



AGENDA STAYTON CITY COUNCIL

Monday, March 2, 2020

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

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ANNOUNCEMENTS

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

APPOINTMENTS – None

PUBLIC COMMENTS

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

CONSENT AGENDA

- a. February 18, 2020 City Council Minutes

GENERAL BUSINESS

Marion County Tobacco and Substance Abuse Presentation

- a. Presentation – Marion County
- b. Public Comment
- c. Council Discussion

PUBLIC HEARING

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Proponents' Testimony
- g. Opponents' Testimony
- h. Governmental Agencies
- i. General Testimony
- j. Questions from the Public
- k. Questions from the Council
- l. Applicant Summary
- m. Staff Summary
- n. Close of Hearing
- o. Council Deliberation
- p. Council Decision on Ordinance No. 1043

GENERAL BUSINESS

Intergovernmental Agreements with Marion County for 2020 Slurry Seal and Asphalt Pavement Overlay Programs

- a. Staff Report – Lance Ludwick
- b. Public Comment
- c. Council Discussion

COMMUNICATIONS FROM MAYOR AND COUNCILORS

COMMUNICATION FROM CITY STAFF

ADJOURN

FUTURE AGENDA ITEMS

- a. Public Hearing – Supplemental Budget
- b. Public Hearing – Surplus Properties
- c. Emergency Management Equipment Update

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 Administrative Services Manager Alissa Angelo at (503) 769-3425.

CALENDAR OF EVENTS

MARCH 2020

| | | | | |
|-----------|----------|-------------------------------|-----------|------------------------------|
| Monday | March 2 | City Council | 7:00 p.m. | Community Center (north end) |
| Tuesday | March 3 | Parks & Recreation Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | March 9 | Budget Committee Work Session | 6:00 p.m. | Community Center (north end) |
| Tuesday | March 10 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café |
| Monday | March 16 | City Council | 7:00 p.m. | Community Center (north end) |
| Wednesday | March 18 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | March 30 | Planning Commission | 7:00 p.m. | Community Center (north end) |

APRIL 2020

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

MAY 2020

| | | | | |
|-----------|--------|--------------------------|-----------|------------------------------|
| Monday | May 4 | Budget Committee | 6:00 p.m. | Community Center (north end) |
| Monday | May 4 | City Council | 7:00 p.m. | Community Center (north end) |
| Tuesday | May 5 | Parks & Recreation Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | May 11 | Budget Committee | 6:00 p.m. | Community Center (north end) |
| Tuesday | May 12 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café |
| Tuesday | May 12 | Budget Committee | 6:00 p.m. | Community Center (north end) |
| Wednesday | May 13 | Budget Committee | 6:00 p.m. | Community Center (north end) |
| Monday | May 18 | City Council | 7:00 p.m. | Community Center (north end) |
| Wednesday | May 20 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | May 25 | Planning Commission | 7:00 p.m. | Community Center (north end) |

JUNE 2020

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

**City of Stayton
City Council Minutes
February 18, 2020**

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

Time Start: 7:00 P.M.

Time End: 8:26 P.M.

COUNCIL MEETING ATTENDANCE LOG

| COUNCIL | STAYTON STAFF |
|---------------------------------|---|
| Mayor Henry Porter | Alissa Angelo, Administrative Services Manager |
| Councilor Paige Hook | Keith Campbell, City Manager |
| Councilor Ben McDonald | Dan Fleishman, Director of Planning & Development |
| Councilor Christopher Molin | David Frisendahl, Police Chief |
| Councilor Jordan Ohrt (excused) | Lance Ludwick, Public Works Director |
| Councilor David Patty | Janna Moser, Library Director |
| | Susannah Sbragia, Finance Director |

| AGENDA | ACTIONS |
|--|--|
| REGULAR MEETING | |
| Announcements a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc. | None. None. |
| Appointments | None. |
| General Business Railroad Letter of Support Presentation a. Continuation of Council Discussion b. Public Comment c. Council Decision | Mayor Porter introduced Kevin Mannix of the Oregon Port of the Willamette who spoke about the Railroad and a requested letter of support. Council questions and discussion regarding the timeline for seeing rail service in Stayton, who will be responsible for the road crossings in Stayton, potential noise issues, <u>Russ Strohmeyer</u> spoke in support of signing the letter of support. There was consensus from the Council to authorize Mayor Porter to sign a letter of support for the Railroad. |
| Public Comments a. Russ Strohmeyer | Mr. Strohmeyer spoke about public comment. |
| Consent Agenda a. February 3, 2020 City Council Minutes | Motion from Councilor Patty, seconded by Councilor Hook, to approve the Consent Agenda as presented. Motion passed 4:0. |

| | |
|--|---|
| Public Hearing | None. |
| <p>General Business Facilities Master Plan Presentation</p> <p>a. Presentation – Mackenzie</p> <p>b. Public Comment</p> <p>c. Council Discussion</p> <p>Resolution No. 1001, to Apply for a Local Government Grant from the Oregon Parks and Recreation Department for the Development of Mill Creek Park</p> <p>a. Staff Report – Lance Ludwick</p> <p>b. Public Comment</p> <p>c. Council Deliberation</p> <p>d. Council Decision</p> | <p>Representatives from Mackenzie provided a presentation to the Council regarding the Facilities Master Plan project.</p> <p><u>Aaron Frichtl</u> spoke in support of a new Police facility and shared concern of the City offices moving from the downtown core.</p> <p>Council questions and discussion on consolidation of City departments into one facility, identifying funding options, the recent public outreach meeting, pros and cons of separate buildings versus combining departments together into one building, and seismic events.</p> <p>Mr. Ludwick reviewed the staff report.</p> <p><u>Aaron Frichtl</u> requested more information on the master plan for Mill Creek Park.</p> <p>Council discussion and questions on funding for the match and potential funding sources for remaining park phases.</p> <p>Motion from Councilor Patty, seconded by Councilor Molin, to approve Resolution No. 1001 as presented.</p> <p><u>Council Discussion:</u> Councilor Hook spoke in support of the project and grant application.</p> <p>Motion passed 4:0.</p> |
| Communications from Mayor and Councilors | <p>Chat with a Councilor will be held on Saturday, February 22nd from 1:00 p.m. to 3:00 p.m. at Moxieberry in Stayton.</p> <p>Councilor Hook shared information from a meeting she had with Congressman Kurt Schrader regarding the Stayton community. She also spoke about the railroad letter of support and upcoming census.</p> <p>Mr. Ludwick provided an update on the recent fuel spill 8 miles east of the Detroit reservoir.</p> |
| Communication from City Staff | <p>Mr. Campbell thanked Public Works Director Lance Ludwick and Chief Water Treatment Plant Operator Michael Bradley for their work on the fuel spill.</p> |

