CONIFEROUS	14	X	
10539	DECIDUOUS	12	X	
10540	DECIDUOUS	9	X	
10541	CONIFEROUS	24.9	X	
10542	CONIFEROUS	20	X	
10546	DECIDUOUS	4.4	X	
10576	DECIDUOUS	5.6	10	X
10577	DECIDUOUS	18	X	
10578	DECIDUOUS	17	X	
10584	DECIDUOUS	33	X	
10585	DECIDUOUS	27	X	
10586	DECIDUOUS	4	X	
10587	DECIDUOUS	8.6	X	
10588	DECIDUOUS	8.7	X	
10589	DECIDUOUS	6.6	X	
10590	DECIDUOUS	7	X	
10591	DECIDUOUS	8.8	X	
10603	DECIDUOUS	6	X	
10672	DECIDUOUS	5.5	5.5	11.6
10687	CONIFEROUS	19	X	
10698	CONIFEROUS	28	X	
10704	CONIFEROUS	28	26	
10705	CONIFEROUS	12	X	
10706	CONIFEROUS	12	X	
10707	CONIFEROUS	15	X	
10708	CONIFEROUS	12	X	
10709	CONIFEROUS	17	X	
10749	CONIFEROUS	14	X	
10750	CONIFEROUS	14	X	
10751	CONIFEROUS	19	X	
10752	CONIFEROUS	20	X	
10753	CONIFEROUS	21	21	
10754	CONIFEROUS	26	X	
10756	CONIFEROUS	28	X	
10757	CONIFEROUS	12	X	
10758	CONIFEROUS	10	X	
10759	CONIFEROUS	30	X	
10761	CONIFEROUS	24	24	
101975	CONIFEROUS	15	X	
102028	CONIFEROUS	13	X	
102038	CONIFEROUS	17	X	
102039	CONIFEROUS	11	X	

NUMBER OF TREES TO BE REMOVED 19 (43%)
 NUMBER OF TREES TO BE SAVED 25

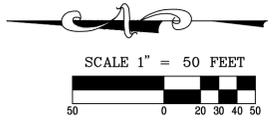


AKS DRAWING FILE: 5519PRELIMDEMOLITION.DWG | LAYOUT: C2

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD
C1	20.00'	90°44'03"	31.67'	S46°00'18"W
C2	20.00'	39°34'19"	13.81'	S18°25'13"E
C3	45.00'	16°12'02"	12.72'	N30°18'47"W
C4	45.00'	17°07'24"	13.45'	S13°39'04"E
C5	45.00'	43°28'13"	34.14'	S16°38'44"W
C6	45.00'	65°51'35"	51.73'	N71°18'38"E
C7	45.00'	26°50'46"	21.08'	N62°20'11"W
C8	20.00'	39°42'06"	13.86'	N68°47'01"W
C9	20.00'	39°31'38"	13.80'	S71°36'09"W
C10	45.00'	39°50'04"	31.29'	S71°29'02"W
C11	45.00'	48°13'44"	37.88'	N64°29'05"W
C12	45.00'	41°43'44"	32.77'	N19°30'21"W
C13	45.00'	39°46'05"	31.23'	N21°14'34"E
C14	20.00'	39°36'40"	13.83'	N21°10'16"E
C15	20.00'	39°33'13"	13.81'	N18°24'39"W
C16	45.00'	39°46'49"	31.24'	N18°31'53"W
C17	45.00'	41°28'08"	32.57'	N22°05'35"E
C18	45.00'	54°57'10"	43.16'	N70°18'14"E
C19	45.00'	33°21'21"	26.20'	S65°32'31"E
C20	20.00'	39°35'24"	13.82'	S68°50'22"E
C21	20.00'	39°36'45"	13.83'	N71°33'34"E
C22	45.00'	33°25'01"	26.25'	N68°18'47"E
C23	45.00'	51°56'34"	40.80'	S69°00'25"E
C24	45.00'	44°24'04"	34.87'	S20°50'06"E
C25	45.00'	39°42'54"	31.19'	S21°13'23"W
C26	20.00'	39°42'54"	13.86'	S21°13'23"W
C27	20.00'	89°47'33"	31.34'	S43°44'20"E
C28	20.00'	90°12'33"	31.49'	S46°15'41"W
C29	20.00'	89°16'45"	31.16'	S44°00'06"E
C30	20.00'	90°00'00"	31.42'	N46°21'56"E
C31	20.00'	90°00'00"	31.42'	S43°38'04"E
C32	20.00'	90°00'00"	31.42'	S46°21'56"W
C33	20.00'	90°00'00"	31.42'	N43°38'04"W

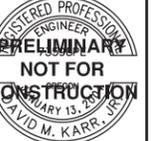
Parcel Line Table		
Line #	Length	Direction
L5	335.07'	S01° 21' 56"W
L6	111.93'	S01° 21' 56"W
L8	700.00'	S01° 21' 56"W
L9	290.00'	N88° 38' 04"W
L10	253.00'	S01° 21' 56"W

NOTE:
STORMWATER EASEMENT TO CITY OF STAYTON. EASEMENT IS FOR INTERIM DETENTION AND WATER QUALITY TREATMENT FOR THE SUBDIVISION UNTIL SUCH TIME AS THE REGIONAL STORMWATER FACILITY IS COMPLETED. ONCE REGIONAL STORM WATER FACILITY IS COMPLETED; CITY AGREES TO QUIT CLAIM TO THE EASEMENT SO THAT HOMES CAN BE CONSTRUCTED ON LOTS 27 AND 28 OF THE SUBDIVISION.



**PRELIMINARY PHASING
 PLAN**

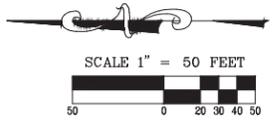
DESIGNED BY: DMK
 DRAWN BY: SDB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 01/30/2017



REVISIONS: JUNE 30, 2017

JOB NUMBER
5519
 SHEET
C4

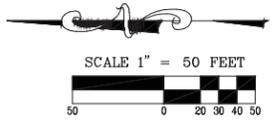
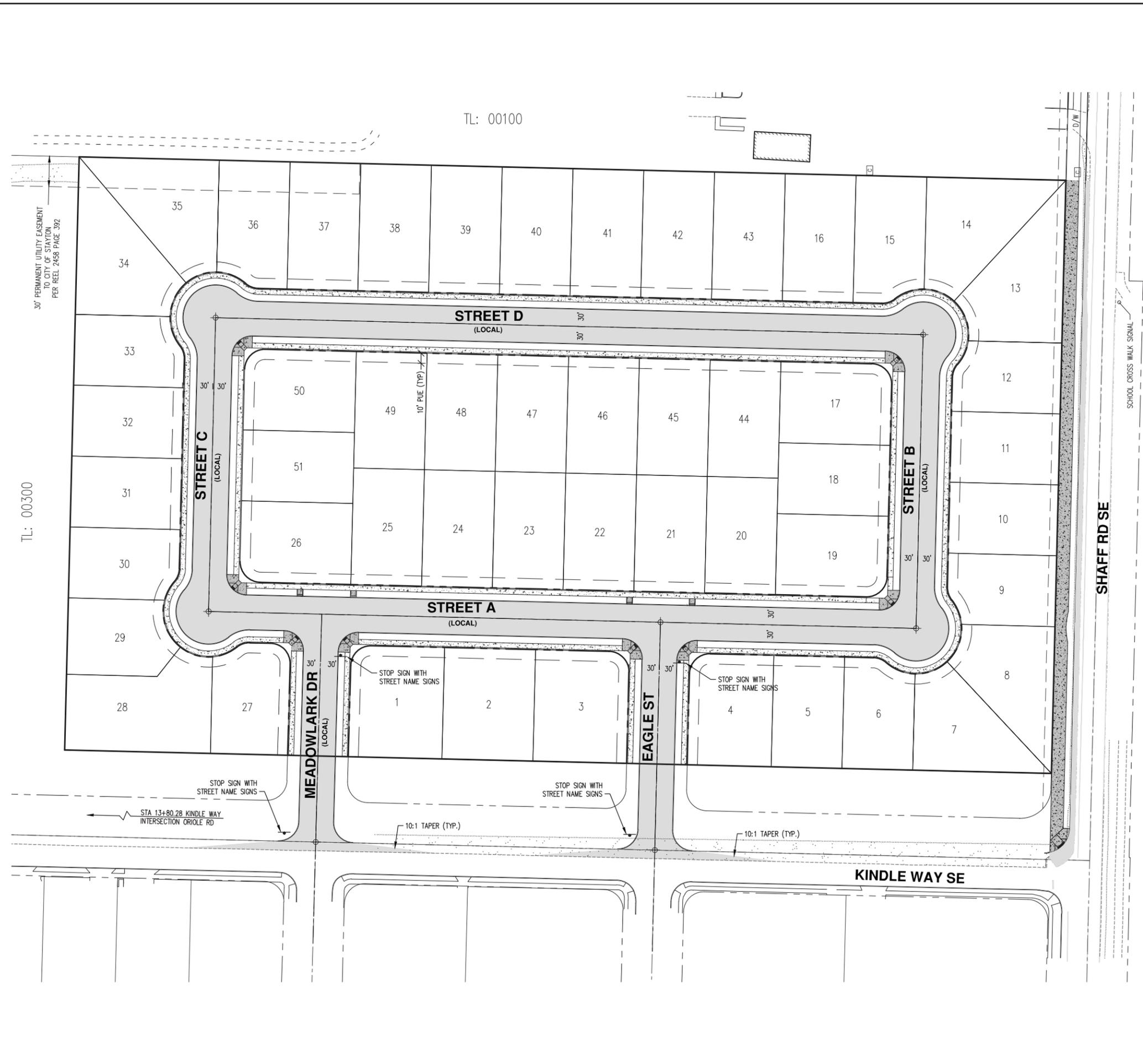
PHASE	LOTS	AREA
I (2017-2018)	31	8.00
II (2018-2019)	21	5.12
TOTAL	51	13.12



LEGEND

	NEW CONCRETE SIDEWALK CONSTRUCTED BY HOME BUILDER.
	NEW CONCRETE SIDEWALK CONSTRUCTED BY CONTRACTOR.
	NEW AC PAVEMENT, PER TYPICAL SECTIONS BY CONTRACTOR.
	NEW ADA RAMP CONSTRUCTED BY CONTRACTOR.

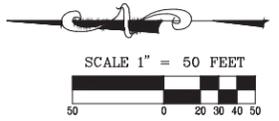
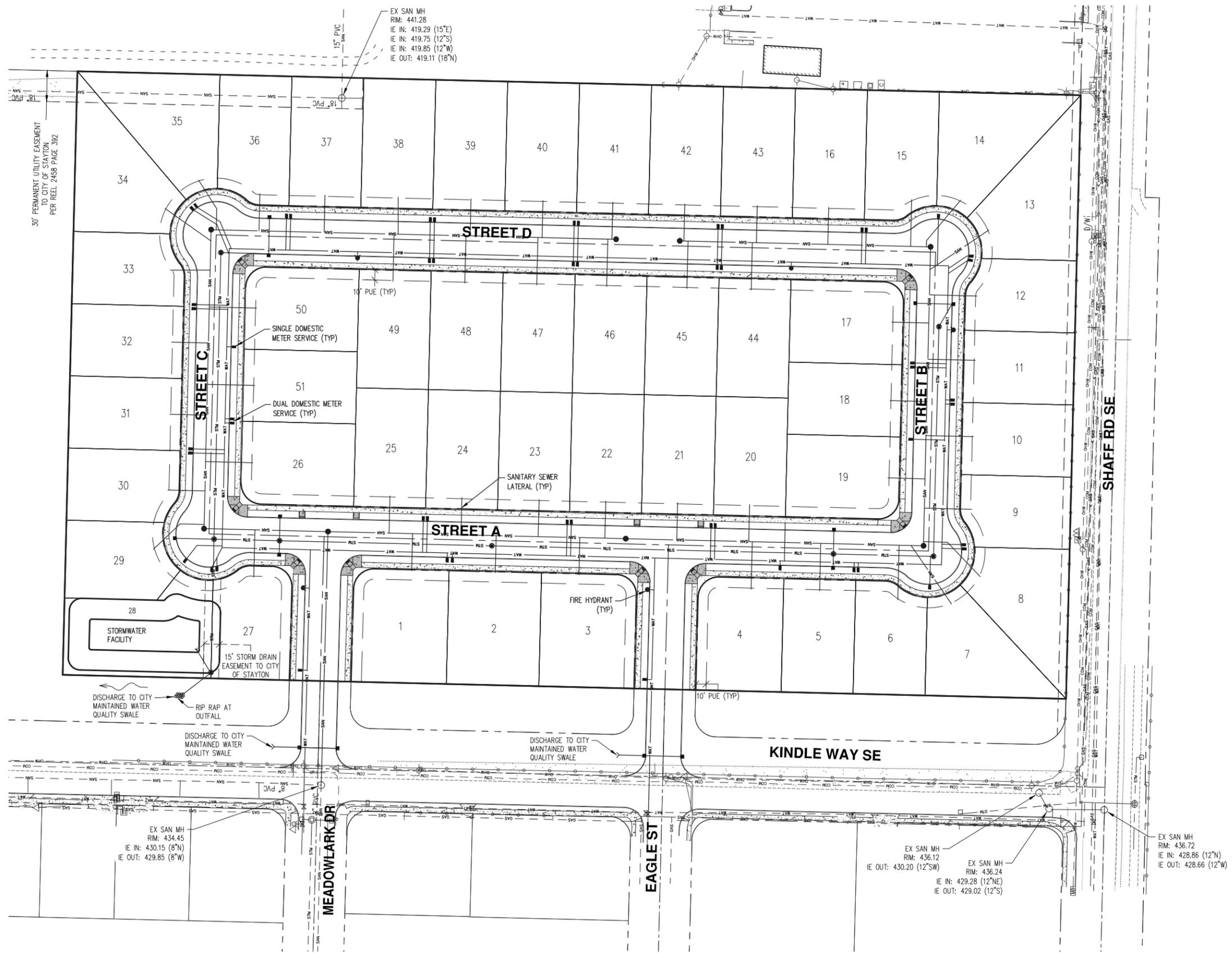
NOTE:
 1. SEE SHEET C9 FOR TYPICAL STREET SECTIONS.



**PRELIMINARY CONCEPTUAL
 UTILITY PLAN**

DESIGNED BY:	DMK
DRAWN BY:	SDB
CHECKED BY:	DMK
SCALE:	AS NOTED
DATE:	01/30/2017
EXPIRES:	JUNE 30, 2017
REVISIONS:	

JOB NUMBER	5519
SHEET	C6



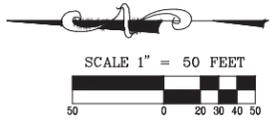
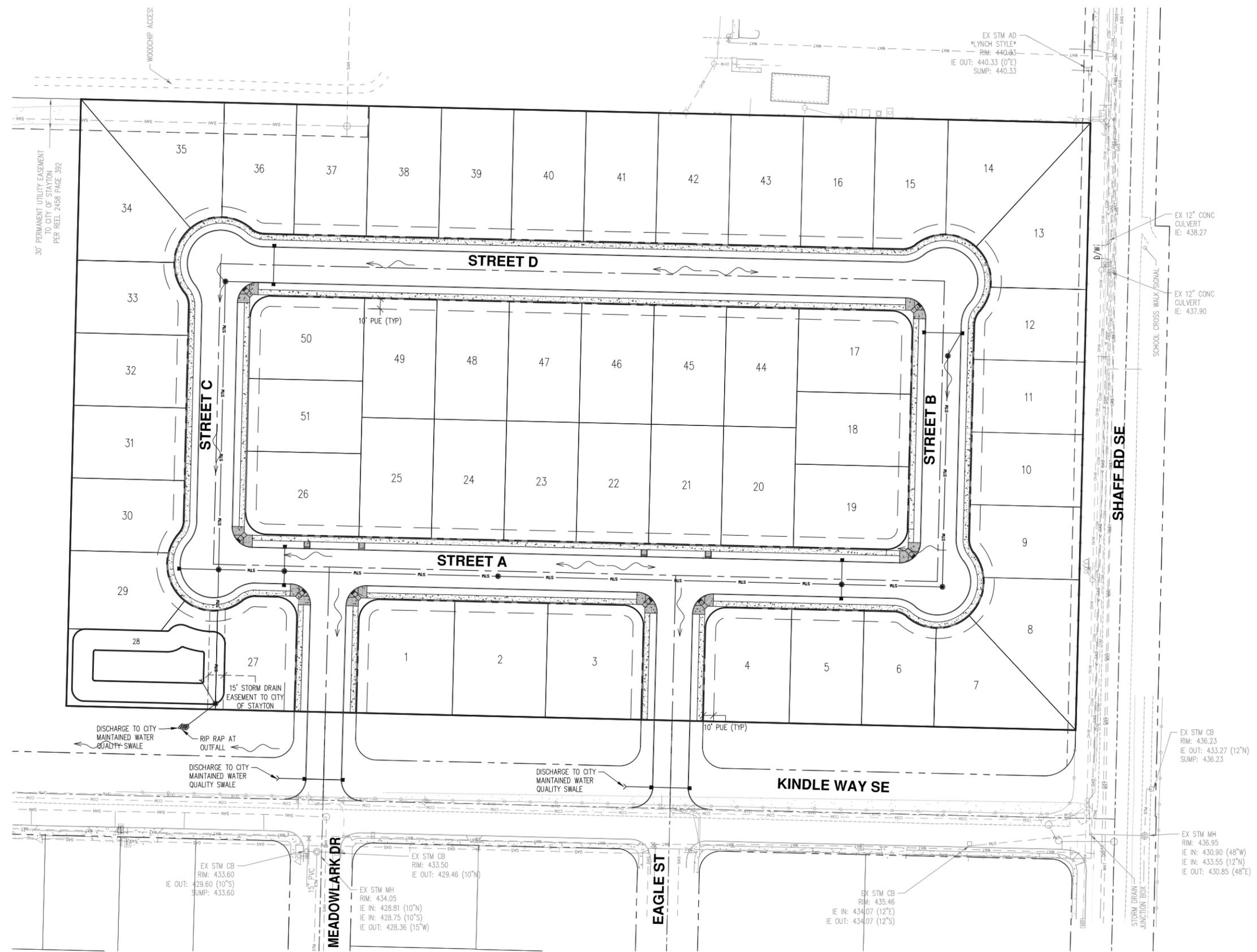
PRELIMINARY
STORMWATER PLAN

DESIGNED BY: DMK
 DRAWN BY: SDB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 01/30/2017
 REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
 CALVIN M. KARR, P.E.
 EXPIRES: JUNE 30, 2017
 REVISIONS:

JOB NUMBER
5519
 SHEET
C7

PRE-DEVELOPED & POST-DEVELOPED FLOW RATES				
STORM EVENT	PRE-DEVELOPED (CFS)	POST-DEVELOPED (CFS)	ROUTED (CFS)	REQUIRED STORAGE (CF)
2-YEAR	0.65	3.15	0.63	25221
5-YEAR	1.15	4.16	1.13	27051
10-YEAR	1.78	5.30	1.48	28445
25-YEAR	2.49	6.51	1.78	29490
50-YEAR	3.26	2.57	3.21	30231
100-YEAR	3.42	8.04	3.60	30405

STORAGE PROVIDED: 32,487 CF
 (REFER TO PRELIMINARY STORM WATER REPORT FOR SUPPORTING DOCUMENTATION AND CALCULATIONS)

