



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, June 4, 2018
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. May 21, 2018 City Council Minutes
- b. Resolution No. 977, Adopting Fees and Charges for Various City Services
- c. Acceptance of Deeds for Easement for Pedestrian Path
- d. Department of Land Conservation and Development Housing Assistance Grant

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

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. 978 and Resolution No. 979

City of Stayton 2018-2019 Fiscal Year Budget

- a. Staff Report – Andy Parks
- b. Open Public Hearing
- c. Public Hearing
- d. Close of Public Hearing
- e. Council Deliberation
- f. Council Decision on Resolution No. 980, Adopting the F.Y. 2017-2018 City Budget, Making Appropriations, and Levying Property Taxes for the Fiscal Year

UNFINISHED BUSINESS

Ordinance No. 1019, Amending Title 6, 8, and 15 of the Stayton Municipal Code Promoting Maintenance of Buildings and Public Spaces **Action**

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

Ordinance 1020, Establishment of a Vertical Housing Development Zone **Action**

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

Preparation of RFP for Consultant Services to Develop Economic Development Strategies **Action**

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

NEW BUSINESS – None

STAFF/COMMISSION REPORTS – None

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – June 18, 2018 at 6:00 p.m.

Special City Council Session

The Role of a City Council Member and Government Ethics Training

Presented by

Sean O’Day, Executive Director

Mid-Willamette Valley Council of Governments

June 18, 2018 at 6:00 p.m.

Stayton Public Library

515 N. First Avenue

This Council meeting is open to anyone interested in local government, running for City Council or looking to learn more about what it means to be a Council member.

ADJOURN

CALENDAR OF EVENTS

JUNE 2018

Monday	June 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	June 5	Parks & Recreation Board	<i>Cancelled</i>	
Tuesday	June 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	June 18	City Council – Special Session	6:00 p.m.	E.G. Siegmund Meeting Room
Wednesday	June 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	June 25	Planning Commission	7:00 p.m.	Community Center (north end)

JULY 2018

Monday	July 2	City Council	7:00 p.m.	Community Center (north end)
Wednesday	July 4	CITY OFFICES CLOSED IN OBSERVANCE OF FOURTH OF JULY HOLIDAY		
Tuesday	July 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	July 10	Parks & Recreation Board	6:30 p.m.	Stayton Public Library
Monday	July 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	July 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 30	Planning Commission	7:00 p.m.	Community Center (north end)

AUGUST 2018

Monday	August 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	August 7	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	August 7	National Night Out	6:00 p.m.	Various City Parks
Tuesday	August 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	August 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	August 20	City Council	7:00 p.m.	Community Center (north end)
Monday	August 27	Planning Commission	7:00 p.m.	Community Center (north end)

SEPTEMBER 2018

Monday	September 3	CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY HOLIDAY		
Tuesday	September 4	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 5	Parks & Recreation Board	6:30 p.m.	E.G. Siegmund Meeting Room
Tuesday	September 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	September 17	City Council	7:00 p.m.	Community Center (north end)
Wednesday	September 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 24	Planning Commission	7:00 p.m.	Community Center (north end)

OCTOBER 2018

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

**City of Stayton
City Council Meeting Action Minutes
May 21, 2018**

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

Time Start: 7:00 P.M.

Time End: 8:48 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell (joined at 7:04 p.m.)	Keith Campbell, City Manager
Councilor Mark Kronquist	Dan Fleishman, Director of Planning & Development
Councilor Christopher Molin	Lance Ludwick, Public Works Director
Councilor Brian Quigley	Janna Moser, Library Director
Councilor Joe Usselman	Rich Sebens, Chief of Police

AGENDA	ACTIONS
REGULAR MEETING	
Announcements a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None. Councilor Kronquist declared ex parte contacts with the Spud Bus, in addition he stated he lives in the downtown area covered by Revitalize Downtown area but it will not affect his decisions. He also shared a conflict of interest regarding a future ordinance from the Planning Department because he is a part of a potential development in the downtown area.
Presentations / Comments from the Public a. James Loftus b. Steve Poisson	Mr. Loftus shared his opinion on the recent Budget Committee meetings. Mr. Poisson, Vice President of Revitalize Downtown Stayton, spoke in support of the proposed Ordinance and including First Avenue the memo provided to the Council this evening.
Consent Agenda a. April 16, 2018 City Council Minutes b. Acceptance of Right-of-Way Deed of Dedication for Extension of Kindle Way c. Resolution Accepting CDBG Housing Rehabilitation Grant	Motion from Councilor Kronquist, seconded by Councilor Quigley, to approve the consent agenda. Motion passed 5:0.
Public Hearing	None.

<p>New Business</p> <p>Ordinance No. 1020, Establishment of a Vertical Housing Development Zone</p> <p>a. Staff Report – Dan Fleishman</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Ordinance No. 1021, Amending Stayton Municipal Code 5.04.03 and creating Stayton Municipal Code 5.50, Relating to Pharmaceutical Drug Disposal</p> <p>a. Staff Report – Chief Rich Sebens</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p>Preparation of RFP for Consultant Services to Develop Economic Development Strategies</p> <p>a. Staff Report – Dan Fleishman</p> <p>b. Council Deliberation</p>	<p>Mr. Fleishman reviewed his staff report included in the council packet.</p> <p>Discussion of the School and Fire Districts opting out, and an appeal process for an applicant to the Council.</p> <p>Motion from Councilor Quigley, seconded by Councilor Usselman, to approve Ordinance No. 1020 with the addition of an appeals procedure, and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration. Motion passed 4:0 (Kronquist abstained).</p> <p>Chief Sebens reviewed his staff report.</p> <p>Discussion of outreach to local pharmacies and their willingness to participate.</p> <p>Motion from Councilor Kronquist, seconded by Councilor Glidewell, to approve Ordinance No. 1021 as presented. Motion passed 5:0.</p> <p>Mr. Fleishman reviewed his staff report.</p> <p>The Council requested staff return with this topic at the June 4th meeting.</p>
<p>Staff / Commission Reports</p> <p>Finance Department Report – Cindy Chauran & Elizabeth Baldwin</p> <p>a. April 2018 Monthly Finance Department Report</p> <p>Police Chief’s Report – Chief Rich Sebens</p> <p>a. April 2018 Statistical Report</p> <p>Public Works Director’s Report – Lance Ludwick</p> <p>a. April 2018 Operating Report</p> <p>Planning & Development Director’s Report – Dan Fleishman</p> <p>a. April 2018 Activities Report</p>	<p>Discussion of the total dollar amount for checks issued.</p> <p>Chief Sebens provided a brief update.</p> <p>Discussion of the community garden and the Virginia Street project.</p> <p>No further discussion.</p>

Library Director's Report – Janna Moser	
a. April 2018 Activities	Ms. Moser provided an update on happenings at the Library.
Presentations / Comments from the Public	None.
Business from the City Manager	None.
Business from the Mayor	None.
Business from the Council	None.
Future Agenda Items – Monday, June 4, 2018	
a. Public Hearings – 2018-19 FY Budget and Revenue Sharing	
b. Revised Fee Schedule	
c. CCRLS Agreement	
d. Shaff Road Water Line	

APPROVED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF JUNE 2018, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, 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: Keith D. Campbell, City Administrator
DATE: June 4, 2018
SUBJECT: Resolution No. 977, Adopting Fees and Charges for Various City Services

BACKGROUND INFORMATION

Enclosed you will find Resolution No. 977, 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. 977 as presented.

Move to adopt Resolution No. 977, adopting fees and charges for various City Services as presented.

2. Adopt Resolution No. 977 with amendments.

Move to adopt Resolution No. 977, adopting fees and charges for various City Services as amended.

3. Take no action.

No motion necessary.

RESOLUTION NO. 977

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		2018-19 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 outsources + admin fee	Per request	\$5.00
Digital Photos		
Additional pages	Per Photo	\$1.00
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

		2018-19 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	\$50.00

	Per Event SMC 10.36	
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
Pharmaceutical Disposal	SMC 5.50	\$500.00 per month
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 ORS 811.550	\$110.00
Violation of Loading Zone	SMC 10.12.070	\$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 10.12.050	\$110.00
Unlawful Storage on the Street	SMC 10.12.060	\$110.00
Violation of Bus and Taxi SMC	SMC 10.12.080/ 10.12.090	\$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 10.12.100	\$25.00
Parking Permit Violation	SMC 10.12.150	\$25.00
Parking Spaces – Correct Use Required/Wrong Direction	SMC 10.12.020	\$25.00
Violation of Prohibited Parking contrary to a parking control device	SMC 10.12.040(g)	\$25.00
Other Violations of Title 10 Not Specifically Listed	SMC 10	\$25.00
Impound Charge Per Day for City Owned Storage	SMC 10.16.430	\$50.00 + Tow Fees
Impound Tow Fee		\$125.00

PLANNING

Pre-Application Meeting		2018-19 Fees
First Meeting	Deposit	Free
Pre-Application Subsequent Meeting within one year of first	Deposit	\$300.00
Application that requires only Staff review	Deposit	\$ 650 500.00
Application requiring Planning Commission Hearing	Deposit	\$ 1350 1050.00
Applications Requiring Two Public Hearings		
Comprehensive Plan Map and Zone Map Amendment	Deposit	\$ 1500 1300.00

Subdivision, Master Plan Development, Site Plan Review that includes Annexation	Deposit	1800 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

		2018-19 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

		2018-19 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 - Adult	Per day	\$0.25
DVD - Youth	Per day	<u>\$0.10</u>
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 +	Actual cost + \$5 8

	processing fee	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 and Plan Review (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.

2018-19 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 <u>\$100.00</u>

Right of Way (ROW) Permits

Type 1: Street tree replacement or installation	No Charge
Type 2: Repair/replace sidewalk and/or driveway approach where no street cut is needed	\$65.00
Type 3: Sidewalk, driveway approach and/or utilities where 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-907
Building permits	Per Marion County fee schedule
System Development Charges	
Parks – per dwelling unit	\$3,178 086
Water – per 3/4" meter equivalent	\$3,308 212
Wastewater – per ¾" meter equivalent	\$2,465 393
Transportation – per peak hour trip in downtown area	\$368 357
per peak hour trip elsewhere	\$2,675 597
Stormwater	\$2,939 854

FACILITY RENTALS

	2018-19 Hourly Rate	2018-19 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
		2018-2019
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

SWIMMING POOL

		2018-19	2018-19
		Resident	Non-Resident
Drop-In			
Adult	Per Visit	\$3.50	\$4.55
Youth, under 18	Per Visit	\$2.50	\$3.25
Disabled & Seniors (over 59)	Per Visit	\$2.50	\$3.25
Disabled & Senior Couples	Per Visit	\$3.50	\$4.55
Family	Per Visit	\$12.00	\$15.60
Monthly Memberships (auto-deduct)			
		Resident	Non-Resident
Adult	Per Month	\$35.00	\$45.50
Youth, under 18	Per Month	\$15.00	\$19.50
Disabled & Seniors (over 59)	Per Month	\$22.50	\$29.25
Disabled & Senior Couples	Per Month	\$35.00	\$45.50
Family	Per Month	\$45.00	\$58.50
Monthly Memberships (non-auto-deduct)			
		Resident	Non-Resident
Adult	Per Month	\$45.00	\$58.50
Youth, under 18	Per Month	\$22.50	\$29.25
Disabled & Seniors (over 59)	Per Month	\$30.00	\$39.00
Disabled & Senior Couples	Per Month	\$45.00	\$58.50
Family	Per Month	\$60.00	\$78.00
Annual Memberships			
		Resident	Non-Resident
Adult	Per Year	\$336.00	\$436.80
Youth, under 18	Per Year	\$144.00	\$187.20

Disabled & Seniors (over 59)	Per Year	\$216.00	\$280.80
Disabled & Senior Couples	Per Year	\$336.00	\$436.80
Family	Per Year	\$432.00	\$561.60
Punch Cards for 20 Visits			
		Resident	Non-Resident
Adult	Per Card	\$60.00	\$78.00
Youth, under 18	Per Card	\$50.00	\$65.00
Disabled & Seniors (over 59)	Per Card	\$50.00	\$65.00

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

ADOPTED BY THE STAYTON CITY COUNCIL THIS 4TH DAY OF JUNE, 2018.

CITY OF STAYTON

Signed: _____, 2018

By: _____
Mayor Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 4, 2018
SUBJECT: Acceptance of deeds for easement for pedestrian path

ISSUE

The issue before the City Council is authorization to the City Manager to accept deeds for easements to allow the construction of pedestrian path between N Evergreen Ave and N Larch Ave.

BACKGROUND INFORMATION

City Staff has been working with the Stayton Area Rotary Club to facilitate the construction of a pedestrian path along the south bank of the Salem Ditch. The path would be constructed by the Rotary Club. Rotary has been working with the affected property owners, NORPAC Foods and John Adams to obtain easements. The local Rotary group has received a grant from the regional Rotary organization for construction of the trail.