Future Agenda Items

- a. Marion County Presentation – Tobacco and Substance Abuse
- b. Public Hearing – Fern Ridge Annexation and Comprehensive Plan Amendment

APPROVED BY THE STAYTON CITY COUNCIL THIS 2ND DAY OF MARCH 2020, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

Henry A. Porter, Mayor

Date: _____

Attest: _____

Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____

Alissa Angelo, Administrative Services Manager



CITY OF STAYTON
MEMORANDUM

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: March 2, 2020
SUBJECT: Annexation Application, Gene Jones, 13601 Fern Ridge Rd

ISSUE

The issue before the City Council is a public hearing on an application for the annexation for approximately 19 acres of land at 13601 Fern Ridge Rd and to assign Medium Density Residential zoning to the property. Following the public hearing, the Council will be requested to consider Ordinance 1043 that will annex the property and amend the Official Zoning Map.

BACKGROUND INFORMATION

The territory proposed for annexation is a 19-acre parcel of land on the north side of Fern Ridge Road, between Foothills Church and the Boulders mobile home park. The property has frontage along Highway 22, but has no legal access to the highway. The property is currently vacant, with a small storage shed located on it. A March, 2014 aerial photo of the property is shown below.



The applicant originally submitted a concurrent application for a Comprehensive Plan Map amendment with the application for annexation, requesting the Comprehensive Plan Map designation be changed from Residential to Commercial. At that time the applicant intended to develop the property as a recreational vehicle park. Following the Planning Commission's public hearing in December that application was withdrawn.

The applicant is now requesting that the City Council assign Medium Density Residential zoning to the property, indicating his current intention to develop a 98-space mobile home park.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies. As is routine for all land use applications, notice of the application was sent to the City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District. No comments were received or concerns raised by these agencies regarding the annexation. Some comments were received regarding future development of the property and those comments are reflected below and in the findings that are part of the draft Ordinance.

Attached is an application for annexation from Gene Jones. The application consist of the application form and the applicant's narrative, as well as a conceptual plan of a possible future mobile home park to be developed on the property. Also attached is the Planning Commission's order, containing its findings and recommendation.

Annexation Criteria

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

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

Criteria b, c, and e are fairly objective and leave little for interpretation. Sewer and water facilities are available in Fern Ridge Rd and on the property. The area to be annexed is contiguous to the City Limits on three sides and provisions of the state law – process and consent of landowners – have been or will be followed.

This leaves the other two criteria for more careful scrutiny and analysis. The “need” for any annexation may always be debated. The application narrative merely includes a statement regarding the economic boost to the City’s economy from development of the property. Some additional information, which is reflected in the draft ordinance is presented below.

The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of an additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 38 acres of residential land.

Staff maintains data on the vacant parcels within the City Limits. There are currently 81 vacant lots totaling 110 acres within the City Limits that are residentially zoned.

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

Recent Subdivisions in Stayton

| Subdivision Name | Year Platted | No of Lots | Existing Homes | Vacant Lots |
|---------------------------|--------------|------------|----------------|-------------|
| Phillips Estates, Phase 2 | 2014 | 26 | 5 | 21 |
| Wildlife Meadows | 2017 | 44 | 41 | 5 |

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

Though there are 81 parcels totaling 110 acres in the City and residentially zoned, staff estimates that there are only 74 parcels totaling 60 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 59 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City’s growth rate from 2000 and 2019 has been at an average annual rate of about 0.8%, with a population change of 1,054 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next ten years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 495 new dwellings units over the next 10 years. At an average of 4 units per acre for single family development, there would be the need for all of the

existing vacant land in the City and 40 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

The second criterion for approval of an annexation is that the site is or will be capable of being serviced by adequate City public services. The application narrative does not provide any information regarding the existing and planned utilities in the vicinity of the parcels to be annexed. Instead, the narrative includes a statement that the City has adopted codes regulating public facilities and development is subject to the City's standards. The application form does indicate that there is an 8-inch water main and an 8-inch sewer main in Fern Ridge Rd. The application form also indicates that the private franchise utilities are available. Some additional information, which is reflected in the draft ordinance, is presented below.

The City's records indicate that there are the following publicly-owned utilities present at the property. There is a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property.

There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property.

The fourth criterion for approval of an annexation is that the proposal is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City. The application narrative notes that "the subject property is surrounded by a mobile home park to the east, vacant land to the northwest and commercial use to the southwest. All design and code standards will ensure that when the site is developed it is consistent with the character of the neighborhood." Staff is concerned with the accuracy of the above statements and is further concerned with relying on a future application for development for making the determination needed now regarding compatibility. Some additional information, which is reflected in the findings within the draft ordinance, is presented below.

The surrounding area is developed with residential properties and a church. The property to the west is zoned Public/Semi-Public, and is developed as a church. The properties to the south and across Fern Ridge Rd are zoned Low Density Residential, and are developed with single family detached dwellings. The property to the east is zoned Medium Density Residential and is developed as a mobile home park. The property to the north and across State Highway 22, is zoned Exclusive Farm Use, and is farmland. The applicant requests the property be zoned Medium Density Residential and intends to develop the property as a mobile home park.

Zone Map Amendment

When property is annexed into the City, its zoning is changed from a Marion County zone to a City of Stayton zone. Therefore, upon the advice of the then-City Attorney a few years ago, we must go through the criteria for approval for a Zone Map amendment with any annexation.

Section 17.12.180.6 of the Land Use and Development Code contains six criteria for approval of applications for zone map amendments. Under the terms of Section 127.12.210.5, the specific zone assigned to the land being annexed is determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan.