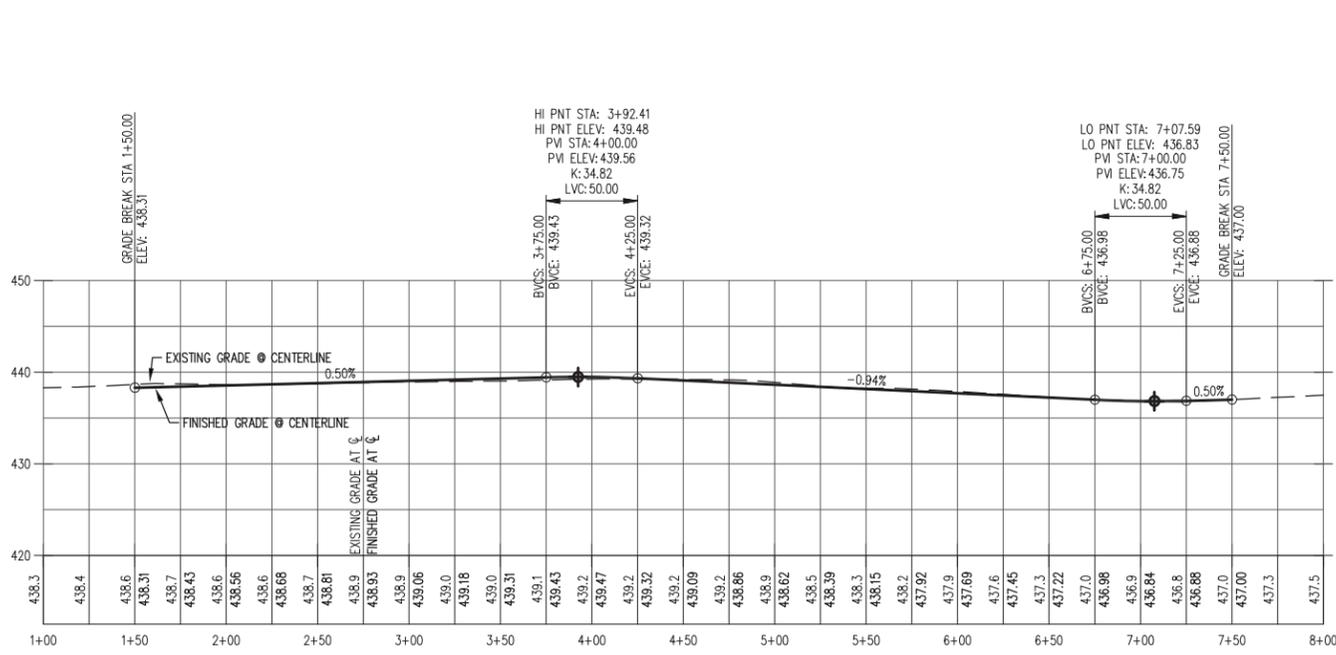


**PRELIMINARY STREET
 PROFILES**

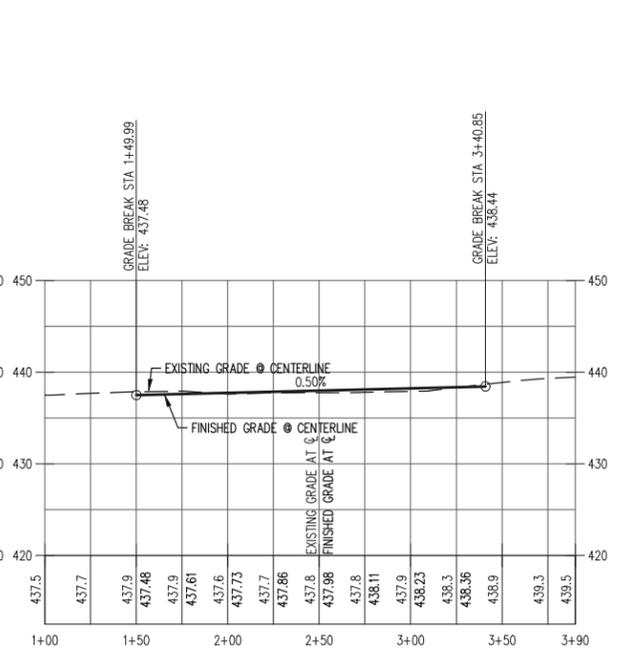
DESIGNED BY: DMK
 DRAWN BY: SDB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 01/30/2017

 EXPIRES: JUNE 30, 2017
 REVISIONS:

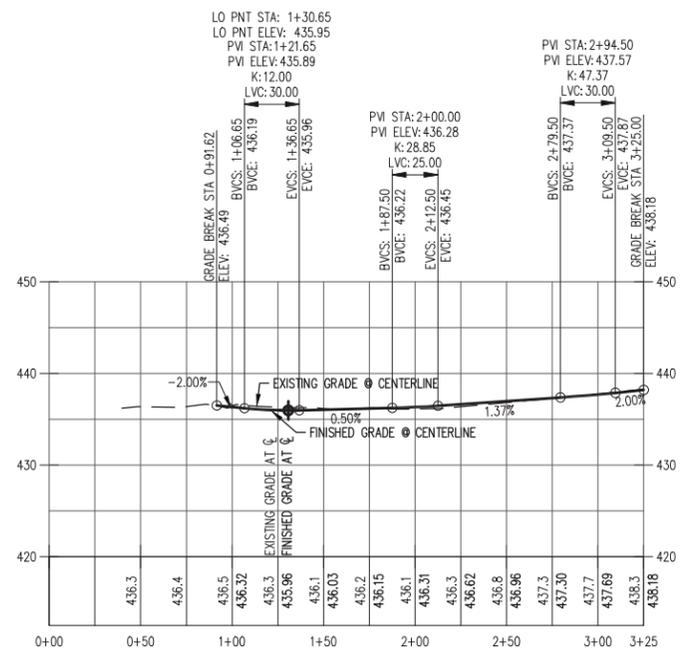
JOB NUMBER
5519
 SHEET
C8



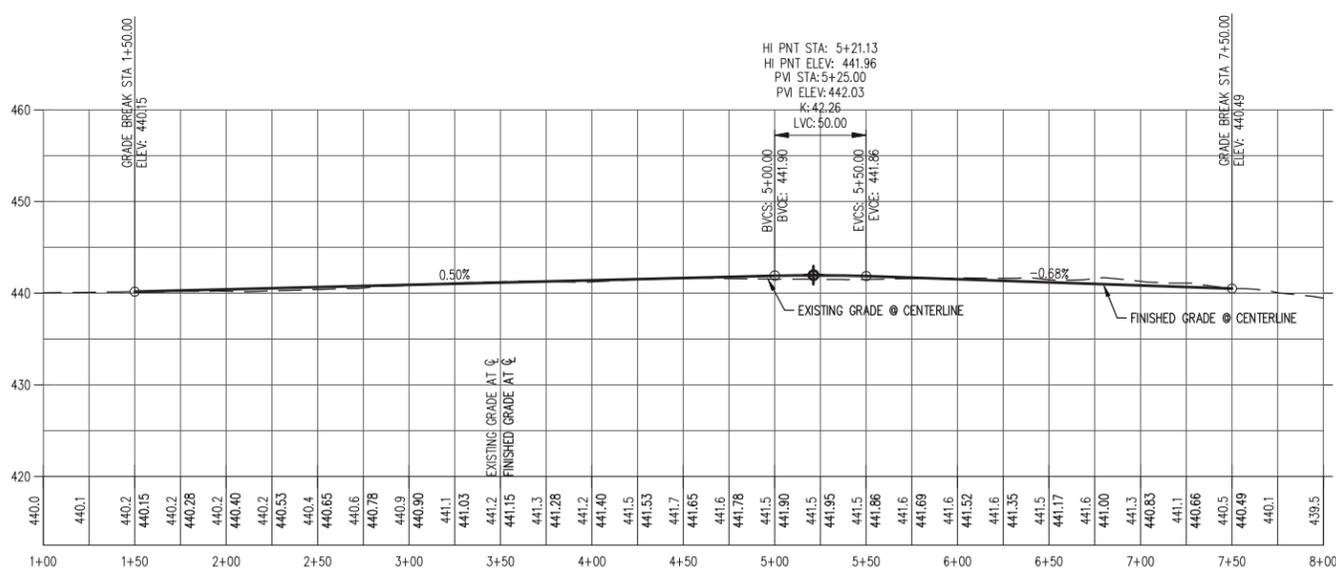
STREET A
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 Vert. Scale: 1" = 10'



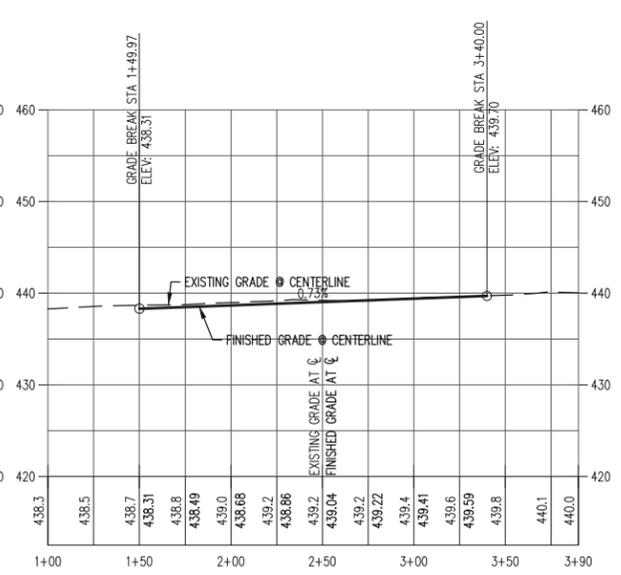
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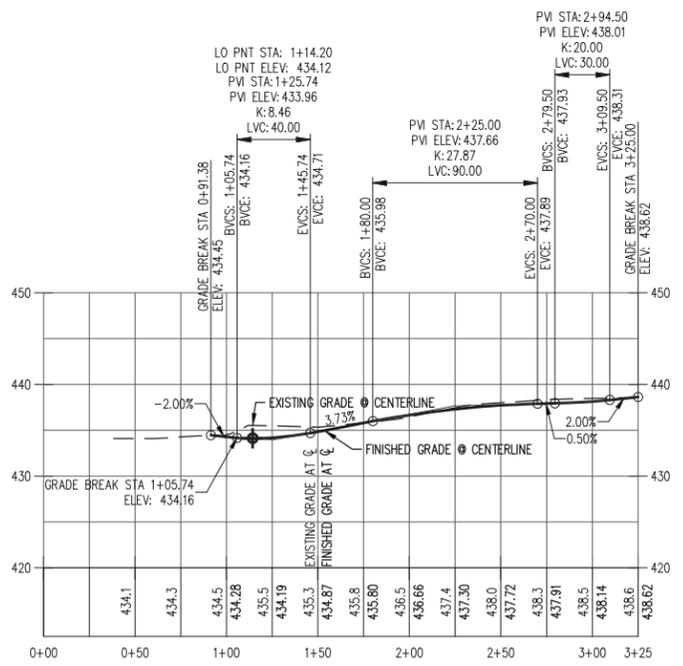
EAGLE ST
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STREET D
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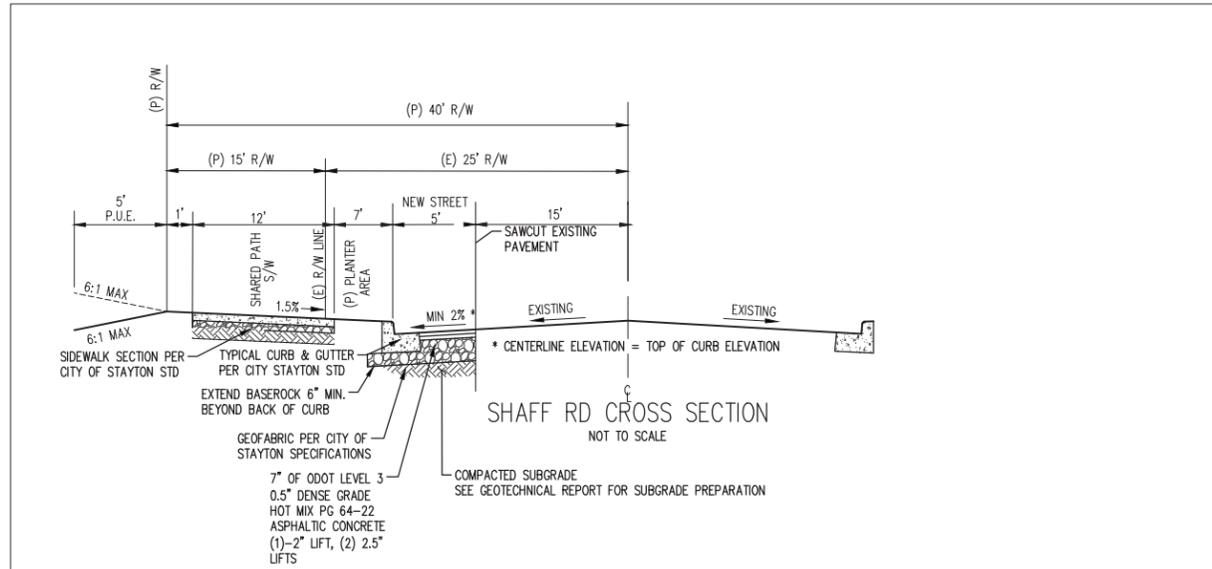
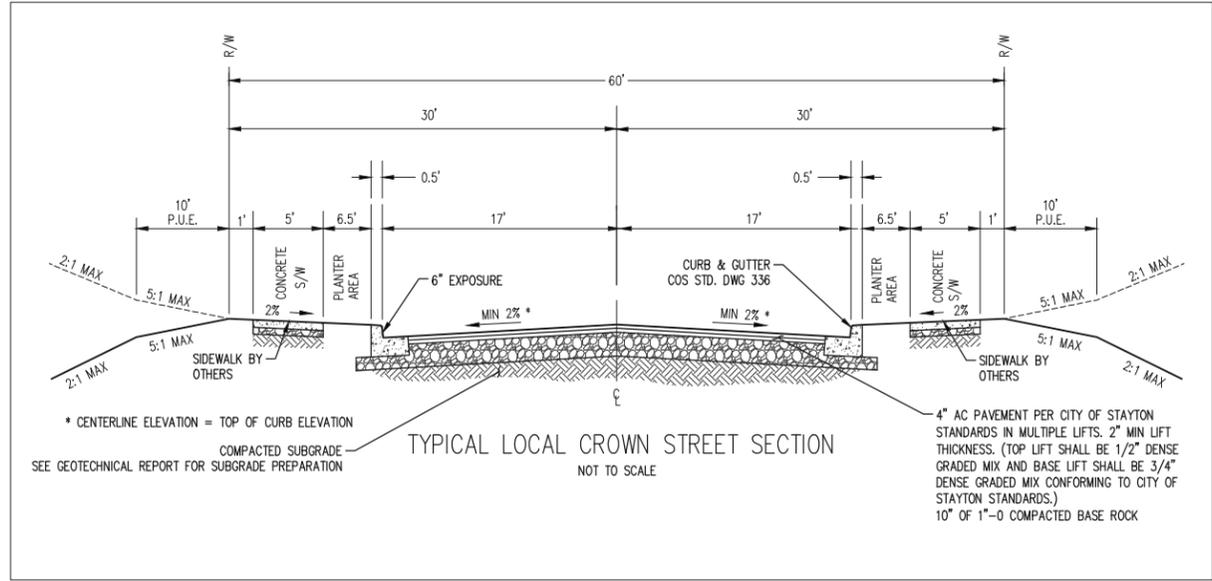


STREET C
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 Vert. Scale: 1" = 10'

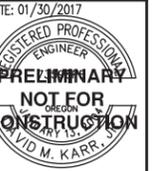


MEADOWLARK DR
 Hor. Scale: 1" = 50'
 Vert. Scale: 1" = 10'

REFER TO GEOTECH REPORT FOR SOILS
 INFORMATION, NO CUTS OR FILLS
 GREATER THAN 24" ARE ANTICIPATED.



DESIGNED BY: DMK
 DRAWN BY: SDB
 CHECKED BY: DMK
 SCALE: AS NOTED



EXPIRES: JUNE 30, 2017
 REVISIONS:

JOB NUMBER
5519
 SHEET
C9

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
the application of
Hayden Homes, LLC,
Applicant

) Subdivision
) Land Use File
) #1-02/17
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF THE APPLICATION

The application is to divide an existing parcel into 51 lots for single family homes, with associated streets, water, sewer, and stormwater improvements.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on February 27, 2017. At the hearing, Land Use File #1-02/17, application for subdivision, was made part of the record.

At the conclusion of the hearing, the Planning Commission held the record open for submission of written testimony regarding traffic. Once the record was closed, the Planning Commission met again on March 27 and made findings of fact, conclusions of law and approved the application with three conditions. The Planning Commission found the application could be made consistent with the Land Use and Development Code.

III. FINDINGS OF FACT

The Stayton Planning Commission, after careful consideration of the testimony and evidence in the record adopts the following findings of fact:

A. EXISTING CONDITIONS

1. The property is owned by the Lambert Living Trust, Rebecca McClellan and William Lambert.
2. Hayden Homes, LLC, who has a purchase and sale agreement for the property, is the applicant.
3. The property is tax lot 300 Township 9, Range 1 West of the Willamette Meridian, Section 4D and is Parcel 1 of Partitioning Plat 2016-057, recorded on December 20, 2016.
4. The parcel is 13.121 acres in area with 586 feet of frontage on Shaff Road. The parcel is developed with a single family dwelling, addressed as 1103 Shaff Road and accompanying driveway, well, and septic system. The property has access to Kindle Way by undeveloped portions of extensions to Eagle St and Meadowlark Dr that were dedicated as right of way by Partitioning Plat 2016-057.
5. The property is zoned Medium Density Residential (MD).
6. The property to the east is zoned Public/Semi-Public (P) and is the campus of the Stayton Middle School. The properties to the south across Shaff Rd are zoned Medium Density (MD) and High Density (HD) Residential and are developed with duplexes and a multifamily development. The property to the west and north is Parcel 2 of the partitioning

that created the subject property and is zoned MD and is vacant. To the west, across Kindle Way, are properties that are zoned Low Density Residential and developed as single family detached dwellings. Neighboring single family residential properties range in size from 8,000 square feet to 27,600 square feet in area.

7. Shaff Road has a 79-foot right-of-way, with 40 feet of right of way on the north side of the centerline. Shaff Road is partially improved with two travel lanes, no curb and gutter, and sidewalks on both sides. On the north side of the road, adjacent to the frontage of the subject property there is a five-foot property-line sidewalk.

B. PROPOSAL

The proposal is to divide the existing parcel into 51 lots. The application includes the construction of new streets, including the extension of Eagle St and Meadowlark Dr within existing undeveloped right of way. The application proposes to construct the subdivision in two phases.

C. AGENCY COMMENTS

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

Marion Co Building Inspection (within the Public Works Department) responded that it had no comments. The City of Stayton Public Works Department, through the City Engineer, the City's transportation engineering consultant, and Marion County Public Works provided review comments that are incorporated into the findings below. The Santiam Water Control District requested clarifying information to be assured that stormwater will not flow over or under Kindle Way.

D. PUBLIC COMMENTS

The Planning Department has received no public comments on this application prior to the hearing. At the February 27 public hearing there was testimony from six individuals regarding compliance with the conceptual plan submitted with the application for annexation, the need for a perimeter fence or wall around the subdivision, traffic impacts. Following the close of the public hearing there was additional written testimony from Marion County Public Works, from the City's transportation engineering consultant, and from four members of the public.

E. APPROVAL CRITERIA

Subdivision applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6 – Preliminary Plan Approval Criteria; 17.24.050 – Design Standards for Subdivisions and Partitions; 17.26.020 – Access Management Requirements and Standards; and 17.26.050 – Transportation Impact Analysis Requirements.

Section 17.24.040.6 Preliminary Plan Approval Criteria

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

b. *Adequate urban services are available to the property.*

Finding: There is an existing 10-inch water main in Shaff Rd and an existing 8-inch water main in Kindle Way. The application proposes to connect the subdivision to the water main in Kindle Way with two connections. The City Engineer has noted that the City's Water Master Plan shows a future 10-inch water main being extended east from the intersection of Kindle Way and Meadowlark Drive towards the Middle School private looped water system. In addition, the Water Master Plan shows the existing 10-inch water main in Shaff Road to be replaced with a 16-inch water main when the pipeline life expectancy expires. The City Engineer has recommended that a 10-inch water main be required east from the intersection of Kindle Way and Meadowlark Drive as indicated in the Master Plan and connected to the existing water main in Shaff Road.

There is an existing 8-inch sewer main in Kindle Way with an existing manhole at the corner of Kindle Way and Meadowlark Dr. There is also an 18-inch sewer main in the northeast corner of the property. The application proposes to connect the subdivision to the manhole at the corner of Kindle Way and Meadowlark Dr. The City Engineer has noted that this development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor located at the northeast corner of the development. The City Engineer further notes that the Sanitary Sewer Master Plan shows a 12-inch sanitary sewer main being extended from the existing Mill Creek Sanitary Sewer Interceptor south to Shaff Road. The City Engineer has recommended that a 12-inch sanitary sewer system be required from the Mill Creek Sanitary Sewer interceptor south to Shaff Road.