The addition of a trail in this location will help implement the City's master trail plan as adopted in the Transportation System Plan and the Parks Master Plan.

RECOMMENDATION

Staff recommends acceptance of the deed.

MOTIONS

Consent agenda approval

AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

CITY OF STAYTON, OREGON Multi-Use Path/Access Easement (Permanent)

1. PARTIES:

Norpac Foods, Inc., hereinafter referred to as “Grantor,” and the CITY OF STAYTON, a Municipal Corporation in the State of Oregon, hereinafter referred to as “Grantee.”

2. AFFECTED PROPERTY:

Grantor is currently the Owner of various tracts of land located in the northeast quarter of Section 9 and the northwest quarter of Section 10, Township 9 South, Range 1 West, Willamette meridian, located in the City of Stayton, County of Marion, State of Oregon, as described and recorded in the following deeds recorded in the Marion County Deed Records and identified with the following Marion County Tax Lot numbers.

<u>Date</u>	<u>Document</u>	<u>Tax Lot Number</u>
05/25/1976	Reel 45, Page 1510	091W09DD00100
06/06/1949	Volume 404, Page 593	091W10CB02400
12/30/1960	Volume 540, Page 632	091W10CB02400
05/11/1964	Volume 585, Page 674	091W10CB02400
05/26/1964	Volume 586, Page 277	091W10CB02400
08/09/1970	Volume 690, Page 500	091W10CB02400
08/09/1970	Volume 690, Page 522	091W10CB02400
07/02/1998	Reel 1501, Page 751	091W10CC00600
06/06/1949	Volume 404, Page 593	091W15BB01700

3. GRANT OF EASEMENT:

Grantor does hereby forever grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a permanent Multi-Use Path/Access Easement for a portion of Grantor’s property as set forth in the attached legal description in **EXHIBIT “A,”** an easement map for the legal description in **EXHIBIT “B,”** and a Tax Assessor map with the properties highlighted in **EXHIBIT “C,”** which, by this reference, are incorporated herein.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$0) dollars, which is hereby acknowledged by Grantor and Grantee.

4. STATEMENT OF PURPOSE:

The easement described above shall be used to for public multi-use path/access (path) and to maintain an earth cut/fill supporting the path and for unrestricted ingress and egress to Grantor’s property for the purpose of installing, repairing, maintaining, and replacing the path and for public use of the path.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, and maintain the path and earth cut/fill slopes and all related facilities within the easement, including the right of access to such facilities and the right to remove any obstructions including trees and vegetation within the easement.

The easement shall include the exclusive right, privilege, and authority to Grantee to excavate for, construct, build, install, lay, patrol, maintain, repair, replace, and remove earth cut/fill slopes incident thereto or necessary therewith; and together with the right of Grantee to place, excavate, replace, repair, install, maintain, inspect, relocate such slopes, and make excavations therefore from time to time, in, under, and through the above-described premises within said easement, and to cut and remove from said easement any trees and other obstructions which may endanger the safety or interfere with the use of said slopes; and the right of ingress and egress to and over said above-described premises at any and all times for the above purposes; and for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted.

Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Grantor shall not permit any other use or utilities to be located in the easement without the written consent of Grantee. Approved uses within the easement shall consist of, but are not limited to landscaping, paved driveway or parking areas, trails, paths, sidewalks or other uses that will not affect the ability of the Grantee to access the easement. Prohibited uses shall consist of, but are not limited to, permanent structures, buildings, or any other obstruction, excavation or alteration of the easement. The easement shall perpetually encumber the property ("run with the land"). No earth fill or embankment shall be placed within the easement, without a specific written agreement between Grantee and Grantor, its successors, or assigns. Should such specific agreement be executed, Grantee will set forth the conditions under which such fill or embankment may be placed, including a stipulation that all risks of damage to the sidewalks within the easement shall be assumed by Grantor, its successors, or assigns.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of the path and earth cut/fill slopes within the easement. Grantor shall be responsible for landscape and surface maintenance within the easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of its property.

Upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, Grantee shall restore the premises of Grantor, and any improvements disturbed by the work, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and lawn.

7. INDEMNIFICATION:

The Grantee does hereby agree to defend, hold harmless, and indemnify Grantor, its successors and assigns, from any claim of liability or any other claim involving the path, or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth in Paragraph 6 above.

8. REMEDIES:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this Easement.

9. DISPUTE RESOLUTION:

In the event a dispute arises by reason of the terms of this Easement, the parties agree that the exclusive remedy is to resolve the issues by mandatory mediation. If the matter is not resolved by mediated settlement, then it shall be submitted to binding arbitration in accordance with Oregon law, and the prevailing party may be awarded attorneys' fees and costs at the discretion of the Arbitrator.

10. FORCE AND EFFECT:

The parties agree and it is so declared that this Easement and the covenants and representations made here constitute covenants running with the land and burden upon the property herein described and the terms, conditions and provisions of this Easement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

EXHIBIT "A"

Legal Description For:

Multi-Use Path/Access Easement (Permanent)

An easement, 50.00 feet in width, situated in the southeast one-quarter of Section 9 and southwest one-quarter of Section 10, Township 9 South, Range 1 West of the Willamette Meridian in the City of Stayton, Marion County, Oregon and being across a portion of those tracts of land described in deeds to STAYTON CANNING COMPANY COOPERATIVE recorded in the following documents: Volume 404, Page 593; Volume 404, Page 593; Volume 585, Page 674; Volume 586, Page 277; Volume 690, Page 500; Volume 690, Page 522 and Reel 45, Page 1510, as well as that tract of land described in deed to NORPAC FOODS, INC., recorded in Reel 1501, Page 751, all being recorded in Marion County Deed Records, the perimeter of said easement being more particularly described as follows:

Commencing at the intersection of the west right of way of EVERGREEN AVENUE with the north right of way of HIGH STREET, said point being 20.00 feet westerly of the centerline of said EVERGREEN AVENUE when measured at right angles thereto and 30.00 northerly of the centerline of said HIGH STREET when measured at right angles thereto; thence North 00°15'02" East 336.05 feet along said west right of way to a point on the southerly top of bank of the SALEM DITCH and the POINT OF BEGINNING for this description; thence meandering along said top of bank the following bearings and distances:

North 74° 54' 01" West 237.54 feet;

South 74° 32' 41" West 460.70 feet;

South 63° 10' 13" West 260.44 feet;

South 87° 40' 36" West 396.68 feet;

North 65° 50' 18" West 602.73 feet;

North 72° 35' 08" West 352.58 feet;

North 73° 14' 09" West 318.62 feet to a point on the northerly extension of the east line of GORMAN ADDITION, a subdivision recorded January 16, 1959 in Volume 19, Page 49, Marion County Book of Town Plats; thence South 00° 02' 53" West 52.21 feet along said east line;

thence South 73° 14' 09" East 303.32 feet; thence South 72° 35' 08" East 349.34 feet; thence

South 65° 50' 18" East 611.55 feet; thence North 87° 40' 36" East 419.31 feet;

thence North 63° 10' 13" East 266.32 feet; thence North 74° 32' 41" East 442.07 feet; thence

South 74° 54' 01" East 237.13 feet to a point on the west right of way of EVERGREEN AVENUE;

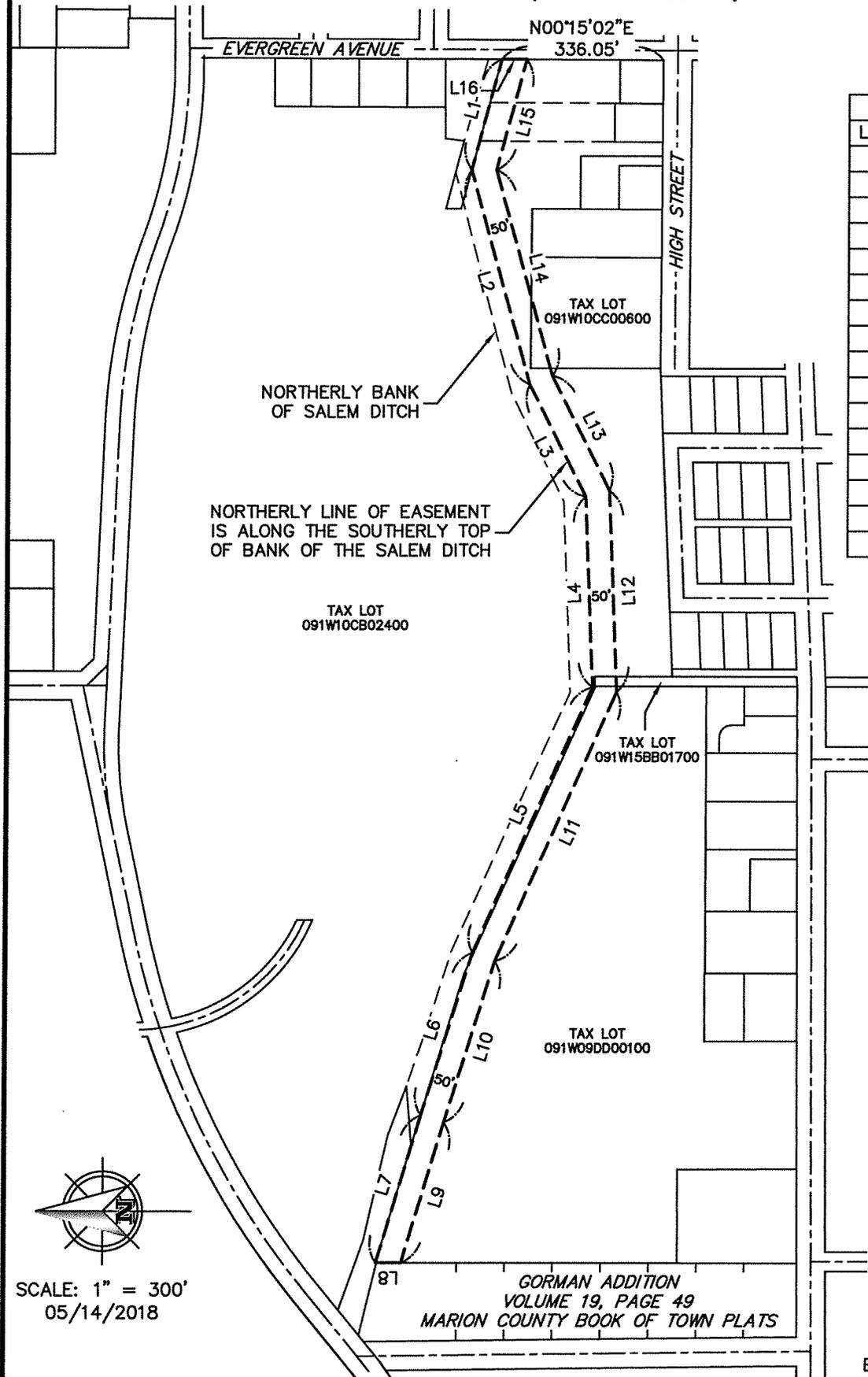
thence North 00° 15' 02" East 51.73 feet along said right of way to the POINT OF BEGINNING as

shown on attached EXHIBIT "___".

EXHIBIT "B"

MULTI-USE/ACCESS EASEMENT

LOCATED IN SE 1/4 SEC. 9 & SW 1/4 SEC. 10, T. 9 S., R. 1 W., W.M.,
CITY OF STAYTON, MARION COUNTY, OREGON



Line Table		
Line #	Length	Direction
L1	237.54'	N74°54'01"W
L2	460.70'	S74°32'41"W
L3	260.44'	S63°10'13"W
L4	396.68'	S87°40'36"W
L5	602.73'	N65°50'18"W
L6	352.58'	N72°35'08"W
L7	318.62'	N73°14'09"W
L8	52.21'	S00°02'53"W
L9	303.32'	S73°14'09"E
L10	349.34'	S72°35'08"E
L11	611.55'	S65°50'18"E
L12	419.31'	N87°40'36"E
L13	266.32'	N63°10'13"E
L14	442.07'	N74°32'41"E
L15	237.13'	S74°54'01"E
L16	51.73'	N00°15'02"E

SCALE: 1" = 300'
05/14/2018

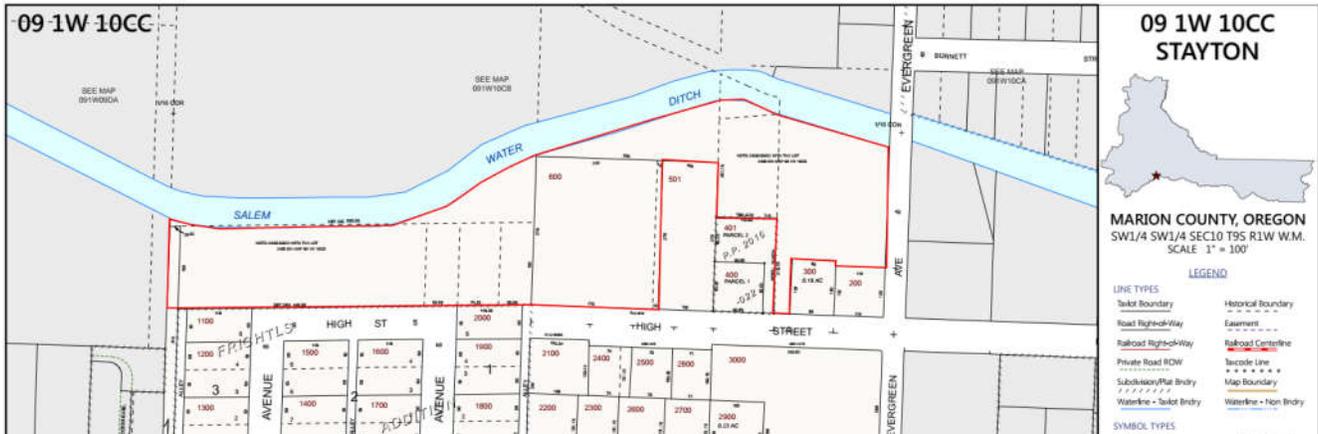
GORMAN ADDITION
VOLUME 19, PAGE 49
MARION COUNTY BOOK OF TOWN PLATS



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

EXHIBIT C

Marion County Tax Assessor Maps



AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

CITY OF STAYTON, OREGON Multi-Use Path/Access Easement (Permanent)

1. PARTIES:

Adams Family Trust, John F Adams, Trustee and Kathleen C Adams Trustee, hereinafter referred to as "Grantor," and the CITY OF STAYTON, a Municipal Corporation in the State of Oregon, hereinafter referred to as "Grantee."