The property is designated Residential by the Comprehensive Plan Map. Chapter 17.16 of the Land Use and Development Code establishes three possible zoning classifications for residential zones:

- **LOW DENSITY RESIDENTIAL (LD).** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre. The minimum lot size in the LD zone east of Tenth Ave is 10,000 square feet with an 80-foot lot width requirement.
- **MEDIUM DENSITY RESIDENTIAL (MD).** To provide for single family, duplex, triplex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre. The minimum lot size in the MD zone is 7,000 square feet with a 70-foot lot width requirement.
- **HIGH DENSITY RESIDENTIAL (HD).** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density. The minimum lot size in the HD zone is 6,000 square feet with a 60-foot lot width requirement.

The task before the City Council is to determine which of the three zones is most appropriate considering the goals and policies of the Comprehensive Plan. The applicant has requested the City apply Medium Density Residential zoning to the property and has presented a conceptual plan for development of the property as a mobile home park. The Planning Commission, following its analysis has recommended Medium Density Residential zoning.

The Comprehensive Plan notes the need for the City's Comprehensive Plan to be coordinated with the Marion County Comprehensive Plan and that the urban growth framework in the County Plan calls for an overall density guideline of between 5 and 6 units per acre of land zoned for residential use. Table 3.8 of the Comprehensive Plan notes that overall, the City had only 3.1 dwelling units per acre of land zoned residential, ranging from as high as 11.4 units per acre for land zoned HD, to 4.6 units per acre in the MD zone to as low as 2.2 units per acre in the LD zone. It should be noted that this includes vacant parcels and parcels with potential for redevelopment and is a density calculation based on the gross acreage of land zone residential, including streets.

The Comprehensive Plan also included an analysis of the density of recent development in the City. For residential subdivisions recorded between 2000 and 2009, the density was 2.8 dwelling units per gross acre of land developed, about half of the targeted density.

Staff has recently updated that analysis as part of the Planning Commission’s review of the residential zoning requirements. Currently, the Low Density Residential (LD) is almost 70% of the residentially zoned land, at 706 acres. Within the LD zone are 1,574 housing units for a density of 2.23 units per acre.

The Medium Density Residential (MD) zone is about 25% of the residentially zoned land, at 229 acres. Within the MD zone are 1,015 housing units for a density of 4.43 units per acres.

The High Density Residential (HD) zone is the remaining 5% of the residentially zoned land, but contains about 15 % of the housing units. There are 44 acres of land zoned HD, with 495 dwellings for a density of 11.25 units per acre.

Since 2000 there have been 17 subdivision plats recorded within the City, in addition to a number of partitions. The Lambert Place subdivision is currently under construction and is expected to have a plat recorded this spring. The Virginia Terrace subdivision is expected to be constructed this summer and the plat recorded before the end of the year. The 19 subdivisions have been analyzed for the density of development. It should be noted that the more recent subdivisions are not completely built-out. The analysis below assumes that platted lots in the LD zone and Lambert Place will be built on with a single family detached homes and that Virginia Terrace will be four duplexes.

Residential Density in Subdivisions Platted Since 2000

| Subdivision | Year Platted | Zone | Total Area | Lot Area | No of Lots | No of Dwellings | Density |
|---------------------------|--------------|------|------------|----------|------------|-----------------|---------|
| Mountain Estates 1 | 2000 | LD | 7.26 | 6.09 | 10 | 10 | 1.4 |
| Mountain Estates 2 | 2001 | LD | 12.11 | 8.56 | 13 | 13 | 1.1 |
| Sylvan Springs 2A | 2001 | LD | 3.54 | 2.65 | 14 | 14 | 4.0 |
| Sylvan Springs 2B | 2001 | LD | 2.67 | 2.04 | 12 | 12 | 4.5 |
| Village Creek | 2001 | MD | 16.77 | 12.24 | 68 | 68 | 4.1 |
| Oakridge Vista | 2002 | LD | 19.81 | 16.06 | 31 | 31 | 1.6 |
| Pemberton Estates | 2003 | MD | 2.77 | 2.36 | 12 | 12 | 4.3 |
| Sylvan Springs 1C | 2003 | LD | 8.04 | 2.41 | 15 | 15 | 1.9 |
| Sylvan Springs 2C | 2003 | LD | 7.05 | 3.87 | 22 | 22 | 3.1 |
| Village at Sylvan Springs | 2005 | MD | 9.41 | 6.93 | 37 | 37 | 3.9 |
| Jefferson Place | 2007 | LD | 7.03 | 5.73 | 23 | 23 | 3.3 |
| Mountain Estates 3 | 2007 | LD | 2.35 | 2.03 | 5 | 5 | 2.1 |
| Third Avenue | 2008 | MD | 0.76 | 0.72 | 4 | 4 | 5.3 |
| Phillips Estates 1 | 2009 | LD | 5.34 | 3.75 | 20 | 20 | 3.7 |
| Roth Estates | 2009 | MD | 3.23 | 2.62 | 12 | 13 | 4.0 |
| Phillips Estates 2 | 2014 | LD | 7.04 | 4.86 | 26 | 26 | 3.7 |
| Wildlife Meadows | 2017 | LD | 13.92 | 7.54 | 44 | 47 | 3.4 |
| Lambert Place | 2020 | MD | 13.12 | | 51 | 51 | 3.9 |
| Virginia Terrace | 2020 | MD | 1.10 | | 4 | 8 | 7.3 |
| Total | | | 143.32 | | | 423 | 3.0 |

Without any new multi-family developments, the development pattern during the past 20 years has not met the guideline established by the Marion County Plan. The density of “new” residential subdivisions is slightly lower than the density for all residential property including vacant land.

In the past 20 years, there have been 142 acres of land included in recorded and approved but not yet recorded subdivisions. Of these, 96 acres were zoned LD and 47 were zoned MD.

Since 2000, there have been only two developments on land zoned HD: the assisted living facility on N Third Ave in 2000 and a 4-unit apartment on Locust St in 2002.

Within the LD zone there are 60 lots reasonably available for development. Of these, only ten are large enough to be further divided and only four are larger than one acre. In the MD zone there are 15 vacant lots, of which seven are large enough to be further divided. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

Assigning MD or HD zoning to the subject parcel will assist the City meet its target of 5-6 units per acre of residentially zoned land.

The Comprehensive Plan Map also designates land within 100 feet of Lucas Ditch to have a Natural Resource Overlay District.