There are currently no stormwater facilities serving the property. There is a 42-inch storm drain on the south side of Shaff Road. The City has purchased Parcel 1 of Partition Plat 2016-057 for the construction of a stormwater detention basin that, when constructed, will receive storm water from the storm drain in Shaff Road. The application includes a stormwater collection system in the proposed streets and a stormwater detention facility to be constructed within the first phase. The detention facility will discharge into the City system to be constructed on Parcel 1. The application included a Preliminary Stormwater Report. The City Engineer has noted that the proposed stormwater facility design does not conform to the Public Works Design Standards (PWDS). Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that will affect the overall stormwater facility size, location, and other stormwater facility design parameters and may impact the overall lot configuration. Santiam Water Control District commented that the stormwater system needs to be designed to assure that stormwater proceeds north to Mill Creek and does not enter the storm system in Quail Run or Phillips Estates.

c. *The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.*

Finding: The application proposes lots ranging in size from 7,224 square feet to 11,808 square feet, with 38 of the lots larger than 8,000 square feet in area. Neighboring single family residential properties range in size from 8,000 square feet to 27,600 square feet in area.

- d. *All streets shall be in a location and have a right of way and traveled way width in accordance with in the City's Transportation Plan.*

Finding: The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 1, that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility. The application includes a local street as the extension of Meadowlark Dr.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Finding: See the findings below regarding Sections 17.24.050 and 17.26.020.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Finding: Single family homes are an allowed use in the MD zone. The minimum lot size requirement for lots in the MD Zone is 7,000 square feet. The proposed lots will range in size from 7,261 square feet to 11,808 square feet. The minimum lot width requirement in the MD Zone is 70 feet. The proposed lots range in widths from 70 feet to 125 feet.

- g. *All applicable standards of Chapter 17.20 are satisfied.*

Finding: With the exception of Section 17.20.220 regarding Back Lots and Flag Lots, the provisions of Chapter 17.20 regulate the development of lots, not their establishment. There are no back lots or flag lots proposed in the subdivision.

- h. *All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Finding: There are no identified wetlands on this property.

- i. *The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition" or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.*

Finding: The subdivision name has been approved by the Marion County Surveyor and reserved.

- j. *Compliance exists with the provisions of ORS 92.090 as amended.*

Finding: The requirements of state law for a tentative subdivision plat are that (a) the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern; (b) streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon;

and (c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated. The proposed streets are in alignment with existing streets. The proposed parcels meet or exceed the minimum lot size of the MD zone.

- k. *When any portion of a subdivision or partition 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 subject property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

Section 17.24.050.6 Design Standards for Subdivision and Partition Preliminary Plans

Pursuant to SMC 17.24.050.6, the following criteria must be demonstrated as being satisfied by the application:

1. STREETS.

- a. *Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and width as indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.*

Finding: The application shows a new looped inner street connecting to Kindle Way at two locations that align with the existing centerlines of Eagle St and Meadowlark Drive. Frontage improvements are proposed along Shaff Rd. The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 2 that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility.

- b. *Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*

Finding: The proposed street intersections are right angles.

- c. *The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*

Finding: No modification has been proposed.

- d. *Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.*

Finding: The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way. This is in conformance with the non-motorized plan in the TSP and improvements currently under construction to the east of the subject property. Due to the looped interior configuration of the street network and the needed

access to Shaff Road for public utilities, the City Engineer has recommended that a minimum 8-foot wide concrete pedestrian access walkway within a 20-foot wide dedicated tract for access and public utilities be provided along the east property line of Lot 12 to the proposed shared path along Shaff Road. The City Engineer has also recommended that the Developer coordinate with the North Santiam School District to determine whether or not a direct pedestrian connection to the Middle School is needed. The School District has concurred with a direct pedestrian access and suggested that it enter the property near the north end of the parking lot on the west side of the campus.

- e. Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.*

Finding: Curb and gutter will be constructed on all subdivision streets. Property line sidewalks have been proposed in conformance with the Public Works Design Standards for a local residential street along all interior streets. The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way. This is in conformance with the improvements currently under construction to the east of the subject property and the design for Shaff Road improvements approved by the City and Marion County.

- f. In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.*

Finding: Property line sidewalks have been proposed in conformance with the Public Works Design Standards for a local residential street along all interior streets. The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way.

- 2. *DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right of way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Finding: The preliminary plan shows dedication of 60-foot wide rights of way for all new streets.

- 3. *DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Finding: The adjacent land to the east is the Stayton Middle School campus. The adjacent land to the north is owned by the City for development as a stormwater detention facility. Therefore there is no necessity to continue streets into adjacent acreage. No dead-end streets or cul-de-sacs are proposed.

4. RESERVE BLOCK.

- a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.
- b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

Finding: No reserve blocks are proposed.

5. STREET WIDTHS.

- a. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.

Finding: The application shows a new looped inner street connecting to Kindle Way at two locations that align with the existing centerlines of Eagle St and Meadowlark Drive. Frontage improvements are proposed along Shaff Rd. The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 1, that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility.

- b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Finding: The City Engineer has not recommended any additional access.

- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.

Finding: No commercial uses are envisioned.

- d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction,

Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.

Finding: The proposed streets have been designed in accordance with the Public Works Design Standards. No boundary streets are proposed.

- e. Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.*

Finding: No dead-end streets are proposed.

- f. Additional Right-of-Way Widths.*

- 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.*

- 2) Where bikeways necessitate, additional right-of-way width may be required.*

Finding: Shaff Road has an existing 40-foot half right of way.

6. *SUBDIVISION BLOCKS.*

- a. Block lengths and widths shall be determined by giving consideration to the following factors:*

- 1) The distance and alignment of existing blocks and streets.*

- 2) Topography.*

- 3) Lot size.*

- 4) Need for and direction of the flow of through and local traffic.*

- b. Block length and perimeter standards are specified in Section 17.26.1020.5.c.*

- c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Finding: The application proposes the creation of one block in the center of the subdivision, with lots around the perimeter of the subdivision. The center block will be 640 feet long and 230 feet wide. See findings relative Section 17.26.020.5.c below.

7. *MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.*

Finding: Due to the looped interior configuration of the street network and the needed access to Shaff Road for public utilities, the City Engineer has recommended that a minimum 8-foot wide concrete pedestrian access walkway within a 20' wide dedicated right of way for access and public utilities be provided along the east property line of Lot 12 to the proposed 12-foot wide shared path along Shaff Road. The City Engineer also recommended that the Developer coordinate with the School District to determine

whether or not a direct pedestrian or fire access connection to the Middle School is needed.

8. *LOT SIZE, LOT LINES.*

- a. *Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*
- b. *If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.*
- c. *In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.*
- d. *Side lot lines shall be as close to right angles to the front street as practicable.*
- e. *Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.*
- f. *The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.*

Finding: The minimum lot size in the MD zone is 7,000 square feet, with a minimum 70-foot lot width. The proposed lots will range in size from 7,261 square feet to 11,808 square feet. The proposed lots range in widths from 70 feet to 125 feet. No lots have frontage on a cul-de-sac. Side lot lines are at right angles or are radial to the street intersections. Rear lot lines are the same length or wider than the front lot lines. The maximum density permitted in the MD Zone is 12 units per acre. The proposed subdivision has 3.9 units per acre.

9. *PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.*

Finding: There are no public survey monuments within or on the boundary of the proposed subdivision.

10. *SEWAGE DISPOSAL.*

- a. *All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*
- b. *If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.*

Finding: There is an existing 8-inch sewer main in Kindle Way with an existing manhole at the corner of Kindle Way and Meadowlark Dr. There is also an 18-inch sewer main in the northeast corner of the property. The application proposes to connect the subdivision to the manhole at the corner of Kindle Way and Meadowlark Dr. The City Engineer has noted that this development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor located at the northeast corner of the development. The City Engineer further notes that the Sanitary Sewer Master Plan shows a 12-inch sanitary sewer main to be extended from the existing Mill Creek Sanitary Sewer Interceptor south to Shaff Road. The City Engineer has recommended that a 12-inch sanitary sewer system be required from the Mill Creek Sanitary Sewer Interceptor south to Shaff Road.

11. PUBLIC USE AREAS.

- a. *Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.*
- b. *Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.*
- c. *As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.*

Finding: Each house in the subdivision will pay a Parks System Development Charge to be used for development of parks in the City.

12. WATER SUPPLY.

- a. *All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.*
- b. *In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.*

Finding: The subdivision will be served by the City water system. There is an 8-inch water main in Kindle Way. The City Engineer has noted that the City's Water Master Plan shows a future 10-inch water main being extended east from the intersection of Kindle Way and Meadowlark Drive towards the Middle School private looped water system. In addition, the Water Master Plan shows the existing 10-inch water main in Shaff Road to be replaced with a 16-inch water main when the pipeline life expectancy expires. The City Engineer has recommended that a 10-inch water main be required east from the intersection of Kindle Way and Meadowlark Drive as indicated in the Master Plan and connected to the existing water main in Shaff Road.

13. UNDERGROUND UTILITIES.

- a. *All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*
- b. *The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

Finding: All utilities will be provided underground.

Section 17.26.020 Access Management Requirements and Standards

Pursuant to SMC 17.26.020 the following criteria must be demonstrated as being satisfied by the application:

17.26.020.3.f. Residential Subdivision Access Requirements.

Residential subdivisions fronting an arterial, minor arterial, or collector street shall be required to provide access from secondary local streets for access to individual lots. When secondary local streets cannot be constructed due to topographic or physical constraints, access shall be provided by consolidating driveways per the requirements set for in 17.26.020.3.d. In this situation, the residential subdivision shall still meet driveway spacing requirements of the arterial or collector street.

Finding: Shaff Road is a minor arterial. Kindle Way is a collector street. No driveway access will be provided from lots directly to Shaff Road or Kindle Way.

17.26.020.4.c. Sight Distance Triangle. Traffic entering an uncontrolled public road from a stop sign controlled public road, or from private roads or private driveways, shall have minimum sight distances, as shown in Table 17.26.020.4.c, except as allowed in 17.26.020.4.d. table 17.26.020.4.c requires a minimum sight distance of 250 feet for a 25 mph design speed.

Finding: The traffic impact analysis notes that sight distance for the intersection of Meadowlark and Kindle was measured to 580 feet to the north and 591 feet to the south and for the intersection of Eagle and Kindle to be 715 feet to the north and 383 feet to the south.

17.26.020.5.a. Connectivity

- 1) *The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as specified in 17.24.050.1.a.*
- 2) *Wherever a proposed development abuts unplatted, developable land a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. This is consistent with and an extension of 17.24.050.1.a.*
- 3) *Neighborhood collectors and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential*

neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic calming measures are the preferred means of discouraging through traffic. These measures are defined in the Stayton Transportation System Plan.

- 4) *Developers shall construct roadways within their development site to conform to the Future Street Plan in the transportation system plan. Flexibility of the future roadway alignment shall be at the discretion of the Public Works Director and/or his designee but must maintain the intent of the Future Street Plan.*

Finding: The proposed subdivision connects with the existing street system with extensions of Meadowlark Dr and Eagle St. The land abutting the proposed subdivision is owned by the City and is intended for the development of a stormwater detention basin. The street layout will likely direct traffic south on Kindle Way to Shaff Rd, not through neighboring residential neighborhoods. The Future Street Plan envisioned the extension of Meadowlark Dr connecting to a north/south street. With the purchase of the adjacent land to the north by the City the proposed layout is conforming to the Future Street Plan as is reasonable.

17.26.020.5.c. Street Connectivity and Formation of Blocks (Block Length and Perimeter Standard)

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site development shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway measured from right-of-way line to right-of-way line as shown in Figure 17.26.020.5.c.

1) Residential Districts.

Minimum 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter;

If a hardship can be demonstrated in which it is not practically feasible to meet these standards due to topographical, environmental, or other significant constraints, then these conditions may be requested to be modified through the Public Works Director or his/her designee. At no time shall any block length be greater than 600 feet and its maximum block perimeter 1,800 feet for roadways with urbanized area principal arterials, minor arterials, or lower classification.

Alleys as defined in the City's Street Design Standards may be used within residential subdivisions but cannot be used in the maximum block perimeter calculation. The maximum alley length is 600 feet between ties to public streets. Midblock access(s) to alleys must align with existing or planned public streets.

Finding: The proposed plan creates an interior block surrounded by the new streets to be constructed. The block length as proposed is 640 feet. The block perimeter as proposed is 1,740 feet.

Section 17.26.050 Transportation Impact Analysis Requirements

Pursuant to SMC 17.26.050 the following criteria must be demonstrated as being satisfied by the application:

11. *Review Policy and Procedure. The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.*
- a. *The road system is designed to meet the projected traffic demand at full build-out.*
 - b. *Proposed driveways do not adversely affect the functional character of the surrounding roadways.*
 - c. *Adequate intersection and stopping sight distance is available at all driveways.*
 - d. *Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.*
 - e. *Opportunities for providing joint or crossover access have been pursued.*
 - f. *The site does not rely upon the surrounding roadway network for internal circulation.*
 - g. *The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.*
 - h. *A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.*

Finding: The applicant submitted a Transportation Impact Analysis prepared by Lancaster Engineering. The analysis indicated that the proposed subdivision would generate 38 trips during the morning peak hour, 52 trips during the afternoon peak hour that coincides with school release and 51 trips during the evening peak hour. The intersections studied by the analysis are projected to operate within the performance standards established by the City and Marion County through the build-out period. Traffic signal warrants were examined at the Shaff/Golf Club/Wilco intersection and were met under existing PM conditions. The analysis concluded that the intersection operates acceptably with its current four-way stop and a traffic signal is not necessary or recommended. A review of crash data and queuing resulted in no safety mitigations being recommended. The TIA was reviewed by Kittelson & Associates, the City's transportation engineering consultant, who asked for the following clarifications or changes in the report:

- Identification of which warrants were analyzed and which warrants are met for the signalization of the Shaff/Wilco/Golf Club intersection.
- Turning movements should be estimated at the Eagle/Kindle and Meadowlark/Kindle intersections using the ITE trip generation for the number of houses served by these intersections.
- Trips from development approved but not yet constructed were not accounted for.
- The PM peak period trip distribution should be updated to not include distribution to the school.
- The queuing analysis should include eastbound side street traffic at the Eagle/Kindle and Meadowlark/Kindle intersections
- The TIA noted that the 260-foot spacing standards for intersections is not met between Kindle Way and lots 1, 2, and 3 of the proposed subdivision. Whereas Kindle Way is designated as a future collector with connections to the north, the planning year analysis needs to determine if the queuing storage is adequate for future conditions.

Marion County Public Works (MCPW) commented that the trip generation was not accurate, but did not request revisions. They also commented that the turning traffic volumes at the Kindle/Eagle and Kindle/Meadowlark intersections were not accurate. MCPW commented that the County's performance standards for intersections with a county road approach were not acknowledged. MCPW requested a condition of approval that the applicant an exclusive east bound left-turn lane on Shaff Road at Kindle Way, with associated widening and tapers. This condition of approval is based on Marion County standards. Kittelson has indicated that the Shaff/Kindle intersection will operate within City standards without the left-turn lane.

The applicant submitted an addendum to the TIA on the afternoon of the public hearing. As a result, the Planning Commission closed the public hearing on February 27 but kept the record open for written testimony on traffic issues, to allow for review and comment on the addendum. The TIA addendum responded to the review comments from Kittelson and from MCPW. In response to comments, the trip distribution was revised for the evening peak hour; turning movement volumes to and from Meadowlark and Eagle were estimated; response was given regarding left-turning movements from the Middle School; trips from the recently approved but not yet operational developments in the area were accounted for; the queuing analysis was revised to account for eastbound traffic at the Eagle/Kindle and Meadowlark/Kindle intersections; the warrants analyzed to determine the need for signalization of the Shaff/Golf Club/Wilco intersection was identified; and the comment about TSP was responded to.

In addition, the addendum responded to the use of the Texas Transportation Institute (TTI)/ODOT methodology for left-turn lane warrants. The addendum stated that this methodology is more appropriate to higher-speed arterial roadways, and pointed out that Shaff Rd is a lower-speed collector road, adjacent to a school and a residential area. The addendum noted that an east bound left turn lane would allow higher travel speeds, longer pedestrian crossings, discourage biking and walking, and would not be consistent with the character of the neighborhood.

The TIA addendum reported that the findings and conclusions in the original report remain valid and applicable to the proposal.

Kittelson advised that the City's standards for traffic impacts are met. MCPW provided additional comments to the addendum justifying use of the TTI methodology, pointing out that the TTI does take into account slower-speed roadways. Further, MCPW responded to the addendum that Shaff Road is classified as an arterial street and impeding traffic speeds is not desirable, there is no crosswalk at the Shaff/Kindle intersection so pedestrian crossing should not influence engineering decisions, the applicant will be constructing a center left turn lane to the east of the Shaff/Kindle intersection. MCPW concluded that a left-turn lane at Shaff/Kindle will not substantially improve capacity at the intersection, which is projected to operate at very acceptable levels of service upon project build-out, it will provide an incremental safety benefit for motorists on Shaff Rd and is consistent with the City's and County's ultimate design for the roadway.

Additionally, the Planning Commission received four emails from residents of the neighborhood with general concerns about traffic impacts from the proposed development. None of the emails raised the issue with enough specificity to warrant specific note in these

findings, but the comments and concerns have been considered by the Planning Commission.

IV. CONCLUSION

Based on the findings of fact above, the Planning Commission concludes that the approval criteria in Sections 17.24.040.6, 17.24.050.6, 17.26.020, and 17.26.050 are met except for the following:

Section 17.24.040.6.b. This standard requires that adequate urban service be available to the property. The proposal is not in conformance with the City's Water Master Plan or Wastewater Master Plan. In addition the stormwater management plan provided does not meet the Public Works Design Standards. This standard could be met if the applicant submits a revised water plan showing a 10-inch water main east from the intersection of Kindle Way and Meadowlark Drive as indicated in the Water Master Plan and connected to the existing water main in Shaff Road, if the applicant submits a revised sewer plan connecting the subdivision to the Mill Creek Sanitary Sewer Interceptor and including a 12-inch sanitary sewer main from the Mill Creek Sanitary Sewer interceptor south to Shaff Road, and if the applicant submits a revised stormwater management plan that conforms to Public Works Design Standards.

Section 17.24.050.1.d. This standard requires pedestrian ways in accordance with the Transportation System Plan. This standard could be met if a minimum 8-foot wide concrete pedestrian access walkway is constructed within a 20-foot wide dedicated tract along the east property line of Lot 12 to the proposed shared path along Shaff Road and if a similar path be constructed within a 20-foot wide dedicated tract to provide a direct pedestrian connection to the Middle School.

17.24.050.7. This standard requires mid-block pedestrian walks in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services. The planning Commission has determined that mid-block walks are appropriate to provide connections with the Stayton Middle School and with Shaff Road. This standard could be met if a minimum 8-foot wide concrete pedestrian access walkway is constructed within a 20-foot wide dedicated tract along the east property line of Lot 12 to the proposed shared path along Shaff Road and if a similar path be constructed within a 20-foot wide dedicated tract to provide a direct pedestrian connection to the Middle School.

17.24.050.10.a. This standard requires all extensions of sewage facilities to be in accordance with the Wastewater Master Plan. The Wastewater Master Plan calls for this area to be served by the Mill Creek Sanitary Sewer Interceptor. The Wastewater Master Plan shows a 12-inch sanitary sewer main being extended from the existing Mill Creek Sanitary Sewer Interceptor through the subject property south to Shaff Road. This standard could be met if revised sanitary sewer plans are submitted that show the subdivision connecting to the Mill Creek Sanitary Sewer Interceptor in the northeast corner of the development and include a 12-inch main from the Mill Creek Sanitary Sewer Interceptor south to Shaff Road.

Section 17.26.020.5.c. This standard establishes a maximum block length of 600 feet in residential district. The proposed block length for the interior block is 640 feet. This standard could be met if the plans are revised such that the distance between Street B and Street C is no more than 600 feet. Alternately, this standard could be met by provision of a mid-block walkway.

V. ORDER AND CONDITIONS OF APPROVAL

The Planning Commission approves the application as shown on a 10-sheet set of plans entitled “Lambert Place Preliminary Phased Subdivision Plan” prepared by AKS Engineering and dated January 30, 2017 and the accompanying materials on file in the Planning and Development Department subject to the Standard Conditions of Approval, attached, and with the following specific conditions of approval.