2. AFFECTED PROPERTY:

Grantor is currently the Owner of a tract of land located in the northeast quarter of Section 9 and the northwest quarter of Section 10, Township 9 South, Range 1 West, Willamette meridian, located in the City of Stayton, County of Marion, State of Oregon, as described and recorded in a deed recorded in the Marion County Deed Records on May 6, 2016 in Reel 3814, Page 205 and identified as Marion County Tax Lot 091W09DD01200.

3. GRANT OF EASEMENT:

Grantor does hereby forever grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a permanent Multi-Use Path/Access Easement for a portion of Grantor's property as set forth in the attached legal description in **EXHIBIT "A,"** an easement map for the legal description in **EXHIBIT "B,"** and a Tax Assessor map with the properties highlighted in **EXHIBIT "C,"** which, by this reference, are incorporated herein.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$0) dollars, which is hereby acknowledged by Grantor and Grantee.

4. STATEMENT OF PURPOSE:

The easement described above shall be used to for public multi-use path/access (path) and to maintain an earth cut/fill supporting the path and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, maintaining, and replacing the path and for public use of the path.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, and maintain the path and earth cut/fill slopes and all related facilities within the easement, including the right of access to such facilities and the right to remove any obstructions including trees and vegetation within the easement.

The easement shall include the exclusive right, privilege, and authority to Grantee to excavate for, construct, build, install, lay, patrol, maintain, repair, replace, and remove earth cut/fill slopes incident thereto or necessary therewith; and together with the right of Grantee to place, excavate, replace, repair, install, maintain, inspect, relocate such slopes, and make excavations therefore from time to time, in, under, and through the above-described premises within said easement, and to cut and remove from said easement any trees and other obstructions which may endanger the safety or interfere with the use of said slopes; and the right of ingress and egress to and over said above-described premises at any and all times for the above purposes; and for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted.

Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Grantor shall not permit any other use or utilities to be located in the easement without the written consent of Grantee. Approved uses within the easement shall consist of, but are not limited

to landscaping, paved driveway or parking areas, trails, paths, sidewalks or other uses that will not affect the ability of the Grantee to access the easement. Prohibited uses shall consist of, but are not limited to, permanent structures, buildings, or any other obstruction, excavation or alteration of the easement. The easement shall perpetually encumber the property ("run with the land"). No earth fill or embankment shall be placed within the easement, without a specific written agreement between Grantee and Grantor, its successors, or assigns. Should such specific agreement be executed, Grantee will set forth the conditions under which such fill or embankment may be placed, including a stipulation that all risks of damage to the sidewalks within the easement shall be assumed by Grantor, its successors, or assigns.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of the path and earth cut/fill slopes within the easement. Grantor shall be responsible for landscape and surface maintenance within the easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of its property.

Upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, Grantee shall restore the premises of Grantor, and any improvements disturbed by the work, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and lawn.

7. INDEMNIFICATION:

The Grantee does hereby agree to defend, hold harmless, and indemnify Grantor, its successors and assigns, from any claim of liability or any other claim involving the path, or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth in Paragraph 6 above.

8. REMEDIES:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this Easement.

9. DISPUTE RESOLUTION:

In the event a dispute arises by reason of the terms of this Easement, the parties agree that the exclusive remedy is to resolve the issues by mandatory mediation. If the matter is not resolved by mediated settlement, then it shall be submitted to binding arbitration in accordance with Oregon law, and the prevailing party may be awarded attorneys' fees and costs at the discretion of the Arbitrator.

10. FORCE AND EFFECT:

The parties agree and it is so declared that this Easement and the covenants and representations made here constitute covenants running with the land and burden upon the property herein described and the terms, conditions and provisions of this Easement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

11. SEVERABILITY:

The invalidity of any section, clause, sentence, or provision of this easement shall not affect the validity of any other part of this easement, which can be given effect without such invalid part or parts.

12. GOVERNING LAW:

This easement is to be governed and construed in accordance with the laws of the State of Oregon. Venue for any action regarding this agreement shall be in Marion County.

By: _____
Notary Public for Oregon
My Commission expires:

DRAFT

EXHIBIT A

Legal Description of Easement Area

An area of land 50 feet wide along the north property line of Lot 1, Block 1 in the Gorman Addition.

DRAFT

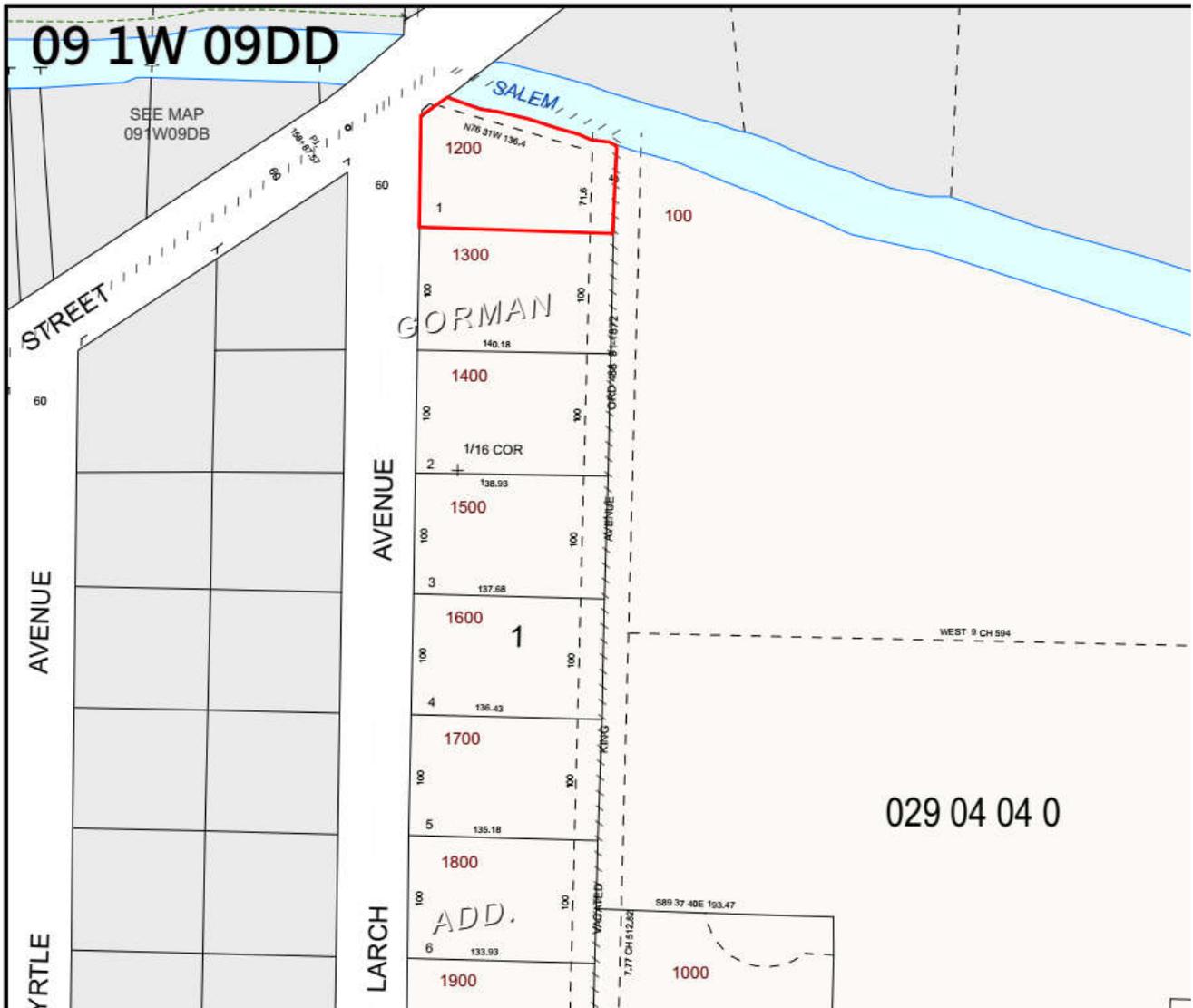
EXHIBIT B

Map Showing Easement Area



EXHIBIT C

Marion County Tax Assessor Map





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: May 21, 2018
**SUBJECT: Department of Land Conservation and Development
Housing Assistance Grant**

ISSUE

The issue before the City Council is approval of an application for an Oregon Department of Land Conservation and Development Housing Planning Grant and authorization for the Mayor to sign the application form.

BACKGROUND INFORMATION

The 2018 legislature allocated \$1.73 million to the Department of Land Conservation and Development to assist local governments in meeting their housing needs. The department is making that funding available to local governments. The goal of the Department is to increase the supply and affordability of housing.

The DLCD grant program provides four different types of assistance: preparation of a Housing needs Analysis, a Code Audit, a Code Update, and preparation of a Housing Strategy Implementation Plan. Staff has proposed applying for a Code update.

Receipt of this assistance will further the Council's goal of developing housing strategies.

RECOMMENDATION

Staff recommends adoption of Resolution 970 as presented.

OPTIONS AND MOTIONS

Consent agenda item



REQUEST FOR ASSISTANCE

OREGON HOUSING PLANNING PROJECT



The Oregon Department of Land Conservation and Development (DLCD) is accepting requests for planning assistance from cities and counties to update comprehensive plans and land use regulations to increase the affordability and supply of housing in the state.

Background

During the 2018 legislative session, the legislature appropriated funds to DLCD for the purpose of providing technical assistance to local governments in increasing the affordability of housing within urban growth boundaries ([HB 4006](#)). Technical assistance will include an analysis of housing needs, audits of land use codes (to identify barriers to housing development), revisions to land use codes (to remove barriers), and implementation plans for increasing housing supply.

To provide this assistance, DLCD will contract with consultants experienced in completing Housing Needs Analyses (HNAs) and updating land use codes, and the consultant will work for a city – or group of cities within a county or region – to prepare draft updates to the comprehensive plan or code. For jurisdictions with up-to-date plans and codes, assistance with developing a strategy to implement the plan is also offered. The projects must be completed and funds expended by June 30, 2019.

Available Services

Cities and counties may request assistance developing one of the following products.

Housing Needs Analysis. The consultant will work with one or more advisory committees appointed by the city – or the county acting on behalf of a group of cities – to prepare a hearings-ready draft HNA. An HNA includes a housing needs projection (addressing housing types and price levels), residential land needs analysis, buildable lands inventory, and identification of measures for accommodating needed housing as described in OAR chapter 660, divisions 7 and 8. The purpose of an HNA is to ensure that cities have an available land supply to accommodate their housing needs over the next 20 years.

Code Audit. The consultant will work with an advisory committee appointed by the city or county to conduct a code audit of existing zoning and development code(s) to identify permitting criteria and processes that are a barrier to housing development. Specifically, an audit will assess the presence of a clear and objective approval path for needed housing, identify criteria or processes that may be a barrier to the development of needed housing, and determine whether permitted use lists and development standards ensure that the mix and density of allowed housing can accommodate needed housing as identified in the HNA. Priority will be given to cities with HNAs updated within the last five years.

Code Update. The consultant will work with an advisory committee appointed by the city or county to conduct a code update of the zoning and development code(s) to remove barriers to housing development and add provisions to increase housing development, types, and affordability. The code update will address local needs by updating the code(s) as needed to: provide or enhance a clear and objective approval path for Needed Housing, remove or amend criteria or processes that hinder development of needed housing, and update permitted use lists and development standards to ensure that the mix and density of allowed housing can accommodate needed housing. In addition to

comprehensive code updates, a city may propose a code update focused on a more specific or targeted subject affecting residential development (e.g., off-street parking standards, lot-dimension standards) that have already been identified as a barrier to the development of needed housing by an adopted HNA or code audit. Priority will be given to cities with HNAs updated within the last five years.