Voter Approval

Chapter 1, Section 4 of the Stayton City Charter requires that an annexation over one acre not required by state law must be approved by the city voters before the annexation takes effect. Section 17.12.210.2.a.2) of the Stayton Municipal Code spells out the details of the process for the annexation of more than one acre of land into the City. The process envisioned by the Code is that following a public hearing, should the City Council determine the criteria for approval are met, the Council will enact a resolution forwarding a measure to the voters of the City at the next available scheduled election.

In March, 2016, the Oregon Legislative Assembly enacted and Governor Brown signed Chapter 51 of the Oregon Laws of 2016. Section 2 of this law applies to cities whose laws require a petition proposing annexation of territory to be submitted to the electors of the city, as Stayton’s do. The law requires “the legislative body of the city [to] annex the territory without submitting the proposal to the electors of the city if”

- (a) the territory is within an urban growth boundary adopted by the city;
- (b) the territory will be subject to an acknowledged comprehensive plan of the city;
- (c) at least one lot or parcel within the territory is contiguous to the city limits; and
- (d) the proposal conforms to all other requirement of the city’s ordinances.

It is staff’s determination that all four of the criteria above are met and therefore the Council is required by statute to not refer the application to the voters.

RECOMMENDATION

The Planning Commission has recommended approval of the application and that the City Council assign Medium Density Residential zoning to the property, with Natural Resource Overlay zone within 100 feet of Lucas Ditch, as indicated in their attached order.

The staff has enclosed the draft ordinance in the packet, without recommendation. The Council's decision is to determine if the property should be annexed at this time and if so, which residential zone is appropriate.

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

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1043 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1043 will be brought before the Council for a second consideration at the March 16, 2019 meeting.

2. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1043 will be brought before the Council for a second consideration at its March 16, 2019 meeting.

3. Approve the application for annexation, assign HD zoning and the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign High Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 changing the assigned zoning to High Density Residential and direct staff to incorporate this change into

the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1043 will be brought before the Council for a second consideration at its March 16, 2019 meeting.

4. Approve the application for annexation, assign LD zoning and the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Low Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 changing the assigned zoning to Low Density Residential and direct staff to incorporate this change into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1035 will be brought before the Council for a second consideration at its September 16, 2019 meeting.

5. Deny the application

Move to deny the applications of application of Gene Jones (Land Use File #11-07/19) for annexation and direct staff to prepare a draft Order of Denial for consideration by the City Council.

6. Continue the hearing until March 16, 2019.

I move the City Council continue the public hearing on the application of Gene Jones (Land Use File #11-07/19) until March 16, 2019.

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

I move the City Council close the hearing on the application of Gene Jones (Land Use File #11-07/19) but maintain the record open to submissions by the applicant until March 16, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on March 28, 2020.

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

I move the City Council continue the deliberation on the application of Gene Jones (Land Use File #11-07/19) until March 16, 2019.

ORDINANCE NO. 1043

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON FERN RIDGE ROAD AND CHANGING THE ZONING OF THE PROPERTY FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON MEDIUM DENSITY RESIDENTIAL (MD)

WHEREAS, Gene Jones has initiated annexation of that certain real property located in the southwest quarter of Section 2, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, more particularly described in Exhibit A attached hereto and incorporated herein, and further illustrated on a surveyor's plat shown in Exhibit B attached hereto and incorporated herein, and shown as Parcels 500 and 600 on the excerpt of Marion County Assessor's Map 091W02 shown in Exhibit C attached hereto and incorporated herein;

WHEREAS, Robert H. Miller, trustee of the Robert H. Miller Trust, Beverly M. Cox and Richard F. Cox, trustees of the Beverly M. Cox Living Trust, Dan Wagner, Christine L. Miller, Margaret A. Williams, and Ronald J. Williams and Margaret A Williams, trustees of the Williams Living Trust, joint owners of the property, have consented to the annexation of the property;

WHEREAS, on October 14, 2019, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Gene Jones filed with the City of Stayton, Oregon, an annexation application, an application for Comprehensive Plan Amendment from Residential to Commercial, and a request to assign Interchange Development zoning to the annexed territory;

WHEREAS, on January 14, 2020, the applicant withdrew the application for Comprehensive Plan Amendment, and requested Medium Density Residential zoning be applied to the annexed territory;

WHEREAS, the applicant's revised proposal is to annex the property with the intent of constructing a mobile home park;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on December 9, 2019 and the hearing was continued until January 27, 2020;

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

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

WHEREAS, the Stayton City Council held a public hearing as required by law on March 2, 2020;

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

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

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

WHEREAS, the Stayton City Council concludes, based on the findings of fact contained in Exhibit C, that the appropriate zoning for the territory to be annexed is Medium Density Residential in order to assist City meet its goal of between 5 and 6 housing units per acre of land zoned residential;
NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory in the southwest quarter of Section 2, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, the legal description of which is described in Exhibit A, which is attached hereto and by reference incorporated herein.

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

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

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

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

Section 6. The Stayton Official Zoning Map is hereby amended to include the annexed territory as Medium Density Residential, with the Natural Resources Overlay District applying within 100 feet of Lucas Ditch.

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing and then only if no appeal to the Oregon Land Use Board of Appeals (LUBA) is timely filed. In the event of a timely appeal to LUBA, this decision shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

ADOPTED BY THE CITY COUNCIL this Second day of March, 2020.

CITY OF STAYTON

Signed: _____, 2020

BY: _____
Henry A Porter, Mayor

Signed: _____, 2020

ATTEST: _____
Keith D. Campbell, City Manager

EXHIBIT A, Annexation Area

Commencing at a 3" Brass Cap being the section corner of Sections 2, 3, 10, and 11, located in the Southwest quarter of Section 2, Township 9 South, Range 1 West, of the Willamette Meridian, City of Stayton, Marion County, Oregon, Thence North 00°50'03" West 30.00 Feet to the True Point of Beginning; thence along the North right of way line of Fern Ridge Road North 89°01'20" East 901.88 feet to a 3/4" iron rod at the Southwest corner of a Tract recorded in Reel 3640, Page 012, Marion County Deed Records; thence along the west line of said Tract North 00°58'13" West 705.01 feet to a 3/4" iron pipe on the Southerly right of way line of North Santiam Highway No. 22; thence along the said right of way line the following three calls, North 61°16'37" West 13.96 feet to a 5/8" iron rod; North 66°09'53" West 400.51 feet to a 5/8" iron rod; North 63°18'29" West 591.00 feet; thence South 00°50'03" East 1154.46 feet to the Point of Beginning and containing 19.10 acres of land more or less.