1. The following engineered plans and supporting documentation shall be submitted to the City and Marion County Public Works (as applicable) for review and approval prior to issuance of a Site Development Permit. The construction plans for each phase shall be capable of standing alone and City approval of one phase shall be independent of the approval for all other phases. As such, lots 16 and 30 will likely need to be within Phase 2. Approval of the construction plans by the City and the time by which construction must begin shall apply to each phase independently.

a. Street improvement plans conforming to Public Works Standards. A minimum 8-foot wide concrete pedestrian access walkway within a 20-foot wide dedicated tract shall be provided along the east property line of Lot 12 to the proposed 12-foot wide shared path along Shaff Road. The Developer shall coordinate with the North Santiam School District to locate a direct pedestrian connection to the Stayton Middle School. Prior to issuance of a Site Development Permit, the Developer shall provide written documentation that Marion County Public Works has reviewed and approved the Shaff Road street improvement plans. The Developer shall design, permit and construct up to a half-street urban frontage improvement adjacent to the Shaff Road property frontage in accordance with appropriate City and County standards and shall include an exclusive eastbound left-turn lane on Shaff Rd at Kindle Way, with associated widening and tapers. Shaff Road engineering improvement plans shall include the following, aside from other ordinary components:

- Shaff Road Base Survey (void of improvement linework and annotation)
- Shaff Road Demolition Plan (void of improvement linework and annotation)
- Shaff Road Street Plan & Profile
- Spot-shot grading detail of Shaff Road/Kindle Way public street connection
- Shaff Road/Kindle Way Curb Return Profiles
- Utility Installation/Relocation Plan
- Shaff Road Resurfacing, Signing & Striping Plan
- Traffic Control Plan(s) for all phases of work in Shaff Road, including utility work

Up to a half-street improvement of some type (mill/overlay) may be required in order to stabilize degrading pavement and/or achieve cross- and longitudinal-slope tolerances. Developer shall be responsible to preserve and protect the current PCI rating and the structural integrity of Shaff Road to the satisfaction of Marion County Public Works throughout all phases of development. Failure to preserve and protect the road may result in Developer being responsible for replacing or reconstructing the damaged road at their expense.

b. Water system plans conforming to Public Works Standards and meeting the requirements of the Fire Code Official and Building Official. Unless otherwise directed

by the Public Works Director, a 10-inch CLDI public water main shall be required east from the intersection of Kindle Way and Meadowlark Drive and connected to the existing 10-inch AC water main in Shaff Road (through the required pedestrian access tract along the east property line of Lot 12). A utility easement in accordance with PWDS 102.08 shall be provided if a water main and/or fire hydrant is extended outside the public right-of-way or dedicated tract. Prior to Site Development Permit issuance, the Developer shall provide documentation that the Fire Code Official has reviewed and approved all required fire access, protection devices, and system modifications, unless otherwise deferred by the Fire Code Official.

- c. Sanitary sewer system plans conforming to DEQ, Public Works Standards, and meeting the requirements of the Building Official. This development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor located at the northeast corner of the development. Unless otherwise directed by the Public Works Director, a 12-inch sanitary sewer system is required from the Mill Creek Sanitary Sewer interceptor south to Shaff Road (through the recommended pedestrian access tract to the Middle School and along the east property line of Lot 12). A utility easement in accordance with PWDS 102.08 shall be provided if a sanitary sewer main is extended outside the public right-of-way or a dedicated tract. Prior to Site Development Permit issuance, the Developer shall provide written documentation that DEQ has reviewed and approved the sanitary sewer system plans.
- d. A stormwater analysis and report conforming to Public Works Standards. Developer shall submit stormwater calculations to MCPW Engineering for co-review, and obtain permits from MCPW Engineering for any drainage work affecting Shaff Road. Careful review and consideration of the area's seasonal high groundwater impacts will need to be included in the analysis. Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that will affect the overall stormwater facility size, location, and other stormwater facility design parameters. This will impact the overall lot configuration.
- e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. This will need to be addressed for each separate construction phase. An acceptable point of discharge is to be designated by the Design Engineer and approved by the City.
- f. A stormwater operation and maintenance plan/agreement (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.
- g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. A 1200-C permit will need to be obtained by the Developer from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material. Prior to Site Development Permit issuance, the Developer shall provide written documentation that a 1200-C permit has been issued by DEQ for the project.

2. The subdivision plan shall be revised such that the distance between Street B and Street C is no more than 600 feet. Alternately, the subdivision plan shall be revised to provide a 10-foot wide walkway within a 15-foot wide dedicated tract east/west through the block. The tract shall be dedicated either to the City or to the Homeowners Association by the final plat.
3. The Transportation Impact Analysis shall be revised or supplemented to address the additional information or clarifications requested by the City's transportation engineering consultant.

VI. 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.

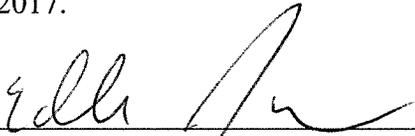
The City of Stayton land use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants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

According to Section 17.12.120.7 this approval shall be effective only when the right granted herein is commenced within one year of the effective date of the decision. Therefore the engineering plans for construction must be submitted no later than April 10, 2018.

VII. APPEAL DATES

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.400 APPEALS, within 14 days of the mailing of the notice of this decision.

APPROVED BY A VOTE OF THE STAYTON PLANNING COMMISSION ON THE 10th DAY OF APRIL, 2017.



Ellen Nunez,
Planning Commission Chairperson

4-10-17
Date

ATTEST



Dan Fleishman,
Planning & Development Director

4/10/17
Date

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. **Agency 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.

June 8, 2017

VIA ELECTRONIC MAIL: DFleishman@ci.stayton.or.us
Original to follow via first class mail



City of Stayton Planning Department
Attn: Daniel Fleishman
362 North Third Ave
Stayton OR 97383

RE: Lambert Subdivision
Our File No: 27825
City Land Use File: 1-02/17

Dear Mr. Fleishman:

On April 25, 2017, the Hayden Homes, LLC (the "Applicant") filed an appeal regarding related to the Lambert Subdivision, City Land Use File 1-02/17. The City Council for the City of Stayton accepted the appeal, which will review, at least in part, issues raised concerning the previously recommended conditions of approval by MCPW Engineering. On June 6, 2017, the Applicant and MCPW Engineering discussed the following condition of approval 1.a. (the "Condition") together with the applicable County standards to be applied for the related right-of-way construction work. The Condition states in relevant part:

"Prior to plat approval, Developer shall design, permit and construct an exclusive east bound left-turn lane on Shaff Road at Kindle Way, with associated widening and tapers."

You are now in possession of a supplemental letter from MCPW Engineering providing additional comments regarding the expected application of the MCPW Engineering standards in evaluating compliance with the Condition. Based on this letter, Applicant requests that the City of Stayton (the "City") adopt the following supplemental finding:

"Prior to plat approval, Developer shall design, permit and construct an exclusive east bound left-turn lane on Shaff Road at Kindle Way, with associated widening and tapers. These improvements shall be made subject to the application of the MCPW Engineering standards as represented to Applicant on June 6, 2017, and memorialized in the letter addressed to the City of Stayton and dated June 8, 2017, a copy of which is attached hereto (together with Exhibit A thereto) and is incorporated into the Decision by this reference."

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

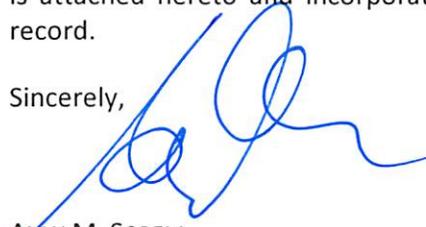
Under Section 13.12.205(4)(b) of the City of Stayton Municipal Code (the "Code") the Condition meets the definition of a Qualified Public Improvement. As such, Applicant is entitled to the reimbursement via a System Development Charge ("SDC") for any development cost beyond the City's standards as established in Section 13.12.225.2 of the Code. Without waiver of any other claim for SDC Credits or other reimbursements, Applicant requests that the City adopt the following supplemental finding:

"The City further finds that the required design and construction costs of the eastbound turn lane and frontage improvements as more particularly described in the Marion County Public Works Engineer letter dated June 8, 2017 (including the exhibits thereto) exceeds the City's minimum standard facility size and capacity requirements, and that portion of the work required for satisfaction of Condition 1.a. that requires a four foot (4') widening of Shaff Road is a qualified public improvement for purposes of 13.12.205(4)(b)."

If the City adopts both of the proceeding supplemental findings, Applicant is willing to withdraw its objection to the conditions of approval concerning the original order.

Finally, David Karr of AKS Engineering & Forestry, LLC has provided an estimate of construction costs for the requested improvements with a calculation of Applicant's proportionate share responsibility, which is attached hereto and incorporated herein as **Exhibit "A."** Please include these estimates into the record.

Sincerely,



ALAN M. SOREM
asorem@sglaw.com
Voice Message #303

AMS:myg
Enclosures

Exhibit A

TUALATIN · VANCOUVER · SALEM-KEIZER



WWW.AKS-ENG.COM

4300 CHERRY AVENUE NE · KEIZER, OR 97303

P: (503) 400-6028 F: (503) 400-7722

June 8, 2017

RE: Lambert Subdivision
Shaff Road Improvements

Detailed below are the estimated construction costs for each improvement option, along with the calculated proportionate share responsibility based on the percentage of contributing traffic.

Left-Turn Lane with Eastbound Improvements

Background traffic volumes along frontage (all eastbound traffic except the site): 12

Site-generated traffic on Shaff Road (Site generated eastbound only): 8

Total traffic eastbound on Shaff Road: 20

Our proportion: 40%

Construction Cost: \$103,650

Proportionate Share: \$41,460

Shaff Road Frontage Improvements

Background traffic volumes along frontage (combined eastbound and westbound): 841

Site-generated traffic along frontage: 39

Total traffic along frontage: 880

Our proportion: 4.4%

Construction Cost: \$576,054

Proportionate Share: \$25,346

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, appearing to read 'David Karr'.

David Karr, PE, PLS

Dan Fleishman

From: John Rasmussen <jrasmussen@co.marion.or.us>
Sent: Thursday, June 08, 2017 4:47 PM
To: Dan Fleishman
Cc: davidk@aks-eng.com; Alan Haley; Cindy Schmitt; epeterson@hayden-homes.com; asorem@sglaw.com; Mark D. Shipman
Subject: Lambert Property Appeal; Agreed Upon Street Section
Attachments: 5519 20170608 SHAFFRD STRIPING2.pdf

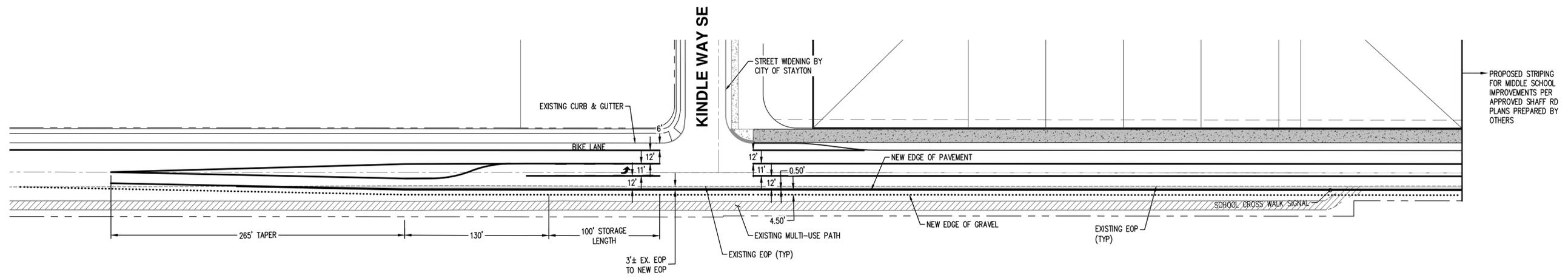
Dan,

MCPW Engineering has conducted meetings and further discussions with the Lambert Development team, including their legal representatives. We have reached a consensus on the Shaff Road typical cross-section that was in dispute. A PDF of the concept section by AKS as agreed to by both sides is attached. Furthermore and to substantiate the drawing, the following points may be noted for clarity:

- The applicable standard for the eastbound and westbound travel lanes shall be 12' in width.
- The applicable standard for the center-turn lane shall be 11' in width.
- The applicable standard for the maximum pavement width shall be 35.5', which includes a 0.5' pavement section of the southern shoulder and 4.5' gravel shoulder. A minor deviation to this will be a westbound curb taper on the north side of Shaff Road, immediately east Kindle Way.
- Power pole relocation along the subject property frontage is not necessarily anticipated given the city modified street cross-section to accommodate same, with an exception being that which is located approximately at the northeast corner of Kindle Way and Shaff Road."
- The County will not require the Applicant to install a 5' bicycle lane on the south side of the Shaff Road improvements. The existing A/C path on the south side will serve as mixed use.
- The County will not require the Applicant to install a curb on the south side of the Shaff Road improvements.
- Impact to / conflict with the storm sewer trunkline on the south side of Shaff Road is not anticipated.

The foregoing including drawing attachment constitutes our agreement with the Developer and recommendation to the City as a Supplemental Finding to Condition 1(a), but is not intended to replace the Condition as already approved.

John Rasmussen
MCPW Engineering Land Dev

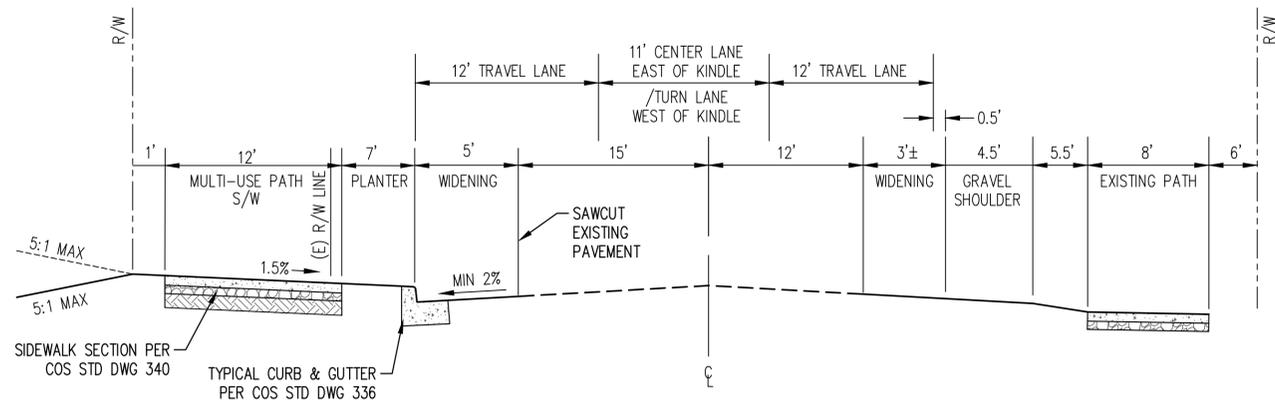


**SHAFF ROAD SE
 LEFT TURN LANE
 STRIPING AND TAPER**

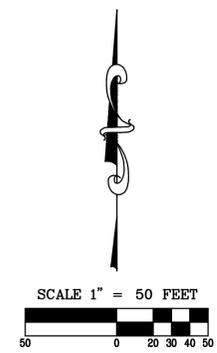
35 MPH POSTED SPEED

LEGEND

-  MULTI-USE PATH
-  NEW AC PAVEMENT



SHAFF RD CROSS SECTION
 NOT TO SCALE



BEFORE THE STAYTON CITY COUNCIL

In the matter of
the application of
Hayden Homes, LLC,
Applicant

) Subdivision
) Land Use File
) #1-02/17
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF THE APPLICATION

The application is to divide an existing parcel into 51 lots for single family homes, with associated streets, water, sewer, and stormwater improvements.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on February 27, 2017. At the hearing, Land Use File #1-02/17, application for subdivision, was made part of the record.

At the conclusion of the hearing, the Planning Commission held the record open for submission of written testimony regarding traffic. Once the record was closed, the Planning Commission met again on March 27 and made findings of fact, conclusions of law and approved the application with three conditions. On April 10, the Planning Commission found the application could be made consistent with the Land Use and Development Code with certain modifications and conditions, and granted approval with a number of conditions.

The applicant appealed the Planning Commission's approval and the City Council accepted the appeal. The City Council held a public hearing on the application on June 19, 2017. The Planning Commission's record and Land Use File #1-02/17 were made part of the City Council's record, in addition to written testimony submitted prior to the City Council's public hearing and the testimony and evidence presented at the public hearing.

III. FINDINGS OF FACT

The Stayton City Council, after careful consideration of the testimony and evidence in the record adopts the following findings of fact:

A. EXISTING CONDITIONS

1. The property is owned by the Lambert Living Trust, Rebecca McClellan and William Lambert.
2. Hayden Homes, LLC, who has a purchase and sale agreement for the property, is the applicant.
3. The property is tax lot 300 Township 9, Range 1 West of the Willamette Meridian, Section 4D and is Parcel 1 of Partitioning Plat 2016-057, recorded on December 20, 2016.
4. The parcel is 13.121 acres in area with 586 feet of frontage on Shaff Road. The parcel is developed with a single family dwelling, addressed as 1103 Shaff Road and accompanying driveway, well, and septic system. The property has access to Kindle Way by undeveloped

portions of extensions to Eagle St and Meadowlark Dr that were dedicated as right of way by Partitioning Plat 2016-057, which created the subject parcel.

5. The property is zoned Medium Density Residential (MD).
6. The property to the east is zoned Public/Semi-Public (P) and is the campus of the Stayton Middle School. The properties to the south across Shaff Rd are zoned Medium Density (MD) and High Density (HD) Residential and are developed with duplexes and a multifamily development. The property to the west and north is Parcel 2 of the partitioning that created the subject property and is zoned MD and is vacant. To the west, across Kindle Way, are properties that are zoned Low Density Residential and developed as single family detached dwellings. Neighboring single family residential properties range in size from 8,000 square feet to 27,600 square feet in area.
7. Shaff Road has a 79-foot right-of-way, with 40 feet of right of way on the north side of the centerline. Shaff Road is partially improved with two travel lanes, no curb and gutter, and sidewalks on both sides. On the north side of the road, adjacent to the frontage of the subject property there is a five-foot property-line sidewalk.

B. PROPOSAL

The proposal is to divide the existing parcel into 51 lots. The application includes the construction of new streets, including the extension of Eagle St and Meadowlark Dr within existing undeveloped right of way. The application proposes to construct the subdivision in two phases.

C. AGENCY COMMENTS

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

Marion Co Building Inspection (within the Public Works Department) responded that it had no comments. The City of Stayton Public Works Department, through the City Engineer, the City's transportation engineering consultant, and Marion County Public Works provided review comments that are incorporated into the findings below. The Santiam Water Control District requested clarifying information to be assured that stormwater will not flow over or under Kindle Way.

D. PUBLIC COMMENTS

The Planning Department received no public comments on the application prior to the Planning Commission's hearing. At the February 27 public hearing there was testimony from six individuals regarding compliance with the conceptual plan submitted with the application for annexation, the need for a perimeter fence or wall around the subdivision, traffic impacts. Following the close of the February 27 public hearing there was additional written testimony from Marion County Public Works, from the City's transportation engineering consultant, and from four members of the public.

Prior to the City Council's public hearing the applicant and Marion County Public Works submitted written materials for consideration by the City Council. These materials are further described in the findings below.

E. APPROVAL CRITERIA

Subdivision applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6 – Preliminary Plan Approval Criteria; 17.24.050 – Design Standards for Subdivisions and Partitions; 17.26.020 – Access Management Requirements and Standards; and 17.26.050 – Transportation Impact Analysis Requirements.

Section 17.24.040.6 Preliminary Plan Approval Criteria

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

b. Adequate urban services are available to the property.

Finding: There is an existing 10-inch water main in Shaff Rd and an existing 8-inch water main in Kindle Way. The application proposes to connect the subdivision to the water main in Kindle Way with two connections. The City Engineer has noted that the City's Water Master Plan shows a future 10-inch water main being extended east from the intersection of Kindle Way and Meadowlark Drive towards the Middle School private looped water system. In addition, the Water Master Plan shows the existing 10-inch water main in Shaff Road to be replaced with a 16-inch water main when the pipeline life expectancy expires. The City Engineer has recommended that a 10-inch water main be required east from the intersection of Kindle Way and Meadowlark Drive as indicated in the Master Plan and connected to the existing water main in Shaff Road.

There is an existing 8-inch sewer main in Kindle Way with an existing manhole at the corner of Kindle Way and Meadowlark Dr. There is also an 18-inch sewer main, the Mill Creek Sanitary Sewer Interceptor, in the northeast corner of the property. The application proposes to connect the subdivision to the manhole at the corner of Kindle Way and Meadowlark Dr. The City Engineer has noted that this development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor. The City Engineer further notes that the Sanitary Sewer Master Plan shows a 12-inch sanitary sewer main to be extended from the existing Mill Creek Sanitary Sewer Interceptor south to Shaff Road. The City Engineer has recommended that a 12-inch sanitary sewer system be required from the Mill Creek Sanitary Sewer interceptor south to Shaff Road.