Housing Strategy Implementation Plan. For communities with HNAs less than five year old, the consultant will work with an advisory committee appointed by the city or county to develop an action plan to implement one or more of the housing strategies identified in the HNA. A housing strategy may include changes to zoning, programs to manage short-term or vacation rentals, incentives for affordable housing, SDC waivers, or other regulatory or non-regulatory tools.

Eligibility

All cities and counties are eligible to submit a Request for Assistance. Because housing planning is completed for a specific urban growth area, a non-Metro county government is eligible only as a convener for a group of cities within its boundaries. A Metro county is eligible for its urban area.

If the department receives more interest than available funding can accommodate, priority will be given first to cities that are over 10,000 population and severely rent-burdened.¹ Second priority will be given to other cities that are severely rent-burdened; third priority will be to cities over 10,000 population with high population growth rates. The department will also consider local government readiness, geographic distribution, consultant availability and expertise, and type of technical assistance requested.

Application and Next Steps

Complete and sign one-page application (on following page). Applications will be accepted through June 15, 2018.

Selected jurisdictions will be asked to sign a memorandum of understanding that spells out the roles and responsibilities of the consultant, DLCD, and the local government.

Additional Information

Please contact your DLCD regional representative with questions or for more information.

<u>Mid-Willamette Valley</u> Angela Carnahan angela.carnahan@state.or.us 503-934-0056	<u>East Metro</u> Jennifer Donnelly jennifer.donnelly@state.or.us 503-725-2183	<u>West Metro</u> Anne Debbaut anne.debbaut@state.or.us 503-725-2182
<u>Central Oregon:</u> Scott Edelman scott.edelman@state.or.us 541-306-8530	<u>Southern Oregon</u> Josh LeBombard josh.lebombard@state.or.us 541-414-7932	<u>South Coast</u> Dave Perry dave.perry@state.or.us 541-574-1584
<u>North Coast</u> Matt Spangler matt.spangler@state.or.us 541-574-1095	<u>Eastern Oregon :</u> Phil Stenbeck phil.stenbeck@state.or.us 541-325-6924	<u>Southern Willamette Valley</u> Patrick Wingard patrick.wingard@state.or.us 541-393-7675

¹ HB 4006 prioritized funding for these cities, and defined a “severely rent burdened” city as one where 25 percent or more of the renter households in the city spend more than 50 percent of the income of the household on gross rent for housing.

REQUEST FOR ASSISTANCE: Oregon Housing Planning Project	
City: Stayton <i>OR</i> County: For these cities:	
Contact Person (name and title): Dan Fleishman, Planning & Development Director	
Contact phone number: (503) 769-2998	
Contact e-mail address: dfleishman@ci.stayton.or.us	
Service of Interest. Select one. <input type="checkbox"/> Housing Needs Analysis <input type="checkbox"/> Code audit (priority will be given where HNA is less than five years old) <input checked="" type="checkbox"/> Code update (priority will be given where HNA is less than five years old) <input type="checkbox"/> Housing strategy implementation plan (if HNA is less than five years old)	
By signing below, the local government demonstrates community support as required by ORS 284.753(5) – signature by an elected official authorized to act on behalf of the governing body.	
 _____ Signature of local governing body representative	_____ May 23, 2018 _____ Date
_____ Planning & Development Director _____ Title	

Submittal

Please submit this Request for Assistance by June 15, 2018 to DLCD by email to the following address: DLCD.GFGrant@state.or.us.



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

TO: Mayor A. Henry Porter and the Stayton City Council

FROM: Andy Parks, Finance Consultant

DATE: May 30, 2018

SUBJECT: Resolution No. 978 and Resolution No. 979, Certifying Eligibility and Electing to Receive State Revenue Sharing Funds

ISSUE

Compliance with Oregon Revised Statutes in order to receive State Shared Revenues.

STAFF RECOMMENDATION

Staff recommends that Council approve Resolution No. 978, certifying the City's eligibility to receive state-shared revenues and Resolution No. 979, electing to receive these funds.

BACKGROUND INFORMATION

ORS 221.760 provides that cities located within a county having more than 100,000 inhabitants must provide four or more of the following municipal services to be eligible to receive state-shared revenues:

- Police protection
- Fire protection
- Street construction, maintenance, and lighting
- Sanitary sewers
- Storm sewers
- Planning, zoning, and subdivision control
- One or more utility services

Resolution No. 978 certifies the City's eligibility to receive state-shared revenues.

ORS 221.770 requires cities to annually pass a resolution requesting state revenue sharing money. Resolution No. 979 declares the City's election to receive state revenues. Along with this resolution, we also certify, on a State provided form, attested to by the Deputy City

Recorder, the two required public hearings were held, one by the budget committee and the other by the City Council.

FACTS AND FINDINGS

On May 14, 2018, a public hearing was held at the budget committee meeting to receive citizen input on possible uses of State Revenue Sharing funds. Earlier this evening, a public hearing was held to receive citizen input on proposed uses of State Revenue Sharing funds. Oregon Revised Statutes (ORS) further require that the Council pass two separate resolutions in order to receive these funds.

FISCAL IMPACT

The FY 2018-19 budget includes estimated revenue of \$9,400 from cigarette taxes, \$143,200 from liquor taxes, \$79,000 from State revenue sharing, for a total of \$231,600 in the General Fund and \$566,800 in state gas taxes in the Street Fund. Total State shared revenues total an estimated \$788,400. The monies received in the General Fund are budgeted for police, planning, and other governmental services, while the monies in the Street Fund are restricted to street maintenance.

OPTIONS

1. Approve the attached Resolutions to comply with State Revenue Sharing Law and be eligible to receive these funds
2. Not approve the attached Resolutions to comply with State Revenue Sharing Law and be ineligible to receive these funds

MOTION(S)

For Option 1: Offer a motion to approve Resolution No. 978, Certifying the City of Stayton's Eligibility to Receive State-Shared Revenues by Providing the Necessary Municipal Services.

Offer a motion to approve Resolution No. 979, Declaring the City's Election to Receive State Revenues.

For Option 2: No motion necessary.

RESOLUTION NO. 978

A RESOLUTION CERTIFYING THE CITY OF STAYTON'S ELIGIBILITY TO RECEIVE STATE-SHARED REVENUES BY PROVIDING THE NECESSARY MUNICIPAL SERVICES

WHEREAS, ORS 221.760, Section 1., provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewers
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

WHEREAS, City officials recognize the desirability of assisting the state office responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW THEREFORE, be it resolved by the Stayton City Council that the City of Stayton hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Street construction, maintenance, and lighting
3. Sanitary sewers
4. Storm sewers
5. Planning, zoning, and subdivision control
6. Water utility service

Approved by the Stayton City Council this 4th day of June, 2018.

CITY OF STAYTON

Signed: _____, 2018

By: _____
Mayor Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager

RESOLUTION NO. 979

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, State of Oregon revenue sharing statutes require that a city may not be included in apportionments or receive distributions of State Revenue Sharing unless it elects to receive distributions by enactment of an ordinance or resolution expressing that election;

WHEREAS, a public hearing before the Budget Committee was held on the 14th day of May, 2018 and a public hearing before the City Council was held on the 4th day of June, 2018, giving the citizens an opportunity to comment on use of State Revenue Sharing.

NOW THEREFORE, be it resolved by the Stayton City Council that, pursuant to ORS 221.770, the City of Stayton hereby elects to receive state revenues for the 2018-2019 fiscal year.

Approved by the Stayton City Council this 4th day of June, 2018.

CITY OF STAYTON

Signed: _____, 2018

By: _____
Mayor Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager



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

TO: Henry A. Porter and the Stayton City Council
FROM: Andy Parks, Finance Consultant
DATE: May 30, 2018
SUBJECT: Resolution No. 980, Adopting the 2018-19 City Budget, making appropriations and levying property taxes for the fiscal year.

ISSUE

Resolution No. 980 Adopting the Budget, Making Appropriations and Levying Property Taxes for Fiscal Year 2018-2019.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 980 as presented or as may be amended.

BACKGROUND INFORMATION

On May 15, 2018, the City of Stayton Budget Committee approved a City Budget for Fiscal Year 2018-2019, including levying the City's established permanent tax rate of \$3.328/\$1,000 of assessed value and a local option property tax at the rate of \$0.60/\$1,000 as approved by Stayton voters on May 17, 2016.

Scheduled at the beginning of this meeting is a public hearing before the Stayton City Council, as required by Oregon Budget Law, to receive public input regarding the Budget as approved by the Budget Committee.

Local Budget Law allows the governing body to make changes to the Approved Budget during adoption, as long as the appropriations in a fund are not changed by more than \$5,000 or 10 percent of the appropriations, whichever is greater.

FACTS AND FINDINGS

In the time since the Budget Committee approved the budget, staff is recommending two amendments in two funds, each within the limitations established by Oregon Budget Law:

1. Water fund – increase capital outlay \$200,000

The proposed and approved budget included a year-end estimate of \$200,000 toward the cost of Shaff Rd water improvements. The project will be bid in June and is not expected to commence in fiscal year 2017-18. Therefore, staff is recommending amending the budget to increase the capital outlay appropriation by \$200,000 so that the full project is adequately budgeted.

2. Library Fund

Reduce capital outlay	\$47,000
Increase contingency	\$ 9,500
Net change	-\$37,500

The roof repair, originally budgeted at a cost of \$50,000 in fiscal year 2017-18, will be completed in fiscal year 2017-18. The proposed and approved budget included a year-end estimate of \$12,500 for this project and a budget of \$47,000 in fiscal year 2018-19 to complete the project. The above change reflects an updated year-end estimate of \$50,000 to complete the project this fiscal year.

The recommended amendments to the approved budget are included in the proposed resolution.

Additionally, any changes deemed appropriate as a result of public testimony received at the Public Hearing on the 2018-2019 City Budget, held earlier this evening, should also be made at this time.

The Budget Committee approved levying the full amount of the City's general tax rate of \$3.2810 and the voter approved special levy of \$0.60 per thousand of assessed value.

FISCAL IMPACT

Total City Budget is \$26,783,692, with total appropriations of \$22,703,135, and a General Fund Budget of \$5,483,200.

OPTIONS

1. Adopt the 2018-2019 Budget as presented.
2. Adopt the 2018-2019 Budget with further specific amendments.

MOTION

Offer a motion to approve Resolution No. 980, Adopting the 2018-2019 Budget, Making Appropriations for the 2018-2019 Fiscal Year and Levying Taxes for the Fiscal Year (either as presented or as further specifically amended).

RESOLUTION NO. 980

A RESOLUTION ADOPTING THE 2018-2019 BUDGET, MAKING APPROPRIATIONS AND IMPOSING AND CATEGORIZING AD VALOREM TAXES FOR THE 2018-19 FISCAL YEAR

WHEREAS, the City Budget Officer prepared the proposed budget for the City of Stayton for the 2018-19 fiscal year commencing July 1, 2018;

WHEREAS, the proposed budget was approved by the Budget Committee on May 15, 2018 in the total amount of \$26,611,192;

WHEREAS, there are changes to the approved budget as follows; capital outlay in the Water Fund is increased \$200,000 to account for previously estimated fiscal year 2017-18 year-end capital outlay expenditures for Shaff Road improvements that will not occur until fiscal year 2018-19; Library Fund capital outlay is reduced \$47,000 as the roof repair originally budgeted in fiscal year 2017-18, and previously included a fiscal year 2017-18 year-end estimate of \$12,500, will be completed in fiscal year 2017-18 and does not need to be budgeted in fiscal year 2018-19. The beginning fund balance in the Water Fund is increased \$200,000 as a result of the reduced year-end expenditure estimate. This amount offsets the additional budget appropriation in the Water Fund of \$200,000. The beginning fund balance in the Library Fund is reduced \$37,500 for the change (\$50,000 revised year-end estimate, an increase of \$37,500) and contingency in the Library Fund is increased \$9,500 (capital outlay reduced \$47,000 less beginning fund balance increase of \$37,500). The individual changes above are less than ten percent (10.0%) in each fund;

WHEREAS, the Stayton City Council held a public hearing for the approved budget to receive comments from citizens; and,

WHEREAS, the Stayton City Council has considered the public testimony received.