DRAFT

EXHIBIT B, Map of Annexation Area

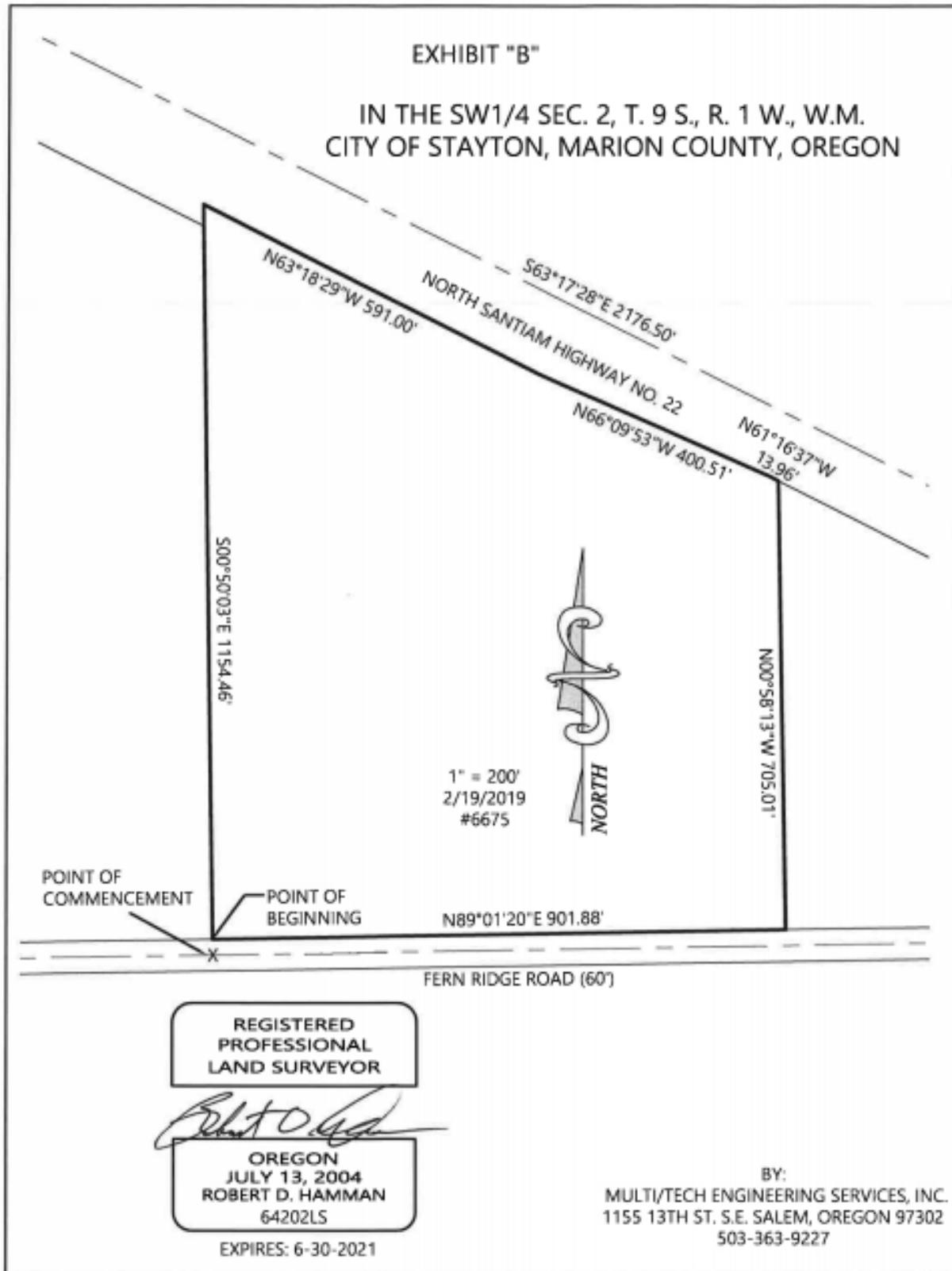


EXHIBIT C, Excerpt From Marion County Assessors Map 091W02
Showing Territory Being Annexed