There are currently no stormwater facilities serving the property. There is a 42-inch storm drain on the south side of Shaff Road. The City has purchased Parcel 1 of Partition Plat 2016-057 for the construction of a stormwater detention basin that, when constructed, will receive storm water from the storm drain in Shaff Road. The application includes a stormwater collection system in the proposed streets and a stormwater detention facility to be constructed within the first phase. The detention facility will discharge into the City system to be constructed on Parcel 1. The application included a Preliminary Stormwater Report. The City Engineer has noted that the proposed stormwater facility design does not conform to the Public Works Design Standards (PWDS). Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that will affect the overall stormwater facility size, location, and other stormwater facility design parameters and may impact the overall lot configuration. Santiam Water Control District commented

that the stormwater system needs to be designed to assure that stormwater proceeds north to Mill Creek and does not enter the storm system in Quail Run or Phillips Estates.

- c. *The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.*

Finding: The application proposes lots ranging in size from 7,224 square feet to 11,808 square feet, with 38 of the lots larger than 8,000 square feet in area. Neighboring single family residential properties range in size from 8,000 square feet to 27,600 square feet in area.

- d. *All streets shall be in a location and have a right of way and traveled way width in accordance with in the City's Transportation Plan.*

Finding: The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 1 that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility. The application includes a local street as the extension of Meadowlark Dr.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Finding: See the findings below regarding Sections 17.24.050 and 17.26.020.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Finding: Single family homes are an allowed use in the MD zone. The minimum lot size requirement for lots in the MD Zone is 7,000 square feet. The proposed lots will range in size from 7,261 square feet to 11,808 square feet. The minimum lot width requirement in the MD Zone is 70 feet. The proposed lots range in widths from 70 feet to 125 feet.

- g. *All applicable standards of Chapter 17.20 are satisfied.*

Finding: With the exception of Section 17.20.220 regarding Back Lots and Flag Lots, the provisions of Chapter 17.20 regulate the development of lots, not their establishment. There are no back lots or flag lots proposed in the subdivision.

- h. *All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Finding: There are no identified wetlands on this property.

- i. *The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition" or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.*

Finding: The subdivision name has been approved by the Marion County Surveyor and reserved.

j. *Compliance exists with the provisions of ORS 92.090 as amended.*

Finding: The requirements of state law for a tentative subdivision plat are that (a) the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern; (b) streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon; and (c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated. The proposed streets are in alignment with existing streets. The proposed parcels meet or exceed the minimum lot size of the MD zone.

k. *When any portion of a subdivision or partition 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 subject property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

Section 17.24.050.6 Design Standards for Subdivision and Partition Preliminary Plans

Pursuant to SMC 17.24.050.6, the following criteria must be demonstrated as being satisfied by the application:

1. *STREETS.*

a. *Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and width as indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.*

Finding: The application shows a new looped inner street connecting to Kindle Way at two locations that align with the existing centerlines of Eagle St and Meadowlark Drive. Frontage improvements are proposed along Shaff Rd. The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 2 that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility.

b. *Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*

Finding: The proposed street intersections are right angles.

- c. *The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*

Finding: No modification has been proposed.

- d. *Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.*

Finding: The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way. This is in conformance with the non-motorized plan in the TSP and improvements currently under construction to the east of the subject property. Due to the looped interior configuration of the street network and the needed access to Shaff Road for public utilities, the City Engineer has recommended that a minimum 8-foot wide concrete pedestrian access walkway within a 20-foot wide dedicated tract for access and public utilities be provided along the east property line of Lot 12 to the proposed shared path along Shaff Road. The City Engineer has also recommended that the Developer coordinate with the North Santiam School District to determine whether or not a direct pedestrian connection to the Middle School is needed. The School District has concurred with a direct pedestrian access and suggested that it enter the property near the north end of the parking lot on the west side of the campus.

- e. *Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.*

Finding: Curb and gutter will be constructed on all subdivision streets. Property line sidewalks have been proposed in conformance with the Public Works Design Standards for a local residential street along all interior streets. The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way. This is in conformance with the improvements currently under construction to the east of the subject property and the design for Shaff Road improvements approved by the City and Marion County.

- f. *In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.*

Finding: Property line sidewalks have been proposed in conformance with the Public Works Design Standards for a local residential street along all interior streets. The applicant proposes construction of a 12-foot paved multi-use path along the north side of the Shaff Road right of way.

2. *DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right of way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Finding: The preliminary plan shows dedication of 60-foot wide rights of way for all new streets.

3. *DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Finding: The adjacent land to the east is the Stayton Middle School campus. The adjacent land to the north is owned by the City for development as a stormwater detention facility. Therefore there is no necessity to continue streets into adjacent acreage. No dead-end streets or cul-de-sacs are proposed.

4. *RESERVE BLOCK.*

- a. *Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.*
- b. *In no case shall a reserve block be platted along a street that is dedicated to the required full width.*

Finding: No reserve blocks are proposed.

5. *STREET WIDTHS.*

- a. *The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*

Finding: The application shows a new looped inner street connecting to Kindle Way at two locations that align with the existing centerlines of Eagle St and Meadowlark Drive. Frontage improvements are proposed along Shaff Rd. The Future Street Plan in the Transportation System Plan shows Kindle Way as a future collector street. The Future Street Plan shows a future local street or future neighborhood collector street as the extension of Meadowlark Dr. The Future Street Plan envisioned additional local streets on Parcel 1 that will now be a City-owned stormwater facility and not developed with streets. The City will be constructing the expansion of Kindle Way as part of developing the stormwater facility.

- b. *In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a*

development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Finding: The City Engineer has not recommended any additional access.

- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.*

Finding: No commercial uses are envisioned.

- d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.*

Finding: The proposed streets have been designed in accordance with the Public Works Design Standards. No boundary streets are proposed.

- e. Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.*

Finding: No dead-end streets are proposed.

- f. Additional Right-of-Way Widths.*

- 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.*
- 2) Where bikeways necessitate, additional right-of-way width may be required.*

Finding: Shaff Road has an existing 40-foot half right of way.

6. SUBDIVISION BLOCKS.

- a. Block lengths and widths shall be determined by giving consideration to the following factors:*

- 1) The distance and alignment of existing blocks and streets.*
- 2) Topography.*
- 3) Lot size.*
- 4) Need for and direction of the flow of through and local traffic.*

- b. Block length and perimeter standards are specified in Section 17.26.1020.5.c.*

- c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Finding: The application proposes the creation of one block in the center of the subdivision, with lots around the perimeter of the subdivision. The center block will be 640 feet long and 230 feet wide. See findings relative Section 17.26.020.5.c below.

7. *MID-BLOCK WALKS.* Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

Finding: Due to the looped interior configuration of the street network and the needed access to Shaff Road for public utilities, the City Engineer has recommended that a minimum 8-foot wide concrete pedestrian access walkway within a 20-foot wide dedicated right of way for access and public utilities be provided along the east property line of Lot 12 to the proposed 12-foot wide shared path along Shaff Road. The City Engineer also recommended that the Developer coordinate with the School District to determine whether or not a direct pedestrian or fire access connection to the Middle School is needed. The School District has concurred with a direct pedestrian access and suggested that it enter the property near the north end of the parking lot on the west side of the campus.

8. *LOT SIZE, LOT LINES.*

- a. *Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*
- b. *If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.*
- c. *In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.*
- d. *Side lot lines shall be as close to right angles to the front street as practicable.*
- e. *Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.*
- f. *The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.*

Finding: The minimum lot size in the MD zone is 7,000 square feet, with a minimum 70-foot lot width. The proposed lots will range in size from 7,261 square feet to 11,808 square feet. The proposed lots range in widths from 70 feet to 125 feet. No lots have frontage on a cul-de-sac. Side lot lines are at right angles or are radial to the street intersections. Rear lot lines are the same length or wider than the front lot lines. The maximum density permitted in the MD Zone is 12 units per acre. The proposed subdivision has 3.9 units per acre.

9. *PUBLIC SURVEY MONUMENTS.* Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

Finding: There are no public survey monuments within or on the boundary of the proposed subdivision.

10. SEWAGE DISPOSAL.

- a. *All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*
- b. *If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.*

Finding: There is an existing 8-inch sewer main in Kindle Way with an existing manhole at the corner of Kindle Way and Meadowlark Dr. There is also an 18-inch sewer main, Mill Creek Sanitary Sewer Interceptor, in the northeast corner of the property. The application proposes to connect the subdivision to the manhole at the corner of Kindle Way and Meadowlark Dr. The City Engineer has noted that this development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor. The City Engineer further notes that the Sanitary Sewer Master Plan shows a 12-inch sanitary sewer main to be extended from the existing Mill Creek Sanitary Sewer Interceptor south to Shaff Road. The City Engineer has recommended that a 12-inch sanitary sewer system be required from the Mill Creek Sanitary Sewer Interceptor south to Shaff Road.

11. PUBLIC USE AREAS.

- a. *Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.*
- b. *Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.*
- c. *As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.*

Finding: Each house in the subdivision will pay a Parks System Development Charge to be used for development of parks in the City.

12. WATER SUPPLY.

- a. *All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.*
- b. *In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City*

will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.

Finding: The subdivision will be served by the City water system. There is an 8-inch water main in Kindle Way. The City Engineer has noted that the City's Water Master Plan shows a future 10-inch water main being extended east from the intersection of Kindle Way and Meadowlark Drive towards the Middle School private looped water system. In addition, the Water Master Plan shows the existing 10-inch water main in Shaff Road to be replaced with a 16-inch water main when the pipeline life expectancy expires. The City Engineer has recommended that a 10-inch water main be required east from the intersection of Kindle Way and Meadowlark Drive as indicated in the Master Plan and connected to the existing water main in Shaff Road.

13. UNDERGROUND UTILITIES.

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*
- b. The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

Finding: All utilities will be provided underground.

Section 17.26.020 Access Management Requirements and Standards

Pursuant to SMC 17.26.020 the following criteria must be demonstrated as being satisfied by the application:

17.26.020.3.f. Residential Subdivision Access Requirements.

Residential subdivisions fronting an arterial, minor arterial, or collector street shall be required to provide access from secondary local streets for access to individual lots. When secondary local streets cannot be constructed due to topographic or physical constraints, access shall be provided by consolidating driveways per the requirements set for in 17.26.020.3.d. In this situation, the residential subdivision shall still meet driveway spacing requirements of the arterial or collector street.

Finding: Shaff Road is a minor arterial. Kindle Way is a collector street. No driveway access will be provided from lots directly to Shaff Road or Kindle Way.

- 17.26.020.4.c. Sight Distance Triangle. Traffic entering an uncontrolled public road from a stop sign controlled public road, or from private roads or private driveways, shall have minimum sight distances, as shown in Table 17.26.020.4.c, except as allowed in 17.26.020.4.d. Table 17.26.020.4.c requires a minimum sight distance of 250 feet for a 25 mph design speed.*

Finding: The Transportation Impact Analysis notes that sight distance for the intersection of Meadowlark and Kindle was measured at 580 feet to the north and 591 feet to the south and for the intersection of Eagle and Kindle to be 715 feet to the north and 383 feet to the south.

17.26.020.5.a. Connectivity

- 1) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as specified in 17.24.050.1.a.*
- 2) Wherever a proposed development abuts unplatted, developable land a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. This is consistent with and an extension of 17.24.050.1.a.*
- 3) Neighborhood collectors and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic calming measures are the preferred means of discouraging through traffic. These measures are defined in the Stayton Transportation System Plan.*
- 4) Developers shall construct roadways within their development site to conform to the Future Street Plan in the transportation system plan. Flexibility of the future roadway alignment shall be at the discretion of the Public Works Director and/or his designee but must maintain the intent of the Future Street Plan.*

Finding: The proposed subdivision connects with the existing street system with extensions of Meadowlark Dr and Eagle St. The land abutting the proposed subdivision is owned by the City and is intended for the development of a stormwater detention basin. The street layout will likely direct traffic south on Kindle Way to Shaff Rd, not through neighboring residential neighborhoods. The Future Street Plan envisioned the extension of Meadowlark Dr connecting to a north/south street. With the purchase of the adjacent land to the north by the City the proposed layout is as conforming to the Future Street Plan as is reasonable.

17.26.020.5.c. Street Connectivity and Formation of Blocks (Block Length and Perimeter Standard)

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site development shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway measured from right-of-way line to right-of-way line as shown in Figure 17.26.020.5.c.

1) Residential Districts.

Minimum 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter;

If a hardship can be demonstrated in which it is not practically feasible to meet these standards due to topographical, environmental, or other significant constraints, then these conditions may be requested to be modified through the Public Works Director or his/her designee. At no time shall any block length be greater than 600 feet and its maximum block

perimeter 1,800 feet for roadways with urbanized area principal arterials, minor arterials, or lower classification.

Alleys as defined in the City's Street Design Standards may be used within residential subdivisions but cannot be used in the maximum block perimeter calculation. The maximum alley length is 600 feet between ties to public streets. Midblock access(s) to alleys must align with existing or planned public streets.

Finding: The proposed plan creates an interior block surrounded by the new streets to be constructed. The block length as proposed is 640 feet. The block perimeter as proposed is 1,740 feet.

Section 17.26.050 Transportation Impact Analysis Requirements

Pursuant to SMC 17.26.050 the following criteria must be demonstrated as being satisfied by the application:

10. Intersection Operation Standards. The City of Stayton evaluates intersection operational performance based on levels of service and "volume-to-capacity" (v/c) ratio. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.

- a. Intersection Volume-to-Capacity Analysis. A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Stayton requires that all intersections within the study area must maintain a v/c ratio of 0.95 or less. It should be noted that the mobility standards in the Oregon Highway Plan apply to Oregon Department of Transportation facilities.*
- b. Intersection Levels of Service. The City of Stayton requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full buildout of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual (or by field studies), published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D". The minimum acceptable level of service for all-way stop controlled intersections and roundabouts is LOS "D". The minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS "E" or LOS "F" with a v/c ratio of 0.95 or less for the critical movement. Any intersections not operating at these standards will be considered to be unacceptable.*

Finding: The Transportation Impact Analysis (TIA) submitted by the applicant looked at the Shaff Rd/Golf Club Rd/Wilco Rd intersection, the Shaff Rd/Kindle Way intersection, and the Shaff Rd/Gardner Rd/Stayton Middle School driveway intersection. The Shaff Rd/Golf Club Rd/Wilco Rd intersection is an all-way stop controlled intersection. The Shaff Rd/Kindle Way intersection and the Shaff Rd/Gardner Rd/Stayton Middle School driveway intersection are two-way stop controlled intersections. The TIA concluded that the Shaff Rd/Golf Club Rd/Wilco Rd intersection and the Shaff Rd/Kindle Way intersection will operate at a Level of Service (LOS) C following build-out of the project and that the Shaff

Rd/Gardner Rd/Stayton Middle School driveway intersection will operate at a LOS of E during the AM peak hour and LOS D during the mid-day and PM peak hours. The volume to capacity ratio will not exceed 0.61 at any of the studied intersections. The City's transportation engineering consultant concurred with the conclusions in the TIA.

Shaff Road is a Marion County maintained road and Marion County has permitting authority over any activity within or adjacent to the road right of way. Marion County has performance standards that apply at intersections with one or more county road approaches. Marion County uses the Texas Transportation Institute methodology, provided by the Oregon Department of Transportation, to determine if left-turn warrants are met. Marion County Public Works stated that this methodology suggests that the criteria for an eastbound left turn lane on Shaff Road at Kindle Way is met based on the build-out volumes during the afternoon and PM peak hours and requested a condition of approval that the applicant constructed an eastbound left turn lane at Kindle Way, with associated widening and tapers.

11. Review Policy and Procedure. The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.

- a. The road system is designed to meet the projected traffic demand at full build-out.*
- b. Proposed driveways do not adversely affect the functional character of the surrounding roadways.*
- c. Adequate intersection and stopping sight distance is available at all driveways.*
- d. Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.*
- e. Opportunities for providing joint or crossover access have been pursued.*
- f. The site does not rely upon the surrounding roadway network for internal circulation.*
- g. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.*
- h. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.*

Finding: The applicant submitted a Transportation Impact Analysis (TIA) prepared by Lancaster Engineering. The analysis indicated that the proposed subdivision would generate 38 trips during the morning peak hour, 52 trips during the afternoon peak hour that coincides with school release and 51 trips during the evening peak hour. The TIA stated the intersections studied by the TIA are projected to operate within the performance standards established by the City and Marion County through the build-out period. Traffic signal warrants were examined at the Shaff/Golf Club/Wilco intersection and were met under existing PM conditions. The analysis concluded that the intersection operates acceptably with its current four-way stop and a traffic signal is not necessary or recommended. A review of crash data and queuing resulted in no safety mitigations being recommended. The TIA was reviewed by Kittelson & Associates, the City's transportation engineering consultant, who asked for the following clarifications or changes in the report:

- Identification of which warrants were analyzed and which warrants are met for the signalization of the Shaff/Wilco/Golf Club intersection.
- Turning movements should be estimated at the Eagle/Kindle and Meadowlark/Kindle intersections using the ITE trip generation for the number of houses served by these intersections.
- Trips from development approved but not yet constructed were not accounted for.
- The PM peak period trip distribution should be updated to not include distribution to the school.
- The queuing analysis should include eastbound side street traffic at the Eagle/Kindle and Meadowlark/Kindle intersections
- The TIA noted that the 260-foot spacing standards for intersections is not met between Kindle Way and lots 1, 2, and 3 of the proposed subdivision. Whereas Kindle Way is designated as a future collector with connections to the north, the planning year analysis needs to determine if the queuing storage is adequate for future conditions.

Marion County Public Works' (MCPW) review of the TIA commented that the trip generation was not accurate, but did not request revisions. They also commented that the turning traffic volumes at the Kindle/Eagle and Kindle/Meadowlark intersections were not accurate. MCPW commented that the County's performance standards for intersections with a county road approach were not acknowledged by the TIA. MCPW requested a condition of approval that the applicant construct an exclusive east bound left-turn lane on Shaff Road at Kindle Way, with associated widening and tapers. This condition of approval is based on Marion County standards. Kittelson has indicated that the Shaff/Kindle intersection will operate within City standards without the left-turn lane.

The applicant submitted an addendum to the TIA. The TIA addendum responded to the review comments from Kittelson and from MCPW. In response to comments, the trip distribution was revised for the evening peak hour; turning movement volumes to and from Meadowlark and Eagle were estimated; response was given regarding left-turning movements from the Middle School; trips from the recently approved but not yet operational developments in the area were accounted for; the queuing analysis was revised to account for eastbound traffic at the Eagle/Kindle and Meadowlark/Kindle intersections; the warrants analyzed to determine the need for signalization of the Shaff/Golf Club/Wilco intersection were identified; and the comment about the TSP was responded to.

In addition, the addendum responded to the use of the Texas Transportation Institute (TTI)/ODOT methodology for left-turn lane warrants. The addendum stated that this methodology is more appropriate to higher-speed arterial roadways, and pointed out that Shaff Rd is a lower-speed collector road, adjacent to a school and a residential area. The addendum noted that an east bound left turn lane would allow higher travel speeds, longer pedestrian crossings, discourage biking and walking, and would not be consistent with the character of the neighborhood.

The TIA addendum reported that the findings and conclusions in the original report remain valid and applicable to the proposal.

Kittelson advised that the City's standards for traffic impacts are met. MCPW provided additional comments to the addendum justifying use of the TTI/ODOT methodology,

pointing out that the TTI/ODOT methodology does take into account slower-speed roadways. Further, MCPW responded to the addendum that Shaff Road is classified as an arterial street and impeding traffic speeds is not desirable, there is no crosswalk at the Shaff/Kindle intersection so pedestrian crossing should not influence engineering decisions, the applicant will be constructing a center left turn lane to the east of the Shaff/Kindle intersection. MCPW concluded that while a left-turn lane at Shaff/Kindle will not substantially improve capacity at the intersection, which is projected to operate at very acceptable levels of service upon project build-out, it will provide an incremental safety benefit for motorists on Shaff Rd and is consistent with the City's and County's ultimate design for the roadway.

In addition, the Planning Commission received four emails from residents of the neighborhood with general concerns about traffic impacts from the proposed development. None of the emails raised the issue with enough specificity to warrant specific note in these findings.