NOW, THEREFORE, BE IT RESOLVED that that the Stayton City Council hereby:

1. Adopts the budget for fiscal year 2018 – 2019, beginning July 1, 2018 in the total amount of \$26,773,692 and makes the following appropriations:

Fund/Program/Organization Unit/Object Classification	Approved Budget	Change	Adopted Budget
General Fund			
Police	\$ 2,297,700	\$ -	\$ 2,297,700
Planning	258,000	-	258,000
Community Center	58,300	-	58,300
Municipal Court	73,800	-	73,800
City Council and Administration	1,108,800	-	1,108,800
Non-departmental (Operations)	470,000	-	470,000
Street Lights	116,500	-	116,500
Transfers	601,600	-	601,600
Contingency	498,500	-	498,500
Total	\$ 5,483,200	\$ -	\$ 5,483,200

Fund/Program/Organization Unit/Object Classification	Approved Budget	Change	Adopted Budget
Street Fund			
Personnel	\$ 189,600	\$ -	\$ 189,600
Materials and Services	228,000	-	228,000
Capital Outlay	725,000	-	725,000
Transfers	149,800	-	149,800
Contingency	862,283	-	862,283
Total	\$ 2,154,683	\$ -	\$ 2,154,683
Parks Fund			
Personnel	\$ 96,700	\$ -	\$ 96,700
Materials and Services	84,200	-	84,200
Capital Outlay	162,000	-	162,000
Transfers	30,900	-	30,900
Contingency	35,311	-	35,311
Total	\$ 409,111	\$ -	\$ 409,111
Library Fund			
Personnel	\$ 343,700	\$ -	\$ 343,700
Materials and Services	130,400	-	130,400
Capital Outlay	47,000	(47,000)	-
Transfers	27,300	-	27,300
Contingency	135,273	9,500	144,773
Total	\$ 683,673	\$ 37,500	\$ 646,173
		-5.5%	
Pool Fund			
Personnel	\$ 264,200	\$ -	\$ 264,200
Materials and Services	\$ 119,700	\$ -	\$ 119,700
Capital Outlay	10,000	-	10,000
Transfers	9,700	-	9,700
Contingency	119,760	-	119,760
Total	\$ 523,360	\$ -	\$ 523,360
Water Fund			
Personnel	\$ 479,500	\$ -	\$ 479,500
Materials and Services	538,300	-	538,300
Capital Outlay	380,000	200,000	580,000
Transfers	491,000	-	491,000
Debt Service	329,800	-	329,800
Contingency	291,800	-	291,800
Total	\$ 2,510,400	\$ 200,000	\$ 2,710,400
		8.0%	
Wastewater Fund			
Personnel	\$ 683,200	\$ -	\$ 683,200
Materials and Services	1,241,450	-	1,241,450
Capital Outlay	1,065,000	-	1,065,000
Transfers	431,300	-	431,300
Debt Service	825,300	-	825,300
Contingency	596,000	-	596,000
Total	\$ 4,842,250	\$ -	\$ 4,842,250
Stormwater Fund			
Personnel	\$ 49,100	\$ -	\$ 49,100
Materials and Services	82,400	-	82,400
Capital Outlay	45,000	-	45,000
Transfers	75,000	-	75,000
Debt Service	25,000	-	25,000
Contingency	154,646	-	154,646
Total	\$ 431,146	\$ -	\$ 431,146

Fund/Program/Organization Unit/Object Classification	Approved Budget	Change	Adopted Budget
Stormwater Construction Fund			
Personnel	\$ -	\$ -	\$ -
Materials and Services	\$ 39,500	\$ -	\$ 39,500
Capital Outlay	1,450,000	-	1,450,000
Contingency	16,629	-	16,629
Total	\$ 1,506,129	\$ -	\$ 1,506,129
Street System Development Charge Fund			
Materials and Services	\$ 50,000	\$ -	50,000
Transfers	219,000	-	219,000
Contingency	451,969	-	451,969
Total	\$ 720,969	\$ -	\$ 720,969
Parks System Development Charge Fund			
Materials and Services	\$ -	-	-
Transfers	155,000	-	155,000
Contingency	80,826	-	80,826
Total	\$ 235,826	\$ -	\$ 235,826
Water System Development Charge Fund			
Materials and Services	\$ 55,000	-	55,000
Transfers	215,000	-	215,000
Contingency	195,305	-	195,305
Total	\$ 465,305	\$ -	\$ 465,305
Wastewater System Development Charge Fund			
Materials and Services	\$ 65,000	-	65,000
Transfers	528,000	-	528,000
Contingency	38,239	-	38,239
Total	\$ 631,239	\$ -	\$ 631,239
Stormwater System Development Charge Fund			
Materials and Services	\$ -	-	-
Transfers	100,000	-	100,000
Contingency	62,223	-	62,223
Total	\$ 162,223	\$ -	\$ 162,223
Public Works Administration Fund			
Personnel	\$ 410,700	\$ -	\$ 410,700
Materials and Services	74,800	-	74,800
Capital Outlay	-	-	-
Contingency	105,191	-	105,191
Total	\$ 590,691	\$ -	\$ 590,691
Facilities Fund			
Personnel	\$ 12,700	\$ -	\$ 12,700
Materials and Services	25,000	-	25,000
Capital Outlay	-	-	-
Transfers	100,000	-	100,000
Contingency	596,035	-	596,035
Total	\$ 733,735	\$ -	\$ 733,735
Vehicle Replacement Internal Services Fund			
Transfers	\$ 410,000	\$ -	\$ 410,000
Contingency	36,695	-	36,695
Total	\$ 446,695	\$ -	\$ 446,695
Total appropriations, All Funds	\$ 22,530,635	\$ 162,500	\$ 22,693,135
Total unappropriated and reserve amounts, All Funds	4,080,557	-	4,080,557
Total Budget	\$ 26,611,192	\$ 162,500	\$ 26,773,692

2. Imposing and Categorizing Ad Valorem Property Taxes. The following ad valorem property taxes are hereby imposed upon the assessed value of all taxable property within the City for tax year 2018-2019:

- a) At the rate of \$3.3280 per \$1,000 for permanent rate tax.
- b) At the rate of \$0.6000 per \$1,000 for voter approved local option tax levy.

3. Categorizing the Taxes. The taxes imposed are hereby categorized for the purposes of Article XI section 11b as:

Subject to the General Government Limitation	Excluded from Limitation
Permanent Rate Tax.....	\$3.3280 / \$1,000
Local Option Tax	\$0.6000 / \$1,000
<i>(Approved May)</i>	

Approved by the Stayton City Council this 4th day of June, 2018.

CITY OF STAYTON

Signed: _____, 2018

By: _____
Mayor Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 4, 2018
SUBJECT: Ordinance 1019 Amending Title 6, 8 and 15 of the Stayton Municipal Code Promoting Maintenance of Buildings and Public Spaces

ISSUE

The issue before the City Council is the second consideration of an ordinance enacting amendments to the Stayton Municipal Code to promote maintenance of properties in the downtown area.

BACKGROUND INFORMATION

At the April 16 City Council meeting, the City Council approved the first consideration of the Ordinance with an amendment regarding the language for landscaped areas. At the May 21 meeting the City Council requested further changes to the Ordinance to broaden the areas of the City that would be considered in the Downtown area. The Ordinance has been amended such that the Downtown area included those areas designated Downtown on the Comprehensive Plan Map and both sides of First Ave from Water St to Washington St.

RECOMMENDATION

Staff recommends adoption of Ordinance 1019 as revised.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the third consideration of Ordinance 1019

Move to approve revised Ordinance No 1019 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If a majority of the Council votes in favor, Ordinance No. 1019 is enacted and will be presented to the Mayor for his approval.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 1019 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a final consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the second consideration is approved, Ordinance No. 1019 will be brought before the Council for another consideration at its July 2, 2018 meeting.

3. Return the Ordinance to Staff for modification prior to consideration

Move to request that staff incorporate the following changes into Ordinance No. 1019 before the Ordinance is presented to the City Council for consideration...

4. Retain the Code unchanged

No motion is necessary.

ORDINANCE NO. 1019

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLES 6, 8, AND 15, PROMOTING THE MAINTENANCE OF BUILDINGS AND PUBLIC SPACES

WHEREAS, the City of Stayton has adopted Title 6 of the Stayton Municipal Code (SMC) regarding animal control;

WHEREAS, there is currently no requirement in the SMC regarding owners of animals picking up their animals' waste;

WHEREAS, the City of Stayton has adopted Title 8, Chapter 8.12 regarding the use of public parks, public property and waterways;

WHEREAS, the SMC prohibits the use of tobacco products in public parks;

WHEREAS, Oregon law prohibits smoking within 10 feet of the entrance, exits, open windows and ventilators of public places or places of employment.

WHEREAS, the City has adopted a Downtown Transportation and Revitalization Plan that envisions that downtown streets are designed for pedestrians and promote safety and comfort.

WHEREAS, the City is interested in promoting the downtown area and maintaining the appearance of buildings and spaces around buildings to increase the attractiveness of the downtown area; and

WHEREAS, the Stayton City Council, does find that the provisions of this Ordinance are reasonable regulations to promote the public health, safety and welfare.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Removal of Animal Waste Required. Stayton Municipal Code Title 6, Chapter 6.04, Section 6.04.220 is hereby enacted.

6.04.2200 REMOVAL OF ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any solid waste deposited by the owner's animal on public walks or within any public right of way, or in a park or other public place, or on private property not owned by the animal's owner.

Section 2. Smoking Prohibited. Stayton Municipal Code Title 8, Chapter 8.12, Section 8.12.040.5 is hereby amended, to prohibit smoking or vaping on sidewalks in the downtown area:

5. Smoking of tobacco, marijuana, or any other substances including E-Cigarettes and use of smokeless tobacco is prohibited at any City-owned property, park and facilities. Smoking or vaping is prohibited outside the front street facade of any building in the area designated as Downtown in the Comprehensive Plan Map and properties on both sides of N First Ave between Water St and Washington St. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, E-cigarette, vape pen, or other tobacco product in any manner or in any form.

Section 3. Commercial Property Maintenance Required. Stayton Municipal Code Title 15, Chapter 15.12 is hereby enacted, establishing regulations for the maintenance of non-residential properties in the downtown area:

CHAPTER 15.12

NON-RESIDENTIAL PROPERTY MAINTENANCE

15.12.010 PURPOSE

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

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight

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

15.12.020 SCOPE OF REGULATIONS

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

15.12.030 PROPERTY TO BE KEPT FREE FROM DEBRIS

The exterior of any non-residential property shall be kept free of debris, trash, building materials, or the storage of other goods. The building exterior and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to cigarette butts, scrap paper, food or beverage containers, furniture, clothing, and appliances.

15.12.040 WEEDS AND PLANTS TO BE CONTROLLED

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

15.12.050 ILLUMINATION AND MAINTENANCE OF AWNINGS

1. Awnings shall be in good repair and free of moss or algae.
2. Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to midnight.

15.12.060 ENFORCEMENT

The Ordinance Enforcement Officer shall enforce the standards of this Chapter, with or without a complaint being filed, when apparent violations are visible from a public street or property with public access.

1. Investigations.

Once a violation has been identified, the Ordinance Enforcement Officer will issue a written determination of violation.

2. Determination of Violation.

a. When the Ordinance Enforcement Officer has determined that a violation of this Chapter exists, the Ordinance Enforcement Officer shall issue a written determination of violation to the property owner with an order to abate the violation. The written determination shall be mailed by first class mail to the owner at the address of record in the Marion County Assessor's records and shall include the following:

- 1) Street address.
- 2) A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.
- 3) A thorough description of the violation.
- 4) Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, the Ordinance Enforcement Officer will issue a Notice of Violation and Order of Abatement.
- 5) Statements that issuance of a Notice of Violation and Order of Abatement may result in:
 - a) Recording of the Notice and Order against the property.
 - b) Issuance of a citation to the owner to appear in Stayton Municipal Court.
 - c) Initiation of action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.
- 6) The date by which the repairs or corrective actions must be completed and a reinspection scheduled.

3. Notice of Violation and Order of Abatement.

If there is not compliance with the determination of violation and order by the date specified in the written determination, the Ordinance Enforcement Officer shall issue a Notice of Violation and Order of Abatement to the property owner. The Notice and Order shall be served upon the owner by certified mail, at the address of record in the Marion County Assessor's records and shall include the following:

- a. Street address.
 - b. A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.
 - c. A thorough description of the violation.
 - d. Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, plus three days for mailing from the date of the Notice and Order, the Ordinance Enforcement Officer shall:
 - 1) Record the Notice and Order against the property.
 - 2) Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court.
 - 3) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.
 - e. Statements that the owner may appeal the Notice and Order as specified in this Chapter.
 - f. The date by which the repairs or corrective actions must be completed and a reinspection scheduled.
4. Failure to Comply.
- If there is not compliance with the Notice of Violation and Order by the specified date, the Ordinance Enforcement Officer shall:
- a. Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court;
 - b. Record the Notice and Order against the property with all recording costs to be the responsibility of the owner; and
 - c. Initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the matter with the intent and purpose of recovering these costs from the owner. A lien shall be placed on the subject property.
5. Compliance.
- a. Upon compliance with the Order of Abatement, the Ordinance Enforcement Officer will issue a Notice of Compliance to the owner.
 - b. If a Notice and Order was recorded against the property, the City Manager will record the Notice of Compliance against the property.
 - c. If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the matter, the Finance Director will proceed with collecting these costs from the owner using adopted City procedures, including lien foreclosure.
6. Penalties. Any person violating any of the provisions of this Chapter shall, upon court conviction thereof, be punished by a fine as specified by Council Resolution. Each day that a violation remains unrectified after notification is a separate offense.