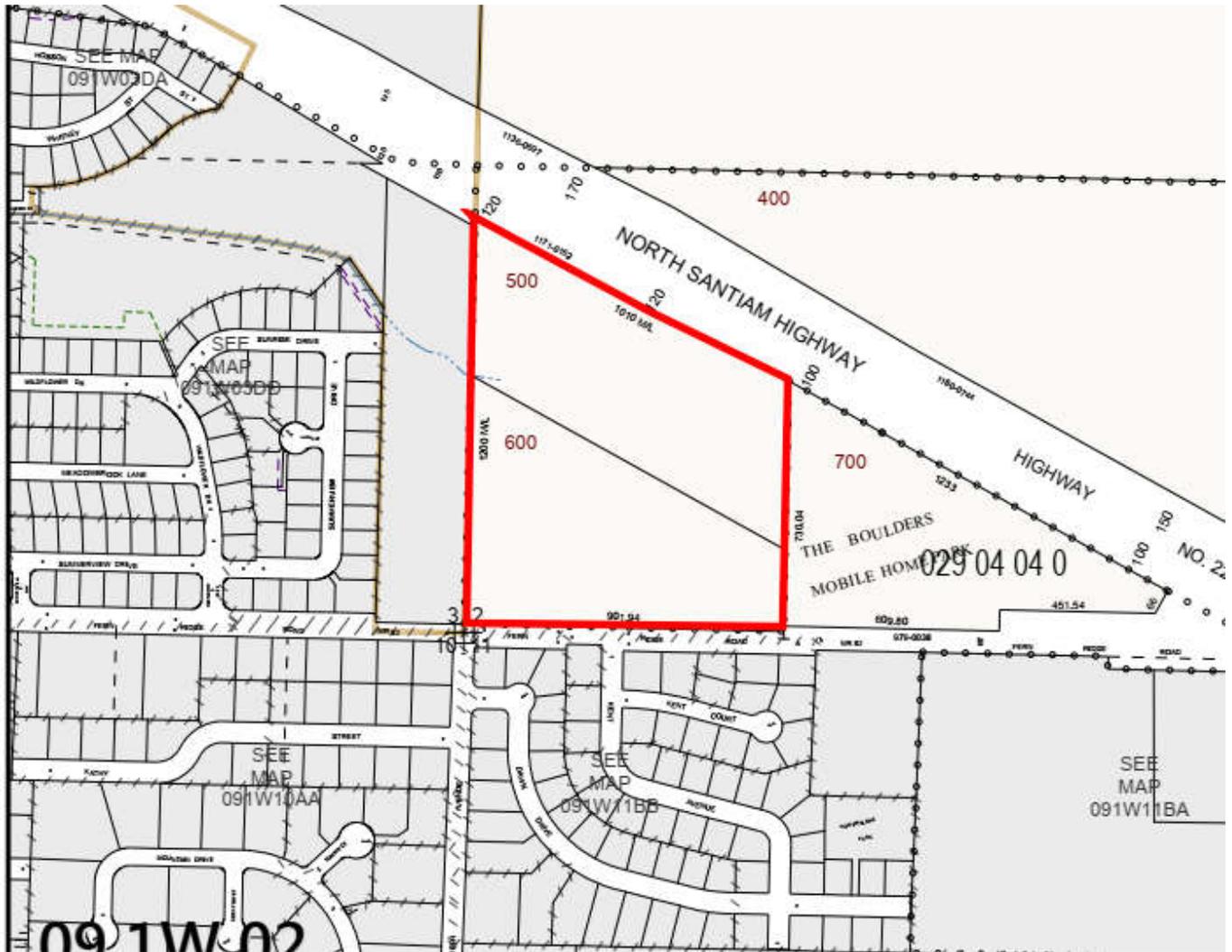


EXHIBIT D, CITY COUNCIL FINDINGS OF FACT
LAND USE FILE #11-07/19

A. EXISTING CONDITIONS

1. The owners of the property are the Robert H Miller Trust, Beverly M Cox Living Trust, Dan Wagner, Christine L Miller, Margaret A Williams, and Williams Living Trust.
2. The applicant is Eugene Jones, who has submitted a copy of a sales agreement.
3. The property can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 2, Tax Lots 500 and 600. Tax Lot 600 is addressed as 13601 Fern Ridge Rd, Stayton.
4. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Residential by the Stayton Comprehensive Plan Map.
5. The property is located on Fern Ridge Rd and also has frontage on State Highway 22. The property is approximately 19.1 acres in area with approximately 902 feet of frontage on Fern Ridge Rd.
6. State Highway 22 is a limited access highway and there is no access permitted from the property to State Highway 22.
7. The property to the west is inside the City Limits, is zoned Public/Semi-Public, was annexed in 1977, and is developed as a church. The properties to the south and across Fern Ridge Rd are located inside the City Limits, are zoned Low Density Residential, were annexed in 1953, and are developed with single family detached dwellings. The property to the east is located inside the City Limits, is zoned Medium Density Residential, was annexed in 1992, and is developed as a mobile home park. The property to the north and across State Highway 22, is zoned Exclusive Farm Use, and is farmland.
8. The property is currently vacant, with only a small storage building on the property.
9. The property is traversed by Lucas Ditch.

B. PROPOSAL

The proposal is to annex approximately 19.1 acres of land into the City. The applicant had also applied for a Comprehensive Plan Map amendment from Residential to Commercial. The application for Comprehensive Plan Map amendment was withdrawn on January 14, 2020. Though the applicant has not submitted an application for development approval, the application for annexation was accompanied by a conceptual plan for a recreational vehicle park. With the withdrawal of the Comprehensive Plan Map amendment application, the applicant submitted a conceptual plan for the future development of a mobile home park.

C. AGENCY COMMENTS

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

Marion County Planning Division replied with no comment. Comments were received from the Stayton Public Works Department through the City Engineer, from the City's transportation engineering consultant, and from Marion County Public Works. These comments are incorporated into the findings

below. The comments from Marion County Public Works addressed future development of the property and were not relevant to these applications.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property at least twenty days prior to the December 9 public hearing. The applicant posted a city-supplied sign on the property. Written comments from one individual were received prior to the public hearing. Where these comments addressed the review criteria for the applications, they are reflected in the findings below, but the comments mostly addressed future development of the property and stormwater impacts.

Testimony was received from 13 individuals at the December 9 public hearing. All members of the public spoke in opposition to the Comprehensive Plan Map amendment and the establishment of commercial use on the subject property. Whereas the application for Comprehensive Plan map amendment has been withdrawn the details of that testimony is not included below.

Following the December 9 public hearing written comments were received from the Fair Housing Council of Oregon and Housing Land Advocates. These comments were regarding the Comprehensive Plan map amendment and therefore are not detailed below.

The Planning Department notified all owners of property within 300 feet of the subject property at least ten days prior to the January 27 continuation of the public hearing. The applicant posted a city-supplied sign on the property.

Testimony was received from eight individuals at the January 27 continuation of the public hearing. No testimony was expressed directly opposed to the annexation. Testimony was offered regarding the requested zoning, with concern being expressed regarding the development of duplexes, about the applicant again changing their plans, about impact of development on the footpath in nearby neighborhood and about possible stormwater impacts from development.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210. The amendment of the Official Zoning Map, required to assign a zone to the newly annexed territory, is required to satisfy the approval criteria contained within SMC Section 17.12.180.

F. REVIEW CRITERIA

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

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

Finding: The applicant has requested Medium Density Residential be assigned upon annexation. The property is designated Residential by the Comprehensive Plan Map. The Comprehensive Plan Map also indicates that a Natural Resource Protection District will be applied within 100 feet of Lucas Ditch.

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

Finding: There is a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property. There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property. The Stayton Fire District, North Santiam School District and the Stayton Police Department were notified of the application. No comments were received from these agencies.

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

Finding: The City's 2019 Transportation System Plan assumed development of this property as residential.

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

Finding: Policy HO-1 calls for the City to encourage development of housing that meets the needs of all income groups of existing and future residents. The action to implement this policy is to assure that an adequate supply of land in all residential zones is available for development within the City. Staff reports that there are currently 69 vacant lots reasonably available for development within the LD zone, of which 16 are large enough to be further divided and that there are 15 vacant lots in the MD zone, of which seven are large enough to be further divided. Further, the Comprehensive Plan notes that the established residential density guideline for Stayton is between 5 and 6 housing units per gross acre of residentially zoned land. During the period between 2000 and the drafting of the Comprehensive Plan the subdivisions recorded were at a density of only 2.8 units per acre. Since the time of drafting the comprehensive plan only one additional subdivision has been platted, with a density of 3.7 units per acre. Assigning MD zoning would assist the City meet its density goal.