12. *Conditions of Approval. As part of every land use action, the City of Stayton, Marion County (if access to a County roadway is proposed), and ODOT (if access to a state roadway is proposed) will be required to identify conditions of approval needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of Approval that should be evaluated as part of subdivision and site plan reviews include:*

- a. *Crossover easement agreements for all adjoining parcels to facilitate future access between parcels.*
- b. *Conditional access permits for new developments which have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.*
- c. *Right-of-way dedications for future planned roadway improvements.*
- d. *Half-street improvements along site frontages that do not have full-buildout improvements in place at the time of development.*

Finding: Shaff Road is a Marion County-maintained street and Marion County has permitting authority over activities impacting Shaff Road. MCPW has identified conditions of approval in order to meet the County's and City's operational and safety standards.

Shaff Road does not have full-buildout improvements along the frontage of the subject property. Shaff Road is classified as a Minor Arterial street by the City's Transportation System Plan. The application included plans for improvement to Shaff Road that would have provided a 20-foot half-street section, a 7-foot landscaped area and a 12-foot shared path, to be located within the existing 40-foot half right of way.

The Stayton Public Works Design Standards (PWDS) call for full-buildout improvements to Shaff Road of a 50-foot improvement width with two 12-foot travel lanes and a 14-foot center left turn lane; two 6-foot bicycle lanes and no on-street parking. The PWDS also call for an 8-foot property line sidewalk and a 6-foot landscape area between curb and sidewalk.

Construction of the above specifications from the PWDS would require relocation of the franchise utility transmission poles in order to accommodate the 25-foot half-street

improvement. Whereas the transmission poles are estimated to cost \$75,000 each to move, the City developed an alternative improvement section for the portion of Shaff Road between Kindle Way and Cascade Highway, that was acceptable to Marion County. This alternative improvement section has been constructed to the east of the Stayton Middle School and improvements designed in accordance with the alternative improvement section have been approved by MCPW and the City for the frontage of the Stayton Middle School and are anticipated to be constructed during the summer of 2017.

The alternative improvement section developed by the City of Stayton for this section of Shaff Road calls for only a 42-foot improvement width without a bicycle lane on the north side. The sidewalk is expanded from 8 feet in width to a 12-foot multi-use path to accommodate bicycle and pedestrian traffic. This allows the power transmission poles to remain in place and avoids close to a \$1 million in relocation costs over the length of Shaff Road. There are three transmission poles on the subject property, saving over \$200,000 in relocation costs to the applicant and will reduce costs of street widening.

The applicant and MCPW have come to an agreement on proposed improvements to Shaff Rd as memorialized in a June 8 email from MCPW to City staff. The agreement calls for two 12-foot travel lanes with an 11-foot center refuge/turn lane. The applicant will be responsible for construction of curb and gutter on the north side Shaff Rd, a 7-foot landscape strip and 12-foot multi-use path. The applicant will be responsible for improvements on the south side of the street necessary to generally provide a 35.5-foot pavement width and a 4.5-foot gravel shoulder, without curb and gutter. The existing 8-foot path on the south side will serve as a mixed use path.

MCPW has noted that the methodology utilized by Marion County for determining left turn needs and properly considers roadways with varying speeds. The County had indicated that a left-turn pocket for east-bound traffic Shaff Road at Kindle Way is warranted. Further, the left-turn lane is consistent with the frontage improvements required along the frontage of the subdivision, to be constructed along the frontage of the adjacent Stayton Middle School, and recently constructed to the east of the Middle School. MCPW has stated that a left turn lane will provide an incremental safety benefit for motorists on Shaff Rd.

As a Marion County maintained road, construction of improvements within the right of way of Shaff Road is subject to the permitting authority of the County. It is the City policy to defer to Marion County for construction to be performed on a road under their sole jurisdiction. While the City controls the land use planning and permitting of development activity, construction within a county road is subject to review and approval from Marion County.

IV. CONCLUSION

Based on the findings of fact above, the City Council concludes that the approval criteria in Sections 17.24.040.6, 17.24.050.6, 17.26.020, and 17.26.050 are met except for the following:

Section 17.24.040.6.b. This standard requires that adequate urban service be available to the property. The proposal is not in conformance with the City's Water Master Plan or Wastewater Master Plan. In addition the stormwater management plan provided does not meet the Public Works Design Standards. This standard could be met if the applicant submits a revised water plan showing a 10-inch water main east from the intersection of Kindle Way and Meadowlark Drive as

indicated in the Water Master Plan and connected to the existing water main in Shaff Road, if the applicant submits a revised sewer plan connecting the subdivision to the Mill Creek Sanitary Sewer Interceptor and including a 12-inch sanitary sewer main from the Mill Creek Sanitary Sewer interceptor south to Shaff Road, and if the applicant submits a revised stormwater management plan that conforms to Public Works Design Standards.

Section 17.24.050.1.d. This standard requires pedestrian ways in accordance with the Transportation System Plan. This standard could be met if a minimum 8-foot wide concrete pedestrian access walkway is constructed within a 20-foot wide dedicated tract along the east property line of Lot 12 to the proposed shared path along Shaff Road and if a similar path be constructed within a 20-foot wide dedicated tract to provide a direct pedestrian connection to the Middle School.

17.24.050.7. This standard requires mid-block pedestrian walks in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services. The planning Commission has determined that mid-block walks are appropriate to provide connections with the Stayton Middle School and with Shaff Road. This standard could be met if a minimum 8-foot wide concrete pedestrian access walkway is constructed within a 20-foot wide dedicated tract along the east property line of Lot 12 to the proposed shared path along Shaff Road and if a similar path be constructed within a 20-foot wide dedicated tract to provide a direct pedestrian connection to the Middle School.

17.24.050.10.a. This standard requires all extensions of sewage facilities to be in accordance with the Wastewater Master Plan. The Wastewater Master Plan calls for this area to be served by the Mill Creek Sanitary Sewer Interceptor. The Wastewater Master Plan shows a 12-inch sanitary sewer main being extended from the existing Mill Creek Sanitary Sewer Interceptor through the subject property south to Shaff Road. This standard could be met if revised sanitary sewer plans are submitted that show the subdivision connecting to the Mill Creek Sanitary Sewer Interceptor in the northeast corner of the development and include a 12-inch main from the Mill Creek Sanitary Sewer Interceptor south to Shaff Road.

Section 17.26.020.5.c. This standard establishes a maximum block length of 600 feet in residential district. The proposed block length for the interior block is 640 feet. This standard could be met if the plans are revised such that the distance between Street B and Street C is no more than 600 feet. Alternately, this standard could be met by provision of a mid-block walkway.

Section 17.26.050.12. This standard requires the City and the County to identify conditions of approval needed to meet operations and safety standards and to provide the necessary right-of-way and improvements to develop the future planned transportation system. The street improvements proposed with the application do not meet the PWDS for Shaff Road full-buildout and do not meet the alternative improvement section developed by the City to avoid the costs of relocation of the power transmission poles. The applicant and the Marion County have developed an agreement as to the improvements required along the frontage of the property, as memorialized in a June 8 email from Marion County to City staff. Marion County, which has exclusive jurisdiction over improvements in Shaff Road has requested a condition of approval to require an eastbound left-turn lane at the Kindle Way intersection in order to meet the County's operational and safety standards. This standard could be met if conditions of approval are imposed that require a half-street improvement along the site frontage in compliance with the June 8 email from Marion County

Public Works to City staff and require construction of an eastbound left-turn lane at the Shaff/Kindle intersection.

V. ORDER AND CONDITIONS OF APPROVAL

The City Council approves the application as shown on a 10-sheet set of plans entitled “Lambert Place Preliminary Phased Subdivision Plan” prepared by AKS Engineering and dated January 30, 2017 and the accompanying materials on file in the Planning and Development Department subject to the Standard Conditions of Approval, attached, and with the following specific conditions of approval.

1. The following engineered plans and supporting documentation shall be submitted to the City and Marion County Public Works (as applicable) for review and approval prior to issuance of a Site Development Permit. The construction plans for each phase shall be capable of standing alone and City approval of one phase shall be independent of the approval for all other phases. As such, lots 16 and 30 will likely need to be within Phase 2. Approval of the construction plans by the City and the time by which construction must begin shall apply to each phase independently.
 - a. Street improvement plans conforming to Public Works Standards. A minimum 8-foot wide concrete pedestrian access walkway within a 20-foot wide dedicated tract shall be provided along the east property line of Lot 12 to the proposed 12-foot wide shared path along Shaff Road. The Developer shall coordinate with the North Santiam School District to locate a direct pedestrian connection to the Stayton Middle School. Prior to issuance of a Site Development Permit, the Developer shall provide written documentation that Marion County Public Works has reviewed and approved the Shaff Road street improvement plans. The Developer shall design, permit and construct up to a half-street urban frontage improvement adjacent to the Shaff Road property frontage in accordance with the standards included in the June 8, 2017 email from Marion County Public Works to City staff and shall include an exclusive eastbound left-turn lane on Shaff Rd at Kindle Way, with associated widening and tapers. Shaff Road engineering improvement plans shall include the following, aside from other ordinary components:
 - Shaff Road Base Survey (void of improvement linework and annotation)
 - Shaff Road Demolition Plan (void of improvement linework and annotation)
 - Shaff Road Street Plan & Profile
 - Spot-shot grading detail of Shaff Road/Kindle Way public street connection
 - Shaff Road/Kindle Way Curb Return Profiles
 - Utility Installation/Relocation Plan
 - Shaff Road Resurfacing, Signing & Striping Plan
 - Traffic Control Plan(s) for all phases of work in Shaff Road, including utility work

Up to a half-street improvement of some type (mill/overlay) may be required in order to stabilize degrading pavement and/or achieve cross- and longitudinal-slope tolerances. Developer shall be responsible to preserve and protect the current PCI rating and the structural integrity of Shaff Road to the satisfaction of Marion County Public Works throughout all phases of development. Failure to preserve and protect the road may result in Developer being responsible for replacing or reconstructing the damaged road at their expense.

- b. Water system plans conforming to Public Works Standards and meeting the requirements of the Fire Code Official and Building Official. Unless otherwise directed by the Public Works Director, a 10-inch CLDI public water main shall be required east from the intersection of Kindle Way and Meadowlark Drive and connected to the existing 10-inch AC water main in Shaff Road (through the required pedestrian access tract along the east property line of Lot 12). A utility easement in accordance with PWDS 102.08 shall be provided if a water main and/or fire hydrant is extended outside the public right-of-way or dedicated tract. Prior to Site Development Permit issuance, the Developer shall provide documentation that the Fire Code Official has reviewed and approved all required fire access, protection devices, and system modifications, unless otherwise deferred by the Fire Code Official.
- c. Sanitary sewer system plans conforming to DEQ, Public Works Standards, and meeting the requirements of the Building Official. This development is part of the Mill Creek Sanitary Sewer Interceptor basin, and as such, will need to connect to the Mill Creek Sanitary Sewer Interceptor located at the northeast corner of the development. Unless otherwise directed by the Public Works Director, a 12-inch sanitary sewer system is required from the Mill Creek Sanitary Sewer interceptor south to Shaff Road (through the recommended pedestrian access tract to the Middle School and along the east property line of Lot 12). A utility easement in accordance with PWDS 102.08 shall be provided if a sanitary sewer main is extended outside the public right-of-way or a dedicated tract. Prior to Site Development Permit issuance, the Developer shall provide written documentation that DEQ has reviewed and approved the sanitary sewer system plans.
- d. A stormwater analysis and report conforming to Public Works Standards. Developer shall submit stormwater calculations to MCPW Engineering for co-review, and obtain permits from MCPW Engineering for any drainage work affecting Shaff Road. Careful review and consideration of the area's seasonal high groundwater impacts will need to be included in the analysis. Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that will affect the overall stormwater facility size, location, and other stormwater facility design parameters. This will impact the overall lot configuration.
- e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. This will need to be addressed for each separate construction phase. An acceptable point of discharge is to be designated by the Design Engineer and approved by the City.
- f. A stormwater operation and maintenance plan/agreement (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.
- g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. A 1200-C permit will need to be obtained by the Developer from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material. Prior to Site Development Permit

issuance, the Developer shall provide written documentation that a 1200-C permit has been issued by DEQ for the project.

- 2. The subdivision plan shall be revised such that the distance between Street B and Street C is no more than 600 feet. Alternately, the subdivision plan shall be revised to provide a 10-foot wide walkway within a 15-foot wide dedicated tract east/west through the block. The tract shall be dedicated either to the City or to the Homeowners Association by the final plat.

VI. 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.

According to Section 17.12.120.7 this approval shall be effective only when the right granted herein is commenced within one year of the effective date of the decision. Therefore the engineering plans for construction must be submitted no later than June 19, 2018.

VII. APPEAL DATES

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

APPROVED BY A VOTE OF THE STAYTON CITY COUNCIL ON THE 19th DAY OF JUNE, 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, Special Land Use Counsel

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. **Agency 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.

DRAFT



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
Lance Ludwick, Public Works Director
DATE: June 19, 2017
SUBJECT: Resolution 960 Authorizing Submittal of Grant Application to
Bonneville Environmental Foundation

ISSUE

The issue before the Council is authorization to staff to apply for funds from the Bonneville Environmental Foundation to support the development of the City's stormwater system.

BACKGROUND

The City's Stormwater Master Plan calls for over \$20 million in improvements to the City stormwater system. The City has established a stormwater utility and a stormwater SDC in order to fund the operation and maintenance of the stormwater system and capital improvements.

Utilizing an appropriation from the State budget, the City has acquired property for the construction of a regional stormwater detention basin and begun the design of the basin.

Staff has just been informed of the possible availability of grant funds through the Bonneville Environmental Foundation. These funds must be used for urban stormwater or rural irrigation improvements in areas in the Willamette Basin that will yield measurable water benefits. Staff believes that the Shaff Rd detention basin can demonstrate benefits to both by diverting urban stormwater out of the Salem Ditch.

The funding is still tentative but information must be received from the City by the end of June. Therefore staff is requesting authorization to apply for funding.

Attached is a draft Resolution authorizing application for funding from the Bonneville Environmental Foundation.

RECOMMENDATION

Staff recommends the City apply to the Bonneville Environmental Foundation for funding to support the development of the Shaff Rd detention basin.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve Resolution 960 Authorizing the Submission of an Application for funding to the Bonneville Environmental Foundation

Move to approve Resolution 960 Authorizing the City Administrator to submit an application to the Bonneville Environmental Foundation.

2. Take no Action.

No motion is necessary.

RESOLUTION NO. 960

A RESOLUTION AUTHORIZING THE CITY OF STAYTON TO APPLY FOR A STORMWATER ENHANCEMENT GRANT FROM THE BONNEVILLE ENVIRONMENTAL FOUNDATION.

WHEREAS, the Bonneville Environmental Foundation is accepting applications for the funding for stormwater investments that will provide measurable water benefits within the Willamette Valley;

WHEREAS, the Stayton Stormwater Master Plan calls for \$26,000,000 in capital improvements to address the City's stormwater needs;

WHEREAS, the City has purchased property for the construction of a regional stormwater detention facility;

WHEREAS, construction of the regional stormwater detention facility will divert storm water from the Salem Ditch and improve water quality;

WHEREAS, a requirement of the grant application process is that the application include an approved resolution from the governing body authorizing the grant application.

NOW THEREFORE, BE IT RESOLVED that the City of Stayton, through its City Administrator, shall apply to the Bonneville Environmental Foundation for funding for stormwater improvements.

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

ADOPTED BY THE STAYTON CITY COUNCIL this 19th day of June, 2017

CITY OF STAYTON

Date: _____, 2017

By: _____
Henry A. Porter, Mayor

Date: _____, 2017

Attest: _____
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



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

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Keith Campbell, City Administrator
DATE: June 19, 2017
SUBJECT: Charter Review Committee Proposed Changes

ISSUE

Should the City Council approve the recommended updates provided by the Charter Review Committee and refer those updates to the voters of Stayton?

ENCLOSURE(S)

1. Redline version showing proposed changes to the current Charter
2. Working template providing current language, League of Oregon Cities model charter language, notes, and proposed changes.
3. Resolution No. 961, Referring the Charter to the Voters for Consideration

BACKGROUND INFORMATION

On February 6th, the Stayton City Council unanimously approved the establishment of a Charter Review Committee to review and make formal recommendations and considerations. The City made a public call for volunteers and contracted with the Mid-Willamette Valley Council of Governments to lead the Committee. The Charter Review Committee was comprised of the following members:

- Nancy Boyer, Mid-Willamette Valley Council of Governments
- Henry Porter, Mayor
- Brian Quigley, City Councilor
- David Rhoten, City Attorney
- Keith Campbell, City Administrator
- Lance Ludwick, Public Works Director
- Gerry Aboud, Citizen and former Mayor
- Ralph Lewis, Citizen and former City Councilor
- Dorothy Loftin, Citizen
- Judith Mohny, Citizen
- Wayne Lindsey, Citizen

The Committee met at the Stayton Public Library on three occasions, April 11th, April 25th, and May 16th. The Committee reviewed the current charter and the League of Oregon Cities Model Charter and discussed current language and proposed changes. The Committee worked from the enclosed template which provides comparative language from the current Stayton Charter and the language of the LOC Model Charter. The document highlights the difference between the two documents and provides notes of research or discussion. This document also provides the proposed changes. The enclosed Redline document easily highlights the changes as proposed by the Charter Review Committee to the Stayton Charter.

OPTIONS

1. Approve the changes to the Stayton Charter as proposed.
2. Approve the Stayton Charter as proposed with the following modifications_____.
3. Remand the matter back to the Committee for further consideration.
4. No Action.

STAFF RECOMMENDATION

Staff recommends approving the changes to the City of Stayton Charter and referring the proposed changes to the November 7th General Election for voter consideration.

MOTION(S)

1. Approve the changes to the City of Stayton Charter and approve Resolution No. 961, referring the Charter to the voters for consideration at the November 7, 2017 General Election.
2. Approve the Stayton Charter as proposed with the following modifications_____ and approve Resolution No. 961, referring the Charter to the voters for consideration at the November 7, 2017 General Election.
3. Remand the matter back to the Committee for further consideration.

~~2010~~
**CITY OF STAYTON
CHARTER**

~~Enacted by Resolution No. 844~~

~~August 17, 2009~~

Effective ~~1 January 2010~~ January 1, 2018

This is a true and certified copy of the ~~2010~~ 2018 City of Stayton Charter as approved by voters on November ~~7, 2017.~~ 03, 2009.

Keith D. Campbell, City ~~Administrator~~ Manager

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PREAMBLE

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

CHAPTER I - NAMES AND BOUNDARIES

| SECTION 1. TITLE. This charter may be referred to as the ~~2010~~2018 City of Stayton Charter.

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

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

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

CHAPTER II - POWERS

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

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

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

CHAPTER III - ELECTED OFFICIALS

SECTION 8. COUNCIL. The council consists of five councilors nominated and elected from the city at large ~~or from wards with boundaries set by ordinance.~~

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

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

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

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

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

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

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

CHAPTER IV - LEGISLATIVE AUTHORITY

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

SECTION 17. ORDINANCE ENACTMENT.

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

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or

another date less than 30 days after enactment if it contains an emergency clause. ~~and is~~
~~unanimously approved.~~

CHAPTER V - ADMINISTRATIVE AUTHORITY

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

SECTION 20. RESOLUTION ADOPTION.

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

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

CHAPTER VI - QUASI-JUDICIAL AUTHORITY

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

SECTION 23. ORDER APPROVAL.

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

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

CHAPTER VII - ELECTIONS

SECTION 25. COUNCILORS. ~~At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four year terms. The councilor receiving the third highest number of votes is elected to a two year term.~~ The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

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

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

SECTION 28. QUALIFICATIONS.

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

SECTION 29. NOMINATIONS. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. ~~A petition for elective office must be signed by the nominee and at least 10 city electors.~~

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

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

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

(a) Upon the incumbent's:

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

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

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

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

CHAPTER VIII - APPOINTIVE OFFICERS

SECTION 34. CITY MANAGER~~ADMINISTRATOR.~~

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

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

SECTION 36. MUNICIPAL COURT AND JUDGE.

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

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

CHAPTER IX - PERSONNEL

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

CHAPTER X - MISCELLANEOUS PROVISIONS

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

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

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

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

| SECTION 42. TIME OF EFFECT. This charter takes effect January 01, 20180.

Chapter I – Names and Boundaries

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 4. Annexations	Annexations over one acre not required by state law must be approved by city voters before the annexations take effect.	Appendix B – Provisions Not Included in the Model Charter – Annexation Procedure. An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute. City power under the home rule amendments is only intramural in character. A city may only exercise the extramural power delegated by the legislature. A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures in both its extramural and intramural aspects.	<p>Passed as part of a larger package of bills crafted to increase affordable housing, Senate Bill 1573 effectively nullifies provisions in 34 cities that require public votes on annexations.</p> <p>For now, the issue is tied up in court. The result of the Corvallis lawsuit will determine if the new state law is constitutional.</p> <p>Benton County Circuit Court Judge Matthew Donohue ruled in favor of the state in a summary judgment issued Friday (February 2017) on SB 1573, the state law signed by Gov. Kate Brown in March 2016.</p>	Annexations over one three acres not required by state law must be approved by city voters before the annexations take effect.