15.12.070 APPEALS

1. Appeal to City Administrator.

Any owner who has been issued a Notice of Violation by the Ordinance Enforcement Officer may file a written appeal to the City Manager within 10 business days of the date the Notice of Violation was mailed.

2. The City Manager shall consider the appeal within 15 business days from the date of the City's receipt of the appeal. The City Manager may, at the City Manager's sole discretion:
- a. Remand the matter back to the Ordinance Enforcement Officer for reconsideration;
 - b. Grant the request on appeal, with or without conditions; or
 - c. Deny the request on appeal.

The City Manager shall issue a written Notice of Decision regarding the appeal. The City Manager's decision is final.

Section 4. Effective Date. This Ordinance shall become effective on the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of June, 2018.

CITY OF STAYTON

Signed: _____, 2018

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 4, 2018
SUBJECT: Ordinance 1020 Establishment of a Vertical Housing Development Zone

ISSUE

The issue before the City Council is the second consideration of Ordinance 1020 establishing a Vertical Housing Development Zone in the downtown area, establishing the mechanism for future Vertical Housing Development Zones, and establishing the procedures for the administration of the Zone.

BACKGROUND INFORMATION

At the May 21 meeting, the City Council approved the first consideration of Ordinance 1020 with an amendment to include an appeal process of the staff's denial of an application for a partial property tax exemption. A revised Ordinance is presented to the Council for consideration and final enactment.

ANALYSIS

The revised Ordinance 1020 is attached. The Only change to the previous draft is in proposed Section 3.16.100. A process for an appeal of the staff decision to the City Council has been included in this section. The recommended appeal process is similar to that in the Code today regarding a staff determination of a System Development Charges credit. A request for an appeal must be filed with the City Manager within 30 days of the notice of the staff decision. The City Council will hold a public hearing within 30 days of the request and render a decision within 15 days of the hearing.

The appeal process included in the revised Ordinance reviewed by the City Attorney and changes made as a result of recommendations made by the City Attorney.

RECOMMENDATION

Staff recommends enactment of Ordinance 1020 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the second consideration of Ordinance 1020

Move to approve revised Ordinance No 1020 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the second consideration is approved, Ordinance No. 1020 is enacted and will be presented to the Mayor for his approval.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 1020 with the following changes ... and direct staff to incorporate these changes into the Ordinance.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the second consideration is approved, Ordinance No. 1020 is enacted as amended and the amendments will be incorporated into the Ordinance before it is presented to the Mayor for his approval.

3. Choose not to establish a Vertical Housing Development Zone

Move to indefinitely postpone Ordinance No. 1020.

ORDINANCE NO. 1020
AN ORDINANCE ESTABLISHING A VERTICAL HOUSING
DEVELOPMENT ZONE

WHEREAS, the City of Stayton has adopted a Downtown Transportation and Revitalization Plan;

WHEREAS, one of the recommendations to promote the vitality of and new development activity in the downtown area is the adoption of a vertical housing development zone;

WHEREAS, ORS 307.844(1) authorizes a city to designate an area within the city as a vertical housing development zone;

WHEREAS, a vertical housing development zone provides for a partial exemption on the *ad valorem* taxes on qualifying property;

WHEREAS, the City is interested in promoting the downtown area and promoting development of multi-story mixed use buildings in the downtown area;

WHEREAS, ORS 307.844(5) requires consideration of the potential for displacement of households within a proposed vertical housing development zone before designating the zone;

WHEREAS, the City Council has received a report from staff regarding the potential for displacement and finds that there are relatively few existing housing units in the vertical housing development zone that may be displaced;

WHEREAS, ORS 307.844(6) requires written notice to the local taxing jurisdictions that have territory in the proposed vertical housing development zone of the city's intention to designate a vertical housing development zone and provides the opportunity for taxing jurisdictions to elect to not participate in the vertical housing development zone;

WHEREAS, on February 26, 2018, notice of possible establishment of vertical housing development zone was sent to the other taxing jurisdictions with levy authority in the City; and

WHEREAS, the North Santiam School District and the Stayton Fire District have notified the City that they both have elected to not participate in the vertical housing development zone.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Vertical Housing Development Zone Established. Stayton Municipal Code Title 3, Chapter 3.16, is hereby enacted as shown on Exhibit A attached hereto and incorporated herein.

Section 2. Notice to Marion County Assessor. A copy of this Ordinance shall be furnished to the Marion County Assessor along with notice of the local taxing jurisdictions that have elected not to participate.

Section 4. Effective Date. This Ordinance shall become effective on the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of June, 2018.

CITY OF STAYTON

Signed: _____, 2018

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2018

ATTEST: _____
Keith D. Campbell, City Manager

DRAFT

EXHIBIT A

CHAPTER 3.16

VERTICAL HOUSING DEVELOPMENT ZONE

3.16.010 PURPOSES, OBJECTIVES AND DURATION

1. This Chapter is adopted to carry out the provisions of ORS 307.841 to 307.867 as they pertain to the administration by the City of Stayton (the "City") of the Vertical Housing Development Zone Program described herein (the "program"). The basic purpose of the program is to encourage construction or rehabilitation of eligible properties in order to augment the availability of suitable housing and to revitalize the downtown area. This Chapter sets forth relevant aspects of the program, including the application and approval of Certified Projects, for the calculation of any applicable partial property tax exemptions, and for the monitoring and maintenance of properties as qualifying Certified Projects.
2. This Chapter is not meant to interfere with the direct administration of property tax assessments by the Marion County Assessor and does not supersede administrative rules of the Oregon Department of Revenue in OAR chapter 150 pertaining to the valuation of property for purposes of property tax assessments, including as adopted or amended in the future.
3. This Chapter shall sunset on January 1, 2026 unless extended under the authority of state law.
4. The termination of the program under this Chapter does not affect the exemption from tax under ORS 307.864 of any property of a vertical housing development project that was certified prior to termination of the program and that continues to qualify for the exemption at the time of the termination, up to 10 years of exemption.

3.16.020 DEFINITIONS

As used in this Chapter, unless the context indicates otherwise:

1. "Certified Project" or "project" means a multi-story development within a VHDZ that the City certifies as a vertical housing development project qualifying for a vertical housing partial property tax exemption under this Chapter based on a proposal and description from a project applicant that conforms to City requirements.
2. "Construction" means the development of land, and the new construction of improvements to land as further described in this Chapter.
3. "County Assessor" means the Marion County Assessor
4. "City" means the City of Stayton.
5. "Director" means the director of the Planning and Development Department or someone within the City authorized to act on behalf of the director for purposes of the program.
6. "Displacement" means a situation in which a household is forced to move from its current residence due to conditions that affect the residence or the immediate surroundings of the residence and that:
 - a. A reasonable person would consider to be beyond the household's ability to prevent or control;

- b. Occur despite the household's having met all previously imposed conditions of occupancy; and
 - c. Make continued occupancy of the residence by the household unaffordable, hazardous or impossible.
7. "District" means a local taxing district.
8. "Equalized floor" means the quotient that results from the division of total square footage of a project by the number of actual floors of the project that are at least 500 square feet per floor, or as may be increased or otherwise qualified by the city by rule.
9. "Low-income residential housing" means housing that is restricted to occupancy by persons or families whose income is no greater than 80 percent of Salem Metropolitan Statistical Area median income, adjusted for family size.
10. "Median family income" means median family income by household size for the Salem Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development as adjusted and published periodically.
11. "Non-residential use" means any use that is not exclusively residential use and may include building features that are elements of construction including corridors, elevators, stairways, lobbies, mechanical rooms, and community rooms. Non-residential areas may include units designated as live-work spaces in accordance with City zoning requirements.
12. "Project applicant" means an owner of property within a VHDZ, who applies in a manner consistent with this Chapter, to have any or all such property approved by the City as a Certified Project.
13. "Rehabilitation" means repair or replacement of improvements, including fixtures, or land developments, the cost of which equals at least 20 percent of the real market value of the improvements or land developments being repaired or replaced.
14. "Residential use" means regular, sustained occupancy of a residential unit in the project by a person or family as the person's or family's primary domicile, including residential units used primarily for transitional housing purposes, but not units and related areas used primarily as:
 - a. Hotels, motels, hostels, rooming houses, bed & breakfast operations or other such temporary or transient accommodations; or
 - b. Nursing homes, hospital-type in-patient facilities or other living arrangements, even of an enduring nature, where the character of the environment is predominately care-oriented rather than solely residential.
15. "Vertical housing development project" or "project" means the construction or rehabilitation of a multiple-story building, or a group of buildings, including at least one multiple-story building, so that a portion of the project is to be used for non-residential uses and a portion of the project is to be used for residential uses.
16. "Vertical housing development zone" or "VHDZ" or "zone" means an area that has been and remains designated by the City as a vertical housing development zone and is further described in Section 3.16.040.

3.16.030 ADMINISTRATION AND ENFORCEMENT

The Director is responsible for the implementation, administration and enforcement of this Chapter. The Director may adopt such policies and procedures as are necessary to efficiently and effectively carry out that responsibility, consistent with the provisions of this Chapter.

3.16.040 ZONE DESIGNATIONS

1. Downtown Vertical Housing Development Zone. There is hereby established a VHDZ in the downtown Stayton area. The boundaries of the Downtown VHDZ shall be the combined area of the three downtown mixed use zones as designated on the Official Zoning Map referred to in Section 17.16.020.3 and amended as of January 3, 2018, and shown as Figure 3.16.040.1, below. The North Santiam School District and the Stayton Fire District have elected to not participate in the Downtown VHDZ. A Certified Project within the Downtown VHDZ does not receive an exemption from the taxes imposed by North Santiam School District or the Stayton Fire District.
2. The City may designate additional zones by resolution. Before designating a VHDZ, the City must notify the local taxing districts that have territory in the proposed VHDZ of the City's intention to designate a VHDZ. A local taxing district may elect not to participate in a VHDZ. A local taxing district that elects not to participate may continue to impose taxes on property otherwise exempt from ad valorem property tax under ORS 307.864. The City must consider the potential for displacement of households within a proposed VHDZ before designating the zone. The resolution establishing VHDZ may not be adopted sooner than 60 days after sending the notice to local taxing districts. The resolution shall:
 - a. Contain a description of the area sought to be designated as a VHDZ, including proposed zone boundaries;
 - b. Contain a statement attesting that the notification described above was sent by regular mail to each local taxing district;
 - c. Contain a list of the local taxing districts that elected not to participate in the VHDZ;
 - d. Address the reasons that the City finds the designation of the zone will improve housing affordability within the City and fulfill the purposes of ORS 307.841 to 307.867.

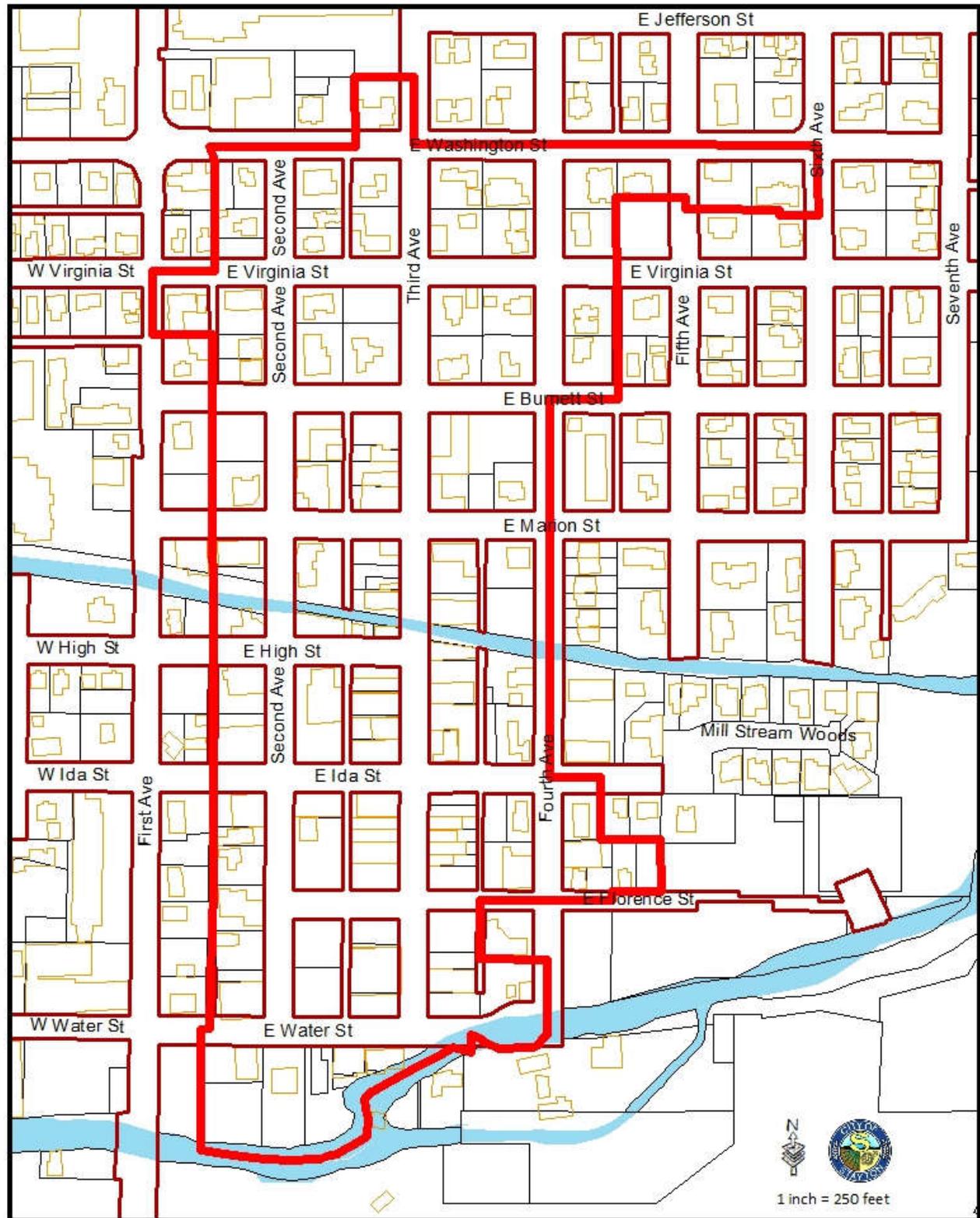
The City may approve multiple VHDZs within its jurisdiction. The boundaries of VHDZs may not overlap. A property may only be in one VHDZ.