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

Finding: The Comprehensive Plan projects that 70% of the new housing units will be single-family detached, 15% of the new housing units will be single-family attached or duplexes, and that 13% will be multifamily. The proposed MD zoning would potentially allow single family attached, duplexes, triplexes and a mobile home park. By assigning MD zoning to this parcel the City will be providing for a slightly higher density and providing the potential for housing types other than single family detached.

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

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on October 29, more than 35 days prior to the Planning Commission's hearing.

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

Finding: The property is gently sloping and would allow for a wide variety of development opportunities. Though the applicant has not submitted a concurrent application for site plan review approval, the applicant has indicated an intent to develop a mobile home park and submitted a conceptual plan for that development. The property is traversed by Lucas Ditch and has a seasonal drainage swale feeding Lucas Ditch. The Local Wetland Inventory indicates significant wetlands are on the property along Lucas Ditch and the seasonal drainage from Fern Ridge Rd to Lucas Ditch.

The property to the west is a church. The land adjacent to Highway 22, on the northeast of the highway, is farmland. The property to the east is a mobile home park. To the south, across Fern Ridge Rd, are single family dwellings.

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

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

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential to be annexed into the City. Since the time that analysis was conducted, the City has annexed 38 acres of residential land.

Staff has calculated approximate information on current buildable lands as follows. There are currently 81 vacant lots totaling 110 acres within the City limits that are residentially zoned.

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

Recent Subdivisions in Stayton

| Subdivision Name | Year Platted | No of Lots | Existing Homes | Vacant Lots |
|---------------------------|--------------|------------|----------------|-------------|
| Phillips Estates, Phase 2 | 2014 | 26 | 5 | 21 |
| Wildlife Meadows | 2017 | 44 | 41 | 5 |

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

Though there are 81 parcels totaling 110 acres in the City and residentially zoned, staff estimates that there are only 74 parcels totaling 60 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 59 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City's growth rate from 2000 and 2019 has been at an average annual rate of about 0.8%, with a population change of 1,054 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.7% average annual growth rate for the next twenty years. At a 1.7% growth rate from the most recent certified population estimate of the City, there would be the need for 495 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 40 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

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

Finding: There is a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property. There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property. The Public Works Department has also commented that dedication of right way will be required at the time of development, in that the existing Fern Ridge Rd right of way does not meet Public Works Design Standards for a major collector street.

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

Finding: The property is adjacent to the existing City Limits on three sides. The Foothills Church property was annexed in 1977. The Boulders Mobile Home Park property was annexed in 1992. The north half of the Fern Ridge Rd right of way was annexed in 2014.

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

Finding: The surrounding area is developed with residential properties and a church. The applicant has submitted a conceptual plan for the development of a mobile home park.

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

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owners have consented to the annexation. Chapter 51 of the Oregon Laws of 2016 requires a city to annex the territory without submitting the proposal to the electors if 1) the territory is within the urban growth boundary, 2) the territory will be subject to an acknowledged comprehensive plan, 3) the territory is contiguous to the city limits, and 4) the proposal conforms to all other requirements of the city's ordinances. The City of Stayton Comprehensive Plan was acknowledged in 2013. The territory to be annexed is within the City's urban growth boundary. The territory is contiguous to the city limits on three sides. The other findings contained herein demonstrate the requirements of the City's code have been met.

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

Finding: The proposed annexation is not a contract annexation.



CITY OF STAYTON
INFORMATIONAL

TO: Mayor Henry Porter and the Stayton City Council
FROM: Lance S. Ludwick, P.E., Director of Public Works
DATE: March 2, 2020
SUBJECT: Intergovernmental Agreements with Marion County for 2020 Slurry Seal and Asphalt Pavement Overlay Programs

ISSUE

The City of Stayton and Marion County have formed a partnership and entered into Intergovernmental Agreements (IGA NO. PW-3290-20 and PW-3208-19) for the City of Stayton to join the Marion County Pavement Management Contracts to provide Slurry Seal and Asphalt Pavement Overlay Services to the City

ENCLOSURE(S)

1. Signed and Executed Intergovernmental Agreements *PW-3290-20 and PW-3208-19*

BACKGROUND INFORMATION

In the past Marion County Public Works and the City of Stayton Public Works Departments have worked separately to advertise contracts to perform slurry seals and asphalt paving services for their respective organizations. In 2018 Marion County and the City of Stayton entered into an Intergovernmental Agreement (IGA) to provide slurry seal services to the City of Stayton. The City of Stayton had not performed slurry seals prior to 2018 as a method of pavement management. The project proved to be a very cost effective way to perform the service by using the economies of scale to benefit both departments. The City was able to perform almost twice as much area by partnering with Marion County. The 2020-21 slurry seal project will consist of Burnett and Virginia Streets from 10th to 19th Avenues, with the intersecting streets of 9th, 10th, 12th, 15th and 19th streets being sealed also.

Because of the success of the slurry seal projects Marion County and the City of Stayton have entered into an IGA to perform Asphalt Pavement services to the City of Stayton this summer to determine if this is fruitful and cost effective for both organizations. The Industrial Way Streets will be the focus of the pavement overlay program. Deschutes Avenue from Wilco Road to Rogue Avenue, Rogue Avenue from Deschutes Avenue to Stayton Road and Willamette Avenue from Deschutes Avenue to Rogue Avenue will be milled and overlaid with asphalt.

COST BENEFIT

The cost benefit is unknown at this time but historical data would suggest the City will save between 25-50 % for the slurry seal services and between 10-20% for the asphalt paving services. The final cost savings will be evaluated and brought to the City Council in an informational memorandum.

INTERGOVERNMENTAL AGREEMENT NO. PW-3208-19

Between

MARION COUNTY and CITY OF STAYTON

1. PARTIES TO AGREEMENT

This Agreement between City of Stayton, a municipal corporation of the State of Oregon, hereafter called "Agency", and Marion County, a political subdivision of the State of Oregon, hereafter called "County", is made pursuant to ORS 190.010 (Cooperative Agreements).