Chapter III – Elected Officials

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 8. Council	The Council consists of five councilors nominated and elected from the city at large or from wards with boundaries set by ordinance.	The council consists of a mayor and six councilors nominated and elected from the city at large.	<p>Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. If the mayor is not to have a council vote, then this section should state that the council consists of a specified number of councilors selected by the city at large.</p> <p>Most Oregon cities nominate and elect</p>	The Council consists of five councilors nominated and elected from the city at large. or from wards with boundaries set by ordinance.

			<p>councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: "The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by district with the boundaries fixed by ordinance." District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.</p>	
Section 9. Mayor	<p>The mayor presides over and facilitates council meetings, preserves order, enforces council rules and determines the order of business under council rules. The mayor is not a member of the council and has no vote unless there is a tie vote. The mayor has authority to require the council to reconsider ordinances. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.</p>	<p>The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.</p>	<p>Some charters permit the mayor to vote only to break a tie. If the mayor's vote is to be so limited, this section needs to be changed accordingly.</p> <p>The section that the mayor must sign all records of council decisions could be eliminated. Ordinance and resolutions have dates they become effective (with revised language) that do not require the signature of the mayor. Are there other decisions of the Council which would require the signature of the mayor?</p>	<p>The mayor presides over and facilitates council meetings, preserves order, enforces council rules and determines the order of business under council rules. The mayor is not a member of the council and has no vote unless there is a tie vote. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions and as authorized by rule, unless otherwise provided in this Charter. The mayor serves as the political head of the city government.</p>
Section 10. Council President	<p>At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as</p>	<p>At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as</p>		<p>At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to</p>

	mayor when the mayor is unable to perform duties. When acting as mayor, the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.	mayor when the mayor is unable to perform duties.		perform duties, including signing records of council decisions and as authorized by rule. When acting as mayor, the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.
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Chapter IV – Legislative Authority

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 17. Ordinance Enactment (b)	The council may enact an ordinance at a single meeting by the unanimous approval of at least three councilors, provided the proposed ordinance is available in writing to the public at least seven days before the meeting.			The council may enact an ordinance at a single meeting by the unanimous approval of at least three the councilors in attendance , provided the proposed ordinance is available in writing to the public at least seven days before the meeting.
Section 17. Ordinance Enactment (c)	Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council enacts the ordinance at that meeting.			Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council enacts the ordinance at that meeting.
Section 17. Ordinance Enactment (e)	After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.	After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.		After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it. When an ordinance is passed, the city recorder shall endorse it with the date of its passage, his/her name and title of office; and within three days thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
Section 17. Ordinance Enactment (f)	If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the ordinance is not returned, it takes effect			If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the ordinance is not returned mayor does not so return it, such ordinance is

	as enacted.			takes effect shall become law as enacted.
Section 17. Ordinance Enactment (g)	At the first council meeting after demand for reconsideration by the mayor, the council must consider the reasons of the mayor and again vote on the ordinance. If at least three councilors vote to enact the ordinance, it takes effect.			At Upon the first regular meeting of the council meeting after the demand for reconsideration by the mayor, the council must consider the reasons of provided by the mayor and again vote on the ordinance. If at least three councilors vote to enact the ordinance, it takes effect shall become law . If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become a law.
Section 18. Effective Date of Ordinances	Ordinances normally take effect on the 30 th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later date provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause and is unanimously approved.	Ordinances normally take effect on the 30 th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.		Ordinances normally take effect on the 30 th day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later date provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause. and is unanimously approved.

Chapter VII – Elections

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 25. Councilors	At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four-year terms. The councilor receiving the third highest number of votes is elected to a two-year term.	The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.	General elections are held on the first Tuesday after the first Monday in November of even numbered years. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms.	At each general election after the effective date of this charter, three councilors will be elected. The two councilors receiving the highest number of votes are elected for four-year terms. The councilor receiving the third highest number of votes is elected to a two-year term. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

<p>Section 26. Mayor</p>	<p>At every other general election after the effective date of this charter, a mayor will be elected for a two-year term. A mayor may serve no more than three consecutive elected two-year terms. The term of the mayor in office when this charter takes effect continues until the beginning of the first odd-numbered year after charter adoption.</p>	<p>The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>	<p>The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>	<p>At every other general election after the effective date of this charter, a mayor will be elected for a two-year term. A mayor may serve no more than three consecutive elected two-year terms. The term of the mayor in office when this charter takes effect continues until the beginning of the first odd-numbered year after charter adoption.</p> <p>The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term. A mayor may serve no more than two consecutive elected four-year terms.</p>
<p>Section 29. Nominations</p>	<p>The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. A petition for elective office must be signed by the nominee and at least 10 city electors.</p>	<p>The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p>	<p>This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.</p>	<p>The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position. A petition for elective office must be signed by the nominee and at least 10 city electors.</p> <p><i>(Any petition requirements should be included in the ordinance adopted by the Council)</i></p>
<p>Section 31. Oath</p>	<p>The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the charter, ordinances and resolutions of the city.</p>	<p>The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.</p>		<p>The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon; ; and support the charter, ordinances, and resolutions and municipal code of the city.</p>
<p>Section 32. Vacancies (b) (2)</p>	<p>Absence from the city for 30 days, or from all council meetings within a 60-day period without consent from the council.</p>	<p>Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period.</p>		<p>No changes recommended</p>
<p>Section 33. Filling Vacancies</p>	<p>A vacancy in the office of mayor will be filled by a majority of the council. A councilor vacancy will be filled by</p>	<p>A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The</p>		<p>No changes recommended</p>

	<p>appointment by the mayor with the consent of the council. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, the mayor with the consent of the council may appoint a councilor pro tem.</p>	<p>appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p>		
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Chapter VIII – Appointive Officers

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 34. Administrator	Administrator	City Manager		Section 34. Administrator City Manager
Section 34. City Administrator (a)	The office of administrator is established as the administrative head of the city government. The administrator is responsible to the mayor and council for the proper administration of city business. The administrator will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.	The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies and carry out policies established by ordinances and resolutions.	Need to change administrator to city manager.	The office of administrator city manager is established as the administrative head of the city government. The administrator city manager is responsible to the mayor and council for the proper administration of city business. The administrator city manager will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.
Section 34. Administrator (b)	The mayor must appoint and must remove the administrator with the consent of the council. The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management.	A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.		The mayor must appoint and must may remove the administrator manager only with the consent of the majority of the existing council members council . The appointment must be made without regard to political considerations and solely on the basis of education and experience relating to local government management. in the competencies and practices of local government management.
Section 34. Administrator (c)	The duties of the administrator must be set by ordinance.	The manager must: 1. Attend all council meetings unless excused by the mayor or council:	The LOC Model Charter has the following additional provisions regarding the City Manager position:	The duties of the administrator city manager must be set by ordinance.

		<ol style="list-style-type: none"> 2. Make reports and recommendations to the mayor and council about the needs of the city; 3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions. 4. Appoint, supervise and remove city employees; 5. Organize city departments and administrative structure; 6. Prepare and administer the annual city budget; 7. Administer city utilities and property; 8. Encourage and support regional and intergovernmental cooperation; 9. Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community; 10. Perform other duties as directed by the council; 11. Delegate duties but remain responsible for acts of all subordinates. 	<ul style="list-style-type: none"> • (d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs. • (f) The manager has no authority over the council or over the judicial functions of the municipal judge. • (g) The manager and other employees designated by the council may set at council meetings but have no vote. The manager may take part in all council discussions. • (h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. 	
<p>Section 34. Administrator (d)</p>	<p>The mayor and councilors may not directly or indirectly attempt to coerce the administrator or a candidate for the office of administrator in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the administrator relating to city business.</p>	<p>No council member may directly or indirectly attempt to coerce the manager or a candidate for the officer of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>The mayor and councilors may not directly or indirectly attempt to coerce the administrator manager or a candidate for the office of administrator manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the administrator manager relating to city business.</p>	<p>The mayor and councilors may not directly or indirectly attempt to coerce the administrator manager or a candidate for the office of administrator manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the administrator manager relating to city business.</p>

Section 35. City Attorney	The office of city attorney is established as the chief legal officer of the city government. The mayor must appoint and may remove the city attorney with the consent of the council. The city attorney may designate other lawyers to serve as assistant city attorneys or special counsel.	The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any office employees.		No changes recommended.
Section 36. Municipal Court and Judge (a)	The mayor may appoint and remove a municipal judge with the consent of the council. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.	A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.		No changes recommended.
Section 36. Municipal Court and Judge (f)	The mayor may appoint and may remove municipal judges pro tem with the consent of the council.	The council may appoint and remove municipal judges pro tem.		No changes recommended.

Chapter IX – Personnel

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 37. Personnel Rules	The council by resolution will adopt rules governing compensation, recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.	Compensation – The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.	ORS 294.352(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: “However, no councilor may receive compensation for serving in that capacity.” This prohibition does not prevent reimbursement for expenses.	No changes recommended.

Chapter X – Miscellaneous Provisions

	City of Stayton	LOC Model Charter	Notes	Recommendation of Charter Review Committee
Section 39. Ordinance Continuation	All ordinances, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in			All ordinances, Stayton Municipal Code , resolutions, orders and rules in force and consistent with this charter when it takes effect

	effect until amended or repealed.			remain in effect until amended or repealed.
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Public Improvements

	City of Stayton	LOC Model Charter	Notes	
		<p><u>Section 38 Procedure.</u> The council may be ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.</p>		No changes recommended.
		<p><u>Section 39. Special Assessments.</u> The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.</p>		No changes recommended.

RESOLUTION NO. 961

**A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF STAYTON,
OREGON, A MEASURE FOR ADOPTION OF A REVISED CITY CHARTER**

Whereas, the Stayton City Council determined that revisions be made to the Stayton Charter of 2010;

Whereas, a Charter Review Committee, facilitated by the assistance of the Mid-Willamette Valley Council of Governments, convened and deliberated, proposing revisions to the Charter; and,

Whereas, the Stayton City Council concurs with the recommendations as set forth in Exhibit A, appended hereto, and directs the referral of the 2018 City of Stayton Charter to the voters of the City of Stayton for approval.

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

Section 1. The 2018 City of Stayton Charter, attached hereto as Attachment A, is approved for submission to the electors of Stayton at the next statewide general election on Tuesday, November 7, 2017.

Section 2. Provided a majority of the legal voters of the City of Stayton approves the Measure, the 2018 City of Stayton Charter shall become effective January 1, 2018, upon certification of the vote by the Marion County Clerk.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 19TH DAY OF JUNE, 2017.

CITY OF STAYTON

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Administrator

APPROVED AS TO FORM

David A. Rhoten, City Attorney

CITY OF STAYTON CHARTER

Effective January 1, 2018

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

Keith D. Campbell, City Manager

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PREAMBLE

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

CHAPTER I - NAMES AND BOUNDARIES

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

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

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

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

CHAPTER II - POWERS

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

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

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

CHAPTER III - ELECTED OFFICIALS

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

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

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

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

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

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

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

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

CHAPTER IV - LEGISLATIVE AUTHORITY

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

SECTION 17. ORDINANCE ENACTMENT.

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

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

CHAPTER V - ADMINISTRATIVE AUTHORITY

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

SECTION 20. RESOLUTION ADOPTION.

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

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

CHAPTER VI - QUASI-JUDICIAL AUTHORITY

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

SECTION 23. ORDER APPROVAL.

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

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

CHAPTER VII - ELECTIONS

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

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

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

SECTION 28. QUALIFICATIONS.

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

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

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

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

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

- (a) Upon the incumbent's:

- (1) Death,

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

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

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

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

CHAPTER VIII - APPOINTIVE OFFICERS

SECTION 34. CITY MANAGER.

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

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

SECTION 36. MUNICIPAL COURT AND JUDGE.

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

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

CHAPTER IX - PERSONNEL

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

CHAPTER X - MISCELLANEOUS PROVISIONS

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

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

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

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

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



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

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Keith D. Campbell, City Administrator
DATE: June 19, 2017
SUBJECT: Resolution No. 962, Adopting Fees and Charges for Various City Services

BACKGROUND INFORMATION

Enclosed you will find Resolution No. 962, which includes recommended changes to the fee schedule. Annually, the City reviews and updates its fees and fines schedule to allow for fees for services to be adjusted and kept current.

FISCAL IMPACT

The fee schedule assists the City to recover our costs when providing these services as allowed by State Statute.

OPTIONS AND MOTIONS

1. Adopt Resolution No. 962 as presented.

Move to adopt Resolution No. 962, adopting fees and charges for various City Services as presented.

2. Adopt Resolution No. 962 with amendments.

Move to adopt Resolution No. 962, adopting fees and charges for various City Services as amended.

3. Take no action.

No motion necessary.

RESOLUTION NO. 962

A RESOLUTION ADOPTING FEES AND CHARGES FOR VARIOUS CITY SERVICES

WHEREAS, the City of Stayton receives requests from citizens for administrative, police, municipal court, library, public works, planning, parks and facilities and services requiring the expenditure of personnel time and materials; and

WHEREAS, prudent use of the City’s financial resources requires that the City charge fees sufficient to recover the cost in personnel time and materials to render the service requested.

NOW, THEREFORE, BE IT RESOLVED that the City Council directs that the following fees will be charged for services:

ADMINISTRATIVE/CITY WIDE

Copies		2017-18 Fee
8.5 X 11 or 8.5 X 14	Per side	\$0.25
11 X 17	Per side	\$0.25
Large Format	Per copy	\$10.00
Audio/Digital Recording	Per CD	\$15.00
Actual if outsourced + admin fee	Per request	\$5.00
Video Tapes		
Actual if outsourced + admin fee	Per request	\$5.00
Digital Photos		
Additional pages		\$5.00
Lien Search	Per search	\$5.00
Fax Transmittals	Per page	\$0.25
Additional pages	Per page	\$0.00
Returned Checks/items or Autopay	Per item	\$25.00
Billing Administrative Fee		10%
Invoice Late Fee		9%
Mailing cost, cost of item +10%	Minimum	\$2.50
All other services not Identified		Actual Cost

POLICE

		2017-18 Fees & Fines
Open Records check		\$15.00
Copies of Police Reports; 1st 10 pages		\$10.00
Per page thereafter		\$.25
Copies of Digital Photos	Per Page	\$1.00
CD of digital photos	Each CD	\$5.00
Carnival, Amusement Park & Concession	Per Year	\$300.00

Promotional/Processional Event	Per Event SMC 5.44 Per Event SMC 10.36	\$50.00
Recurring Events	Per Event	\$25.00
Event Street Marking Deposit	Per Event	\$200.00
Camping Permit	Each	\$0.00
Solicitor	One Year	\$150.00
Each Additional Employee	One Year	\$25.00
Renewal of Solicitor License	One Year	\$25.00
OLCC / OHA License		
Processing Fee	Per Application	\$100.00
Change of Ownership	Per Application	\$75.00
License Privilege Change	Per Application	\$75.00
OLCC / OHA Background and Renewal	Per Year	\$35.00
Temporary	Per Application	\$35.00
Temp. for OLCC Licensed Business	Per Application	\$15.00
Junk Dealers / Second Hand	Per Year	\$50.00
Police Ordinance Bail for Violations		
Business Regulations	SMC 5.08	\$1,000.00
Medical Marijuana Facilities	SMC 5.12	\$1,000.00
Garage Sales	SMC 5.16	\$500.00
Solicitors	SMC 5.20	\$1,000.00
Private Security Enterprises	SMC 5.28	\$1,000.00
Secondhand Dealers and Pawnbrokers	SMC 5.32	\$1,000.00
Animal Control	SMC 6.04	\$500 (not to exceed)
Nuisances	SMC 8.04	Minimum of \$500.00 Maximum of \$1,000.00
Alarms		
Alarm Permit	SMC 8.08	\$20.00
Late Permit Fee	SMC 8.08	\$25.00
False Alarm	First 5 Alarms	\$0.00
	Alarms 6-15	\$25.00 each
	Alarms 16+	\$50.00 each
Any other Violation of 8.08 Not listed previously	SMC 8.08	\$500.00
Use of Public Parks, Public Property and Waterways	SMC 8.12	\$500.00
Violation of Public Peace and Welfare	SMC 9	\$1,000.00
Violation of Prohibited Parking Parking in Alley No Parking Zone	SMC 10.12. 040 240 ORS 811.550	\$110.00
Violation of Loading Zone	SMC10.12. 070 340	\$110.00

Violation of Promotional / Processional / Event Permit	SMC 10.36	\$1,000.00
Parking on a Sidewalk Damaging Sidewalks and Curbs	SMC 10.12.040 SMC 10.40.1040 ORS 811.570(1)	\$110.00 or Cost of repairs
Crossing Private Property	SMC 10.40.1010	\$110.00
Violation of Truck Routes	SMC 10.40.1060	\$110.00
Parking for Certain Purposes Prohibited Displaying a Vehicle for Sale Repairing a Vehicle Displaying Temporary Advertising Selling from a Vehicle	SMC 10.12. 050340	\$110.00
Unlawful Storage on the Street	SMC 10.12. 060320	\$110.00
Violation of Bus and Taxi SMC	SMC 10.12. 080360 /10.12 .090370	\$110.00
Skateboards, Skis, Toboggans, and Sleds	SMC 10.40.1030	\$25.00
Violation of Bicycle SMC	SMC 10.28	\$25.00
Violation of Pedestrian SMC	SMC 10.32	\$25.00
Overtime Parking	SMC 10.12. 040 SMC 10.12.100240	\$25.00
Parking Permit Violation	SMC 10.12. 150240	\$25.00
Parking Spaces – Correct Use Required/Wrong Direction	SMC 10.12. 020220	\$25.00
Other Violations of Title 10 Not Specifically Listed	SMC 10	\$25.00
Impound Charge Per Day for City Owned Storage	SMC 10.16. 430340	\$50.00 + Tow Fees
Impound Tow Fee		\$125.00

PLANNING

Pre-Application Meeting		2017-18 Fees
First Meeting	Deposit	Free
Subsequent Meeting within one year of first	Deposit	\$300.00
Application that requires only Staff review	Deposit	\$500.00
Application requiring Planning Commission Hearing	Deposit	\$1050.00
Applications Requiring Two Public Hearings		
Comprehensive Plan Map and Zone Map Amendment	Deposit	\$1300.00
Subdivision, Master Plan Development, Site Plan Review that includes Annexation	Deposit	1550.00
Major Annexation	Deposit	\$4500.00
Other Planning Department Applications		
Sign Permits	Per Application	\$25.00

Temporary Sign	Per Application	No Charge
Change of Use Permits	Per Application	\$25.00
Appeals		
Of decisions made by Staff without a public hearing	Per Application	\$250.00
Of decisions made by the Planning Commission	Per Application	\$400.00
Vacation of Streets and Alleys	Per Application	\$500.00

MUNICIPAL COURT

		2017-18 Fees
Payment Agreement Fee		\$25.00
License Reinstatement Fee		\$25.00
Failure To Appear for Arraignment		\$10.00
Failure to Appear Trial		\$100.00
Trial Fee		\$30.00
Warrant Fee		\$50.00
Appeal Filing		\$50.00
Translator Service		\$60.00
Collection Fee	Of Fine Assessed	25%

LIBRARY

		2017-18 Fees
Printing- Black & White	Per page	\$0.10
Printing- Color	Per page	\$0.25
Overdue items		
Books- Adult	Per day	\$0.25
Books- Youth	Per day	\$0.10
DVD	Per day	\$0.25
Cultural Pass	Per day	\$5.00
Fees		
Interlibrary loan: mailing & loan cost	Actual cost	Actual cost + \$1.00
Damage or lost materials	Actual cost + processing fee	Actual cost + \$5.00 processing fee
Lost or damaged DVD cases	Per item	\$1.50
Replace item barcode	Per barcode	\$1.00
Replaced Damaged AV Cover	Per cover	\$2.00
Replace Audiobook	Actual Cost + processing fee	Actual cost + \$8 processing fee
Replace Audiobook Case	Per Case	\$8.00
Replace Cultural Pass	Price of membership	Price of membership
Outside city of Stayton Library Card		
Non-Resident Full Service Card	Annual household	\$60.00
	6 mo. household	\$30.00