3.16.050 LOCAL TAXING DISTRICTS AND ZONE DESIGNATIONS

1. Prior to adoption of a resolution designating a VHDZ the City shall:
 - a. Prepare a list of local taxing districts that have territory in the proposed VHDZ.
 - b. By regular mail, send a notice to the local taxing districts listed pursuant to paragraph 1 above that:
 - (1) Describes the proposed VHDZ;
 - (2) Explains the exemption described in ORS 307.864 that would apply if the proposed zone is designated; and

Figure 3.16.040.1

Downtown Vertical Housing Development Zone



(3) Explains the process by which a local taxing district may elect not to participate in the VHDZ.

2. To elect not to participate in a VHDZ, a local taxing district shall, within 30 days after the date on which proper written notification is received by the district from the City inform the City in writing of its decision to opt out of the VHDZ designation.

3.16.060 NOTICE TO COUNTY ASSESSOR

The City will send a copy of any designation of a VHDZ to the Oregon Department of Revenue and to the Marion County Assessor's office. The City will include with the notification to the County Assessor:

1. A written description of and a map showing the boundaries of the VHDZ; and
2. The name of any local taxing district that elected not to participate in the VHDZ.

3.16.070 ZONE TERMINATION OR MODIFICATION

1. The City may terminate all or part of the VHDZ at any time. Any such termination will not affect existing Certified Projects and is not subject to administrative or judicial review.
2. The City may approve a Certified Project after VHDZ termination if the application for certification of the Project was pending with the City prior to the City terminating the VHDZ. However, the City may consider the VHDZ termination in determining whether or not to approve the application for a Certified Project.
3. The City will send notice of its termination of a VHDZ to any pending applicant, the County Assessor, and owners of Certified Projects, of whom the City is aware.
4. Subsequent VHDZs may include areas from a terminated VHDZ. A new VHDZ may be designated, or an existing VHDZ expanded or reduced, so that there is no discontinuance of a VHDZ designation for any areas where the VHDZ designation is intended to endure.

3.16.080 APPLICATION FOR PROJECT CERTIFICATION

1. A project applicant may file an application for certification of a project by completing the vertical housing project application form, as prescribed by and available from the City, and by delivering it during normal business hours or by mail to the Planning and Development Department.
2. Projects must be described in terms of entire tax parcels. Projects may not include partial tax parcels.
3. Each phase of a phased development, whether vertical or horizontal, will require a separate application.
4. The City will review applications upon their appropriate delivery subject to, but not limited to:
 - a. Applications being complete and consistent with City requirements; and
 - b. Delivery to the City of an application processing fee, monitoring fee and any other related fees. In determining fees for each project applicant, the City may consider factors including, but not limited to, known and expected costs in processing the application, effecting appropriate monitoring of the project and otherwise administering the program with respect to the project. The fees authorized by this subsection shall be established by resolution of the City Council. Payment of fees may be made by check or credit card payable to the

City and must be submitted along with the project application or as otherwise required by the City.

5. For new construction projects to qualify for certification, the application must be delivered to the City before:
 - a. The relevant permitting authority has issued a permanent certificate of occupancy; or
 - b. If no certificate of occupancy is required, then the application must be filed on or before the date on which residential units that are part of the vertical housing development project are ready for occupancy.
6. For rehabilitation to qualify for certification, the application must be delivered to the City at any stage of the rehabilitation, but not after rehabilitation work on the project is complete and the project is ready for occupancy. The City may provide a preliminary certification of the project pending completion of the rehabilitation of the project. Notification of the project's completion, together with appropriate documentation of the actual costs of the rehabilitation and the real market value of the pre-rehabilitated project must be forwarded by the project applicant to the City within 90 days of project completion. The City may certify all or part of a rehabilitated project or of a project where the rehabilitation is still in progress as a Certified Project.
7. Project applicants must provide the following information in a manner satisfactory to the City:
 - a. The address and boundaries of the proposed project including the tax lot numbers, a legible and scaled site plan of the proposed project, and a legal description of the land involved in the project for which a partial tax exemption is sought by the project applicant;
 - b. A description of the existing condition of the proposed project property;
 - c. A description of the proposed project including, but not limited to current architectural plans that include verifiable square footage measurements; and designation of the number of project floors;
 - d. A description of all non-residential areas with related and total square footages including the proportion of total square footage of project proposed for non-residential uses, and identification of all non-residential uses;
 - e. A description of all residential areas, including number and type of units, with related and total square footages including the proportion of total square footage of project proposed for residential uses;
 - f. A description of the number and nature of low-income residential housing units with related and total low-income residential housing square footages;
 - g. Confirmation that the project is entirely located in an established VHDZ;
 - h. A commitment from the project applicant, acceptable to the City, that the project will be maintained and operated in a manner consistent with the project application and the program for a time period acceptable to the City and not less than the term of any related property tax exemption;
 - i. A calculation of equalized floors, an allocation of equalized floors to residential uses and an allocation of equalized floors to low income residential housing;

- j. Documentation establishing the costs of construction and rehabilitation with respect to the project;
- k. A statement from the applicant that the applicant further agree to cooperate fully with all monitoring and investigatory actions by the City, should the application be approved; and
- l. Such other information as the City, in its discretion, may require.

For purposes of this section, square footage does not include areas used for patios, porches, deck space, or parking, unless these areas are demonstrated to the satisfaction of the City to be economically necessary to the project or the City otherwise determines that it is appropriate to include the areas in the square footage;

- 8. The City may request such other information from a project applicant and undertake any investigation that it deems appropriate in processing any project application or in the monitoring of a Certified Project. By filing an application, a project applicant irrevocably agrees to allow the City reasonable access to the project and to project-related documents, including the right to enter onto and inspect the project property and to copy any project-related documents and agrees to provide an annual report of the property as further described in Section 3.16.130.
- 9. In its application, the project applicant must verify such substantial alteration and enhancement. The following actions, by themselves, are not sufficient to satisfy this substantial alteration and enhancement requirement irrespective of cost or implementation throughout a project:
 - a. Ordinary maintenance and repairs;
 - b. Refurbishment or redecoration that merely replaces, updates or restores certain fixtures, surfaces or components; or
 - c. Similar such work of a superficial, obligatory or routine nature.
- 10. Unless an exception is granted by the City, projects "in progress" at the time of application may include only costs incurred within six (6) months of the application date. Factors that the City may consider in determining whether or not to grant an exception to the six (6)-month limitation on costs include, but are not limited to the following:
 - a. Delay due to terrorism or acts of God;
 - b. Delay occasioned by requirements of the City;
 - c. Resultant undue hardship to the project applicant;
 - d. The complexity of the project; and
 - e. The benefit of the project to the community.
- 11. For applications filed before project completion, the City may provide a conditional letter of prospective certification of the project pending its completion. To obtain a final certification of the project, the project applicant must provide timely notification to the City of the project's completion, together with a copy of the certificate of occupancy and other information as the City may require. A project applicant must provide the notice and required documentation to the City within 90 days of project completion which is typically the date of the certificate of occupancy unless the City determines that another date is more appropriate.

12. If an application is rejected for failure to meet City review requirements, then:
- a. The City will notify the project applicant that the application has been rejected; and
 - b. The City, at its own discretion, may allow the resubmission of a rejected application for project certification ("as is" or with appropriate corrections or supplementations) or may reconsider a determination by it to reject an application. Factors that the City may consider in allowing a resubmission of a rejected application or the reconsideration of a determination by it to reject an application include, but are not limited to the following:
 - (1) Whether or not rejection results in undue hardship to the project applicant;
 - (2) The best interests of the community;
 - (3) The level of cooperation from the project applicant;
 - (4) The level and materiality of initial non-compliance by the project applicant, and;
 - (5) Mitigation of any initial non-compliance by the project applicant.
 - c. If the City accepts for review a previously rejected application, it may do so, at its sole discretion, on a prospective basis or based upon the original date of filing. Factors that the City may consider in determining the date to apply to a previously rejected application include, but are not limited to the following:
 - (1) Whether or not occupancy or readiness to occupy residential units in the project has occurred since the original application;
 - (2) Whether or not undue hardship would result to the project applicant;
 - (3) The best interests of the community;
 - (4) The level and materiality of non-compliance in the initial application.

3.16.090 PROJECT CRITERIA

- 1. The City will evaluate each accepted application to determine whether or not to certify the proposed project. A project, to qualify for City certification, must satisfy each of the following criteria:
 - a. The project must be entirely located within an approved VHDZ;
 - b. The project must include one or more equalized floors;
 - c. The project must be comprised of a multiple-story building, or a group of buildings, including at least one multiple-story building, so that a portion of the project is to be used for non-residential uses and a portion of the project is to be used for residential use;
 - d. A portion of the project must be committed, to the City's satisfaction, for residential use and a portion of the project must be committed, to the City's satisfaction, for use as non-residential use;
 - e. The commitment to non-residential use must be accomplished as follows:

- (1) At least 50 percent of the project's ground floor that fronts on the primary public street must be committed to nonresidential use. If a project has access to only one public street, the square footage of driveways, loading docks, bike storage, garbage receptacles and building entryways shall be excluded before applying the 50 percent test;
 - (2) For the project's ground floor to be considered committed to nonresidential use, all ground floor interior spaces that front on the primary public street must be constructed to building code standards for commercial use, are planned for commercial use and/or live-work use upon completion, or both;
 - (3) If a project has frontage on more than one public street, the "primary public street" shall be the numbered avenue or may be designated by mutual agreement between the applicant and the City.
 - (4) For purposes of this section, "public streets" include all publicly-owned streets, but does not include alleys;
 - (5) For purposes of this rule, "live-work" spaces shall have the same meaning as "live-work unit" in Section 17.04.100. Any live-work space is deemed to be committed for non-residential use under the program. The work portion of a live-work unit must have direct access to street level entrances of the project.
- f. Each project must be on its own tax parcel;
 - g. Construction or rehabilitation must have been started on each building included in the project, including but not limited to, additions that expand or enlarge an existing building;
2. To qualify to be a Certified Project, the rehabilitation of any existing improvement must substantially alter and enhance the utility, condition, design or nature of the structure. In determining whether or not proposed or completed rehabilitation is satisfactory or substantial, the City may consider factors including, but not limited to:
 - a. The quality and adequacy of design, materials and workmanship;
 - b. The quantity of rehabilitation in proportion to the total cost of the project and between the area devoted to residential use and area devoted to non-residential use;
 - c. The distribution of rehabilitation throughout the project, including as it relates to the habitability of residential areas, and particularly low-income residential housing areas; and
 - d. The value of the improvements on a project. The value of the improvements must be at least 20 percent of the real market value of the entire project on the last certified assessment roll before the City, in consideration of other factors, will deem rehabilitation to be "substantial" in nature.
3. Certified Projects with at least one equalized floor of low-income residential housing may qualify for a partial property tax exemption with respect to the land contained within the tax lot upon which the Certified Project stands, but will not qualify for a partial property

tax exemption under the program for land adjacent to or surrounding the Certified Project contained in separate tax lots. Excess or surplus land that is not necessary for the project, as determined by the City, will not be eligible for partial exemption;

4. Low-income residential housing floors or units must be set-aside as such for the entire tax year and occupied only by people who are income eligible in order for the project to qualify for the low income vertical housing exemptions on land;
5. The non-residential use of a particular floor or floors may be satisfied even if the entire floor is not devoted to that use; and
6. Low-Income residential housing units in the Certified Project must continue to meet the income eligibility requirements for the definition of low-income residential housing for the entire period for which the vertical housing project is certified.

3.16.100 CITY CERTIFICATION OF PROJECTS

1. The City will endeavor to process each accepted application and make a determination whether or not to approve such application, in whole or in part, within 60 days of when the accepted application is received by the City.
2. If the application is approved, the City will:
 - a. Issue a letter to the project applicant describing the Certified Project with an explanation of the partial property tax exemption effective for the Certified Project; and
 - b. Send a copy of the project information to the County Assessor.
3. The owner of a Certified Project must execute and record a Project Use Agreement, including restrictive covenants running with the land and equitable servitudes, satisfactory to the City in the Marion County records. Recordation of such instruments satisfactory to the City constitutes a condition precedent to the approval of the Certified Project taking legal effect. The City may void any Certified Project approval for failure to timely record and provide the City with a copy of any such instruments. The owner shall be responsible for the cost of recording and providing satisfactory evidence to the City that such instruments have been properly recorded.
4. If the application is denied, the City will send written notice of the denial to the project applicant. At its option, the City may allow reapplication by the project applicant consistent with Section 3.16.080.14.
5. Certification by the City of a project may be partial in scope. The City's letter of approval will identify what portions of the property and improvements included in the project application constitute the Certified Project.
6. The letter of approval from the City also may include such information and instructions as the City deems appropriate.
7. Appeal of City Determination.
 - a. If an application is denied by the City, the applicant may appeal the City's decision to the City Council by filing a written request with the City Manager for consideration by the City Council. An appeal shall be filed within 30 days of the notice of the City's decision. Such appeal shall include a written statement that describes with particularity the decision of the City and the

nature of the determination being appealed, the reason the determination is incorrect, and what the correct determination should be.

- b. Unless the applicant and the City agree to a longer period, the appeal shall be heard within thirty (30) days of the receipt of the appeal and written statement. At least ten (10) business days prior to the hearing, the City Recorder shall mail notice of the date, time, and location thereof to the applicant.
- c. The City Council shall hear and determine the appeal on the basis of the applicant's written statement and any additional evidence the City Council deems appropriate. At the hearing, the applicant may present testimony and oral argument personally or by representative. City staff may present written or oral testimony at this same hearing. The rules of evidence as used by courts of law do not apply. The applicant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- d. The City Council shall render its decision within fifteen (15) days after the hearing date. The decision shall be in writing, but written findings shall not be made or required unless the City Council in its discretion elects to make findings for precedential purposes. The City Council's decision on the appeal shall be final and is not subject to further judicial or administrative review.

3.16.110 PROJECT MONITORING FEE/MODIFICATION OR TRANSFER OF OWNERSHIP

- 1. A monitoring fee shall be paid by the project applicant to the City at the time of project application, or as otherwise directed by the City, to cover the City's actual and anticipated costs of monitoring and otherwise addressing compliance by the Certified Project with program requirements including, without limitation ORS 307.841 to 307.861 and other applicable law. The City may consider factors including but not limited to the following in determining the amount of this monitoring fee:
 - a. The size of the project;
 - b. The number of residential housing units;
 - c. The amount of commercial space, including any live-work units;
 - d. Project uses;
 - e. Project location;
 - f. The duration and complexity of compliance requirements;
 - g. The level and amount of staff or other services involved;
 - h. The use of supplies, equipment or fuel; and
 - i. The number of separate sites and/or buildings.
- 2. The City may condition its approval of a Certified Project upon payment by project applicant of the applicable fee described above in 3.16.110.1. The City may void or terminate the certification of all or a portion of a Certified Project if such fees, or any part thereof, are not timely paid.
- 3. Modifications to or transfers of ownership of a Certified Project must receive prior written approval from the City. The City will not unreasonably withhold its approval of such modifications to or transfers of ownership. The City may void or terminate the

certification of all or a portion of a Certified Project if modifications to or transfers of ownership are made without its prior written approval except where such modifications or transfers occur by operation of law following death or divorce.

4. If there are proposed or actual modifications to or transfers of ownership of the Certified Project, the Certified Project owner shall notify both the County Assessor and the City of the new owner's name, contact person, mailing address and phone number within 30 days of the change.
5. The City may require the Certified Project owner to pay an administrative fee to cover the City's actual and anticipated costs of reviewing and processing such modification or transfer including, without limitation, effecting the legal review, amendment, execution or recording of related documents.
6. The City may condition its approval of a modification to or transfer of ownership in a Certified Project upon payment by the Certified Project owner of the administrative fee described above in subsection 5. The City may void or terminate the certification of all or a portion of a Certified Project if such an administrative fee, or any part thereof, is not timely paid.

3.16.120 MONITORING; INVESTIGATIONS; REMEDIES; DECERTIFICATIONS

1. The City may monitor and investigate Certified Projects for compliance with program requirements and other applicable law as it deems appropriate. Project applicants shall prepare an annual report to the City on the number of residential housing units; number of low-income residential housing units; and amount of commercial space, including live-work units.
2. The City may undertake any remedial action that it determines to be necessary or appropriate to enforce City interests or program requirements including, without limitation, commitments provided by project applicants in the final application and certification. Remedial actions may include, but are not limited to:
 - a. The requesting of project documentation including but not limited to current rents on an annual basis and lease agreements with redacted personal information;
 - b. The issuance of orders and directives with respect to the project or otherwise;
 - c. The initiation and prosecution of claims or causes of action, whether by administrative hearing, civil action or otherwise (including, without limitation, actions for specific performance, appointment of a receiver for the Certified Project, injunction, temporary restraining order, recovery of damages, collection of fees, etc.); and
 - d. The decertification of all or a portion of a Certified Project.
3. Prior to decertifying all or part of a Certified Project and directing the County Assessor to disqualify all or part of the project for partial property tax exemption treatment, the City shall issue a decertification notice to the Certified Project owner identifying relevant factors among the following:
 - a. The property decertified from the project;
 - b. The number of equalized floors that have ceased qualifying as residential housing for purposes of the program;

- c. The number of equalized floors that have ceased qualifying as low-income residential housing for purposes of the program;
 - d. The remaining number of equalized floors of residential housing in the project and a description of the property of each remaining equalized floor;
 - e. The remaining number of equalized floors of low-income residential housing in the project and a description of the property of each remaining equalized floor of low-income residential housing;
 - f. If the project no longer includes commercial space consistent with the intent of the program; and
 - g. Such other information as the City may determine to provide.
4. Prior to issuance of a notice of decertification, the City will provide the Certified Project owner with notice of an opportunity to correct first-time program noncompliance within a reasonable amount of time as determined by the City. The City also may elect to provide the Certified Project owner with notice of an opportunity to correct repeat program non-compliance within a reasonable amount of time as determined by the City. In deciding whether or not to provide the Certified Project owner with notice of an opportunity to correct repeat program non-compliance and in determining how much time to provide the Certified Project owner to correct any noticed program non-compliance, the City may consider factors including, but not limited to:
- a. The severity of the non-compliance;
 - b. The impact of non-compliance upon project tenants and patrons;
 - c. The public interest in appropriate and affordable housing;
 - d. The public interest in the revitalization of relevant communities;
 - e. The cost and time reasonably necessary to correct program noncompliance; and
 - f. The past history of compliance and non-compliance by the project owner.
5. For those instances where the City has elected to provide notice to a Certified Project owner of its non-compliance, if the City determines that the Certified Project owner has failed to correct any noticed program non-compliance within the time allowed by the City in its notice, the City may issue the notice of decertification identified above and direct the County Assessor to disqualify all or a portion of the project from property tax exemption under the program. The City also may issue a notice of decertification and direct the County Assessor to disqualify all or a portion of a project from property tax exemption under the program with respect to program non-compliance for which it determines not to provide prior notice and an opportunity for non-compliance correction.
6. The effective date of a decertification is the date provided in the notice of decertification identified above in Section 3.16.120.5. The effective date of a decertification may be retroactive from the date of the actual notice of decertification only to the commencement of the non-compliance for which the decertification is issued as determined by the City. In determining whether or not to make the decertification retroactive, the City may consider factors including, but not limited to those identified above in Section 3.16.120.4, the intentional nature of the non-compliance, and when the owner or its agents became aware or reasonably should have become aware of the non-compliance.

3.16.130 PARTIAL PROPERTY TAX EXEMPTIONS FOR CERTIFIED PROJECTS

1. In order to receive a partial property tax exemption under this chapter, the Certified Project owner, the project applicant or other person responsible for the payment of property taxes on the Certified Project must notify the County Assessor that the project has been approved by the City as a Certified Project and qualifies for a partial property tax exemption.
2. The notification described above in Section 3.16.130.1 must be delivered to the County Assessor in writing on or before April 1 preceding the first tax year for which the partial property tax exemption is sought.
3. Except as modified by subsections 4 and 5 of this section, the exemption applies to the construction or rehabilitation of real property improvements associated with the Certified Project or the inclusion of affordable housing on the Certified Project, in each of the tax years for which the exemption is available, including but not limited to land development.
4. The property exemption rate equals 20 percent (0.2) multiplied by the number of fully equalized floors (among all associated buildings exempt in that year), up to but not exceeding four such equalized floors, that are:
 - a. For residential use; and
 - b. Constructed or rehabilitated as part of the vertical housing development project. For purposes of calculating the partial property exemption, the equalized floor quotient is rounded down to whole numbers reflecting only fully equalized floors up to a maximum of four such equalized floors.
5. The partial property tax exemption on a Certified Project is available for ten consecutive tax years beginning with the first tax year in which, as of the assessment date, the project is occupied or ready for occupancy following its approval by the City as a Certified Project.
6. If during the period of partial tax exemption, any part of a project dedicated for residential use is converted to or used as non-residential area, the County Assessor and the City shall be notified by the project owner of such change. Similarly, the County Assessor and the City shall be notified in writing by the project owner if any part of a project dedicated to low-income residential housing is converted to other purposes or otherwise used in a manner that does not comply with low-income residential housing requirements.
7. In order to receive partial property tax exemption with respect to a Certified Project, the Certified Project owner shall apply to the County Assessor. Upon written application for partial exemption to the County Assessor, the Certified Project owner will provide the County Assessor:
 - a. A letter specifically requesting the partial tax exemption in accordance with the Certified Project approval certification;
 - b. A copy of the final project application for certification,
 - c. A copy of the Certified Project approval certificate issued by the City,
 - d. A copy of the certificate(s) of occupancy for the entire Certified Project; and
 - e. Such fee(s), if any, as the County Assessor may require.

8. The certificate of occupancy or temporary certificate of occupancy must be dated prior to January 1 of the assessment year for which the exemption is requested.
9. The written application for exemption must be made to the County Assessor on or before April 1 of the assessment year for which the exemption is sought and the exemption will be effective for the first year for which the partial property tax exemption is available and for the next nine consecutive tax years.
10. If all or a portion of a Certified Project is decertified by the City, that portion of the Certified Project shall be disqualified from partial property tax exemption as set forth in the notice of decertification.

DRAFT



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 4, 2018
SUBJECT: Preparation of RFP for Consultant Services to Develop Economic Development Strategies

The FY 2018 budget for the Planning and Development Department included funding to hire consultant services for the development economic development strategies. This work has been delayed and funding has been continued in the FY 2019 budget. Staff is currently drafting a Request for Proposals for consultant services and want to make sure that the scope of work called for in the RFP reflects the goals and desires of the Council.

As currently drafted the scope of work for the consultant includes the following activities:

- Conduct community outreach/workshops to identify desired development activity – are there particular types of businesses that the community would like to see or are specifically not desired?
- Identify current development regulations that are detrimental to achieving development goals
- Compile a list of available local and state incentives to business development; make recommendations for local incentives that Stayton doesn't provide
- Identify labor market characteristics
- Identify comparative advantages in Stayton – utilities; broadband
- Identify transportation and other infrastructure constraints on development activity; make recommendations for funding sources for improvements
- Compare utility costs between Stayton and other mid-valley communities and make recommendations for changes in utility rate structure
- Investigate whether the City's annexation policies and procedures and land use review procedures adversely impact economic development activity
- Make recommendations for changes in land use regulations to reflect the desired types of uses or restrict those not desired

Specific questions for the City Council:

- How broadly or narrowly to define "economic development?" While many definitions focus on manufacturing or other "industrial" development, others include any job

creating activity and some take a broader look at the economy and include any activity that improves the economic or financial status of the community such as education and training, social services, and energy conservation.

- To what extent should marketing of Stayton be included? Is the Council prepared to dedicate financial resources (beyond staff time) to actively trying to attract businesses to Stayton?
- Are there activities besides those listed above that the Council would like to see addressed in the scope of work?
- Are there activities listed above that the Council would like removed?

Staff envisions the RFP will be ready to issue in two weeks with proposals due in early July.