Outside of CCRLS District Card	Annual household	\$70.00
	6 mo. family	\$35.00
Outside of CCRLS Child Card	One Card	\$12.00
	Two Card	\$20.00
	Three Cards	\$28.00
Meeting Room key deposit (after hours)		\$25.00
Cleaning fee (no food or beverage)		\$15.00
Cleaning fee with food & beverage		\$25.00
Fee for civic group, one side	Per hour	\$15.00
Fee for civic group, both sides	Per hour	\$20.00
Fee for Private group, one side	Per hour	\$20.00
Fee for Private group, both sides	Per hour	\$25.00
Fee for Commercial group, one side	Per hour	\$25.00
Fee for Commercial group, both sides	Per hour	\$30.00

PUBLIC WORKS

Site Development Permit: Engineering, ~~Plan Reviews~~, and Plan Review Inspections (for on-site and off-site public improvements) includes ROW permit. Prior to Permit issuance, actual plan review costs will be paid by Applicant. Inspection services will be paid for by Applicant after project completion and prior to Notice of Final Completion and Acceptance from the City.~~applicant.~~

2017-18 Fees

Water, sewer, storm drainage, and street improvements where excavation or utility cuts of pavement are required.	Deposit	\$250.00
Minor Partition (1 – 3 lots)	Deposit	\$500.00
Subdivision (4 – 10 lots)	Deposit	\$2,500.00
Subdivision (11+ lots) or Master Planned Development	Deposit	\$4,500.00
Water Quality and Detention Plan and Calculation Review (infill lots only)	Actual	\$80.00

Right of Way (ROW) Permits

Type 1: Street tree replacement or installation	No Charge
Type 2: Repair/replace sidewalk and/or driveway approach <u>where no street cut is needed</u>	\$65.00
Type 3: Sidewalk, driveway approach and/or utilities where no street cut is needed.	\$100.00
Type 4: Franchise Utility (NW Natural, SCTC, PacifiCorp, etc.)	Per Franchise Agt. or \$40.00
Type 5: Encroachment Permit to use Public ROW (for a long term use: awning, billboard, structure, etc.)	\$65.00

Vehicles, per hour	FEMA rate
--------------------	-----------

Water Service Deposit	\$75.00
Sewer Deposit	\$75.00
¾" Meter	Actual Costs (\$350.00 Minimum)
1" Meter or larger	Actual Costs
Late Fee	\$15.00
Delinquent Shut-off Fee for Non Payment of Bill	\$20.00
Water On/Off Service Fee	\$10.00
After Hours Call Out Service (after first annual customer visit)	\$100.00
Water Meter Installation	Actual Cost
Water	Resolution-858
Storm Water	Resolution-908
Street Maintenance Fee	Resolution-864
Sewer	Resolution-859
Building permits	Per Marion County fee schedule
System Development Charges	
Parks – per dwelling unit	\$ 3,086 ^{2,975}
Water – per 3/4" meter equivalent	\$ 3,212 ⁰⁹⁷
Wastewater – per ¾" meter equivalent	\$ 2,393 ³⁰⁷
Transportation – per peak hour trip in downtown area	\$ 357 ³⁴⁴
per peak hour trip elsewhere	\$ 2,597 ⁵⁰⁴
Stormwater	\$ 2,854

FACILITY RENTALS

	2017-18 Hourly Rate	2017-18 Cleaning
Community Center		
Civic Organization		
Entire Building	\$18.00	\$80.00
South End	\$14.00	\$50.00
North End	\$10.00	\$30.00
Private Individuals		
Entire Building	\$23.00	\$100.00
South End	\$18.00	\$65.00
North End	\$13.00	\$35.00
Commercial		
Entire Building	\$28.00	\$100.00
South End	\$23.00	\$65.00
North End	\$18.00	\$35.00
Meetings without food are charged the same hourly rate plus \$15.00 cleaning		
Non-resident surcharge rent plus	+25%	Above rate

Other Fees		
Key not returned	Per key	\$25.00
Alcohol Beverage Service Permit	Each event	\$50.00
		2017-2018
Alcohol Beverage Cleaning Fee (\$150 refundable if properly cleaned)	Each event	\$300.00
Security (3 hour Min.) (Per officer)	Per hour	\$28.00
Cancellation Fee	Each Event	\$25.00
Jordan Bridge or Pioneer Park Concession Stand	1 st 3 hrs.	\$100.00
Each additional hour	Per hour	\$20.00
Electrical Panel Key Deposit (cash only)	Per key	\$25.00

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

ADOPTED BY THE STAYTON CITY COUNCIL THIS 19TH DAY OF JUNE, 2017.

CITY OF STAYTON

Signed: _____, 2017

By: _____
Mayor Henry A. Porter, Mayor

Signed: _____, 2017

ATTEST: _____
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Cindy Chauran, Associate Accountant
Elizabeth Baldwin, Utility Billing Clerk
DATE: June 19, 2017
SUBJECT: Monthly Finance Department Report

Departmental Activity

	May 2017	April 2017
Utility Billing		
Number of Bills Mailed	2,676	2,665
Number of Bills Emailed	0*	387
Delinquent Notices Sent Out	442	505
Courtesy Delinquent Notices Sent to Landlords	148	156
Notified of Impending Shut-Off & Penalty	138	159
Customers Issued Payment Extensions	32	38
Customers with Interrupted Services Non-Payment	18	21
Services Still Disconnected	0	2
Accounts Payable		
Number of Checks Issued	289	189
Total Amount of Checks	\$431,342.37	\$808,079.67

**Transition to new electronic payment provider.*



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: June 19, 2017
SUBJECT: Staff Report

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

	May 2017	Year to Date 2017	May 2016	Year to Date 2016
Police Activity	1206	4677	911	3931
Investigated Incidents	479	1759	372	1514
Citations/Warning	191/295	684/1212	153/212	527/950
Traffic Accidents	5	32	10	40
Juvenile Abuse	15	28	4	13
Arrests	65	246	69	241
Ordinance Complaints	106	241	23	84
Reserve Volunteer Hrs.	80	721.20	299.5	1410.41
Citizen Volunteer Hrs.	17.13	112.95	0	150
Peer Court Referrals:	6	16		5

STATYON POLICE DEPARTMENT CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS 5/1/2017 - 5/31/2017

PERSON	CRIMES				PERCENT CHANGED 5/1/17 to 5/31/17	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED				
	5/1/17 to 5/31/17	1/1/17 to 5/31/17	1/1/16 to 5/31/16	Change Yr to Yr		5/1/17 to 5/31/17	1/1/17 to 5/31/17	1/1/16 to 5/31/16	5/1/17 to 5/31/17	1/1/17 to 5/31/17	1/1/16 to 5/31/16	5/1/17 to 5/31/17	1/1/17 to 5/31/17	Juv	Adult	Total	5/1/17 to 5/31/17	1/1/16 to 5/31/16
NON-CRIMINAL																		
ACCIDENT-INJURY	2	5	7	-28.6%	0	0	0	0	0.0%	0.0%	0.0%	0.0%	0	0	0	0	0	0
ACCIDENT-PROPERTY	7	25	29	-13.8%	0	0	0	0	0.0%	0.0%	0.0%	0.0%	0	0	0	0	0	0
ALL OTHER NON-CRIMINAL	382	1,349	1,023	31.9%	0	0	0	0	0.0%	0.0%	0.0%	0.0%	0	0	0	0	0	0
NON CRIM DOMESTIC DISTURB	9	49	64	-23.4%	0	0	0	0	0.0%	0.0%	0.0%	0.0%	0	0	0	0	0	0
NON-CRIMINAL TOTALS	400	1,428	1,123	27.2%														
PERSON																		
AGGRAVATED ASSAULT	1	9	7	28.6%	1	8	7	0	100.0%	88.9%	100.0%	0	2	2	2	9	10	
KIDNAPPING	0	0	0	0.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0	
OFFENSE AGAINST FAMILY	7	7	1	600.0%	7	7	1	0	100.0%	100.0%	100.0%	0	2	2	2	2	1	
OTHER ASSAULTS	11	42	24	75.0%	10	32	18	0	90.9%	76.2%	75.0%	0	8	8	8	41	14	
RAPE	1	2	2	0.0%	0	0	1	0	0.0%	0.0%	50.0%	0	0	0	0	0	0	
RESTRAINING ORDER VIOLATION	0	3	1	200.0%	0	2	1	0	0.0%	66.7%	100.0%	0	0	0	0	1	1	
ROBBERY	0	1	2	-50.0%	0	1	1	0	0.0%	100.0%	50.0%	0	0	0	0	1	1	
SEX OFFENSES	2	9	8	12.5%	2	3	5	0	100.0%	33.3%	62.5%	0	2	2	2	3	1	
PERSON TOTALS	22	73	45	62.2%	20	53	34	0	90.9%	72.6%	75.6%	0	14	14	14	57	27	
PROPERTY																		
BURGLARY - BUSINESS	0	1	2	-50.0%	0	1	1	0	0.0%	100.0%	50.0%	0	0	0	0	1	1	
BURGLARY - OTHER STRUCTURE	0	2	4	-50.0%	0	0	1	0	0.0%	0.0%	25.0%	0	2	2	2	3	1	
BURGLARY - RESIDENCE	4	10	11	-9.1%	1	4	5	0	25.0%	40.0%	45.5%	0	2	2	2	6	4	
COUNTERFEITING/FORGERY	1	2	3	-33.3%	1	1	2	0	100.0%	50.0%	66.7%	0	1	1	1	5	14	
FRAUD	3	14	15	-6.7%	0	3	7	0	0.0%	21.4%	46.7%	0	0	0	0	3	7	
LARCENY																		
Pickpocket	0	0	0	0.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0	
Purse Snatching	0	0	0	0.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0	
Shoplifting	8	27	25	8.0%	2	12	16	0	25.0%	44.4%	64.0%	0	3	3	3	16	17	
Theft from a Motor Vehicle	6	17	35	-51.4%	0	1	3	0	0.0%	5.9%	8.6%	0	0	0	0	1	3	
Theft of Bicycle	1	6	3	100.0%	1	1	2	0	100.0%	16.7%	66.7%	0	1	1	1	1	2	
Theft from Building	1	2	13	-84.6%	0	0	2	0	0.0%	0.0%	15.4%	0	0	0	0	1	4	
From Coin Operated Machine	1	0	0	-100.0%	0	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0	0	
All Other Larceny	4	26	33	-21.2%	0	4	8	0	0.0%	15.4%	24.2%	0	3	3	3	9	10	
LARCENY	20	78	110	-29.1%	3	18	31	0	15.0%	23.1%	28.2%	0	7	7	7	28	36	
MOTOR VEHICLE THEFT	0	5	9	-44.4%	0	1	0	0	0.0%	20.0%	0.0%	0	0	0	0	1	2	

SOCIETY	CRIMES				% Change Yr to Yr	CRIMES CLEARED BY ARREST & EXCEPTION				PERCENT CLEARED				PERSONS ARRESTED		
	5/1/17 to 5/31/17	1/1/17 to 5/31/17	1/1/16 to 5/31/16	1/1/17 to 5/31/17		5/1/17 to 5/31/17	1/1/17 to 5/31/17	1/1/16 to 5/31/16	1/1/17 to 5/31/17	1/1/16 to 5/31/16	5/1/17 to 5/31/17	Juv	Adult	Total	1/1/17 to 5/31/17	1/1/16 to 5/31/16
STOLEN PROPERTY	0	1	3	0	-66.7%	0	1	2	0.0%	100.0%	66.7%	0	0	0	1	5
VANDALISM	8	37	42	2	-11.9%	2	6	11	25.0%	16.2%	26.2%	3	4	7	11	11
PROPERTY TOTALS	36	150	199	7	-24.6%	7	35	60	19.4%	23.3%	30.2%	3	16	19	59	81
SOCIETY																
ALL OTHER	15	51	63	3	-19.0%	3	14	23	20.0%	27.5%	36.5%	0	4	4	17	27
ANIMAL	0	1	1	0	0.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	1
CURFEW	3	11	4	2	175.0%	9	9	4	66.7%	81.8%	100.0%	3	0	3	13	4
CUSTODY-MENTAL	1	3	3	1	0.0%	3	3	3	100.0%	100.0%	100.0%	0	1	1	3	3
CUSTODY-PROTECTIVE	0	2	1	0	100.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	0
DISORDERLY CONDUCT	4	21	22	4	-4.5%	4	17	18	100.0%	81.0%	81.8%	0	2	2	21	17
DR WHILE SUSP	5	12	4	5	200.0%	12	12	4	100.0%	100.0%	100.0%	0	5	5	13	4
DRIVING UNDER INFLUENCE	8	38	28	8	35.7%	38	38	28	100.0%	80.0%	100.0%	0	8	8	40	28
ELUDING	1	5	4	1	25.0%	4	4	4	100.0%	80.0%	100.0%	0	1	1	4	5
ESCAPE	1	2	0	1	0.0%	2	2	0	100.0%	100.0%	100.0%	0	2	2	3	0
FAIL TO DISPLAY DL	0	0	1	0	-100.0%	0	0	1	0.0%	0.0%	100.0%	0	0	0	0	1
FUGITIVE	0	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	12	12	88	109
HIT & RUN	3	24	21	0	14.3%	5	5	4	0.0%	20.8%	19.0%	0	0	0	5	5
LIQUOR LAWS	1	5	7	1	-28.6%	5	5	7	100.0%	100.0%	100.0%	0	1	1	5	13
MIP TOBACCO	0	2	3	0	-33.3%	2	2	3	0.0%	100.0%	100.0%	0	0	0	2	3
NARCOTICS/DRUGS	9	31	31	8	0.0%	28	28	30	88.9%	90.3%	96.8%	0	9	9	43	41
PROP RECOV - FOR OTHER AGENCY	0	0	2	0	-100.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0
RECKLESS DRIVING	1	10	4	1	150.0%	9	9	4	100.0%	90.0%	100.0%	0	1	1	9	4
RUNAWAY	4	6	10	1	-40.0%	2	2	8	25.0%	33.3%	80.0%	1	0	1	2	7
SEX OFFENSES	0	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
TRESPASS	7	37	46	3	-19.6%	11	11	35	42.9%	29.7%	76.1%	0	6	6	16	22
VEH RECOV - FOR OTHER AGENCY	0	4	2	0	100.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0
WARRANT	11	66	80	11	-17.5%	65	65	80	100.0%	98.5%	100.0%	0	1	1	5	1
WEAPONS	0	3	2	0	50.0%	2	2	1	0.0%	66.7%	50.0%	0	0	0	2	2
SOCIETY TOTALS	74	334	339	50	-1.5%	228	261	261	67.6%	68.3%	77.0%	4	53	57	291	297
GRAND TOTALS	532	1,985	1,706		16.4%											



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Lisa Meyer, Administrative Assistant
DATE: June 19, 2017
SUBJECT: Public Works Monthly Operating Report for May 2017

- | <u>KEY ACTIVITIES</u> | <u>STATUS</u> |
|---------------------------|---|
| • WWTP Facility | Effluent flows: 51.91 million gallons were treated during May. The highest flow was 2.30 million gallons on May 1 st and the lowest flow was 1.20 million gallons on May 29 th . The average flow was 1.67 million gallons. Total rainfall for May was 2.90 inches. |
| • WTP | Highest production day was 2,638,000 gallons on May 24, 2017. |
| • Water System | Replaced 15 meters for Marion Street project. Installed 4 new meters and meter readers. Repaired meter stop at 1349 Second Avenue and 1841 E. Santiam. Continued with flushing fire hydrant program. |
| • Streets | Replaced STOP signs. Swept 167 curb miles and collected 30 cubic yards of material. Mowed City property. |
| • Parks | Volunteers:
Community Service: Total # of Volunteers = 0, Total # of hours = 0
Life skills High School Students: Total # of Volunteers = 0, Total # of hours = 0
Parks Board: Total # of Volunteers =6, Total # of hours = 7.5 |
| • Building Permits | |

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling	1	\$12,802.00
Residential Building Addition/Alter/Other	2	\$0
Commercial Building Addition/Alter/Other	1	\$0
Electrical	2	\$0
Mechanical	0	\$0
Plumbing	1	\$0
TOTAL	7	\$12,802.00

One (1) Residential SDC = \$10,883.00 + \$707.00 for Mill Creek SDC + Storm Water SDC \$1919.00 or \$2752.00



CITY OF STAYTON

M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 19, 2017
SUBJECT: Report of Activities for May, 2017

Continued to work with Friends of Old Town Stayton

Planning Commission meeting held; reviewed one application for development

Finalized review of Wildlife Meadows subdivision final plat

Attended meetings of North Santiam River regional tourism marketing committee

Prepared grant application for TGM grant

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



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

TO: Mayor Porter and the Stayton City Council
FROM: Janna Moser - Library Director
DATE: June 19, 2017
SUBJECT: May Library report

We had two makerspace workshops in May as part of a CCRLS LSTA grant. Children learned about electrical current and built a controller using a Makey Makey circuit board and conductive materials. Then they used their controller to create a banana piano, a drum set and a video game controller. With squishy circuits children created and explored circuits by making light up playdough creations with conductive playdough. It was exciting to see them create and explore new technology.

The Library Foundation had a sold out crowd for their 5th Annual Santiam Canyon Father Daughter Ball. The theme was "Love You to the Moon and Back". Dads and daughters had a delightful time. Thank you to Stayton Public Library Foundation and the generous business sponsors that helped make the event possible.

Chemeketa Astronomy Instructor and Stayton High graduate, Chris Claysmith, presented on The Great American Eclipse. He was a fantastic speaker and we had a wonderful turnout. We held our second Bad Art Night. Adults came for an evening of fun and relaxation and created a disasterpiece. The "worst" place winner took home a hideous trophy. It was great fun.

Upcoming events to mark on your calendars:

- Engineer It - Exploring Ancient Technologies (a program from the University of Oregon's Museum of Natural and Cultural History) June 27th at 3:30pm
- Teens: Cupcake Wars June 28th at 3:00pm
- Creature Feature with Steve Lattanzi June 29th at 4:00pm
- Adults and Teens: DIY Terrariums June 29th at 5:30pm
- Juggling with Henrik Bothe July 6th at 4:00 pm
- Who Lived There? (A presentation of Stayton's historical houses and the families that lived there) July 13th at 7pm

2016-2017 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2016-17 YTD	2015-16 FY
TOTAL CHECKOUTS	11,971	11,124	9,957	10,001	10,369	10,040	10,423	9,760	11,054	9,742	10257		114,698	125,970
OTHER CIRCULATION SERVICES														
Self check out	3,997	3,916	3,119	3,066	3,264	2,841	3,273	3,144	3,526	2,834	2991		35,971	42,637
Library2Go (ebooks +)	782	825	747	798	793	838	936	788	926	837	788		9,058	8,893
INCOME RECEIVED														
Non-resident cards	\$465.00	\$112.00	\$200.00	\$70.00	\$260.00	\$155.00	\$190.00	\$387.20	\$105.00	\$142.00	\$35.00		\$2,121.20	\$6,996.00
Fines: overdue & lost books	\$834.93	\$591.09	\$659.68	\$617.02	\$1,017.64	\$223.41	\$503.50	\$1,772.11	\$1,674.89	\$616.00	\$1,491.09		\$10,001.36	-\$12,478.54
Room fees	\$0.00	\$0.00	\$0.00	\$250.00	\$205.00	\$0.00	\$257.00	\$240.00	\$185.00	\$0.00	\$0.00		\$1,137.00	\$4,135.50
												TOTAL	\$13,259.56	-\$1,347.04
REFERENCE QUESTIONS														
In-Person, by phone and computer help	480	508	568	540	576	496	552	456	396	480	471		5,523	5,395
NEW PATRON CARDS														
	97	67	63	54	69	42	70	71	79	48	57		717	1,051
INTERNET USE														
	1,035	1,137	933	925	934	922	827	951	1,010	875	881		10,430	13,230
PROGRAM ATTENDANCE														
Children & adults at Children's Programs	678	181	360	428	575	411	749	539	601	473	401		5,396	5,618
Teens	55	0	6	15	8	4	11	3	9	12	4		127	326
Adults	13	16	9	17	35	20	21	174	176	137	125		743	619
Outreach	17	300	218	671	609	256	618	693	672	0	0		4,054	6,953
												TOTAL	10,320	13,516
MEETING ROOM ATTENDANCE														
	27	65	97	287	47	61	400	130	108	156	140		1,518	5,889
PATRON VISITS														
	8,006	7,102	5,675	6,751	7,513	5,359	6,321	6,168	6,876	6,212	6,533		72,516	80,146
VOLUNTEER HOURS														
	212	260	188	178	171	176	200	183	223	196	195		2,180	2,770