2. PURPOSE/STATEMENT OF WORK

The purpose of this Agreement is to establish the terms and conditions under which County will provide engineering, contracting and construction services, hereafter called Contracted Services, to Agency for improvements consisting of an asphalt pavement grind and inlay on the following street segments:

- a. Deschutes Drive from Wilco Road to Rogue Avenue (approximately 981 lineal feet).
- b. Rogue Avenue from Deschutes Drive to Stayton Road (approximately 1,479 lineal feet).
- c. Willamette Avenue from Deschutes Drive to Rogue Avenue (approximately 1,157 lineal feet).

These services are further described in Section 5.

3. TERM AND TERMINATION

3.1 The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or two (2) calendar years following the date all required signatures are obtained, whichever is sooner, unless sooner terminated or extended as provided herein.

3.2 This Agreement may be extended for an additional period by agreement of the Parties. Any modifications in the terms of this agreement shall be in writing.

3.3 This agreement may be terminated by mutual consent of both Parties at any time or by either Party upon 30 days' notice in writing, and delivered by mail or in person. Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either Party already accrued prior to such termination.

3.4 County may terminate this agreement effective upon delivery of written notice to Agency or at such later date as may be established under any of the following conditions:

- a. If funding from federal, state, or other sources is not obtained by Agency or continued at levels sufficient to allow for the payment of the Contracted Services. This agreement may be modified to accommodate a reduction in funds.
- b. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the Contracted Services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
- c. If any license, certificate, or insurance required by law or regulation to be held by Agency to provide the Contracted Services is for any reason denied, revoked or not renewed.

- d. If Agency fails to provide services called for by this agreement within the time specified herein or any extension thereof.
- e. If Agency fails to perform any of the provisions of this agreement or so fails to pursue the work as to endanger the performance of this agreement in accordance with its terms and after written notice from County, fails to correct such failure(s) within ten (10) days or such longer period as the County may authorize.

3.5 Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

4. FUNDING AND BILLING

4.1 The total amount paid under this Agreement shall not exceed \$413,700.00, which includes all Contracted Services and County labor and services and a project contingency. County labor and services shall not exceed \$10,000.00.

4.2 Agency guarantees the availability of Agency funding in an amount required to fully fund the Project.

4.3 Payments under this Agreement shall be made on a cost reimbursement basis. Agency shall make payment within thirty (30) days of receipt of County's invoice for services provided. Costs charged to Agency shall be billed at the County's direct time, equipment and material rates for the period in which services are provided, and at the actual price paid for Contracted Services.

4.4 Requests for payment shall be submitted to the Agency monthly to the attention of: Lance Ludwick, PE, Director of Public Works, at the following address: City of Stayton, 311 N Third Avenue, Stayton, Oregon 97383.

5. OBLIGATIONS UNDER THE TERMS OF THIS AGREEMENT

5.1 UNDER THE TERMS OF THIS AGREEMENT, COUNTY SHALL:

- a. Provide Contracted Services consisting of the following:
 - 1. Prepare construction documents consisting of stamped specifications, a project summary list, standard drawings, standard details, and construction estimates for the asphalt pavement grind and inlay on Deschutes Drive, Rouge Avenue and Willamette Avenue.
 - 2. Advertise, bid, and execute a construction contract for the described work.
 - 3. Lead utility coordination efforts (if necessary).
 - 4. Provide engineering and contract administration associated with the Contracted Services described above.
- b. Administer contractor pay requests, issue payment to contractor for Contracted Services and submit invoices to Agency.

5.2 UNDER THE TERMS OF THIS AGREEMENT, AGENCY SHALL:

- a. Provide funding for all Contracted and County provided Services.
- b. Perform all public outreach and property owner coordination associated with Project.
- c. Assist County with utility coordination efforts (if necessary).
- d. Oversee construction of the pavement grind and inlay, including construction contract administration, quality control inspection and documentation, and coordination of the construction contractor's work activities.

- e. Provide County with all quantity measurements, quality documentation, and supporting documentation needed to enter quantities into the County contract management software and execute payment to the contractor.
- f. Review contractor pay requests prior to payment by County for Contracted Services.

6. COMPLIANCE WITH APPLICABLE LAWS

6.1 The Parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement. The Parties agree that this agreement shall be administered and construed under the laws of the State of Oregon.

6.2 Agency agrees to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA").

7. NONDISCRIMINATION

The Parties agree to comply with all applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations in the performance of this agreement.

8. HOLD HARMLESS

To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, each party agrees to waive, forgive, and acquit any and all claims it may otherwise have against the other and the officers, employees, and agents of the other, for or resulting from damage or loss, provided that this discharge and waiver shall not apply to claims by one party against any officer, employee, or agent of the other arising from such person's malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

9. INSURANCE

Each Party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon tort claims act (ORS 30.260 TO 30.300).

10. MERGER CLAUSE

Parties concur and agree that this agreement constitutes the entire agreement between the Parties. No waiver, consent, modification or change to the terms of this agreement shall bind either Party unless in writing and signed by both Parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its term and conditions.

11. NOTICES

Any notice required to be given the Agency or County under this Agreement shall be sufficient if given, in writing, by first class mail or in person as follows:

For Agency:
Lance Ludwick
Director of Public Works
311 N Third Avenue
Stayton, OR 97383

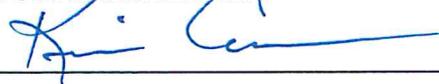
For County:
Ryan Crowther
Capital Projects Manager
5155 Silverton Road NE
Salem, OR 97305-3899

SIGNATURES

This agreement and any changes, alterations, modifications, or amendments will be effective when approved in writing by the authorized representative of the parties hereto as of the effective date set forth herein.

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

**MARION COUNTY SIGNATURE
BOARD OF COMMISSIONERS:**

 12.11.19
Chair Date

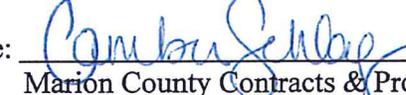
Not Present At Meeting

 12-11-19
Commissioner Date

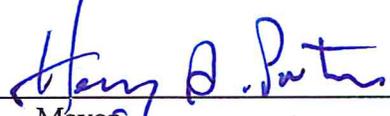
 11/25/2019
Authorized Signature: Department Director or designee Date

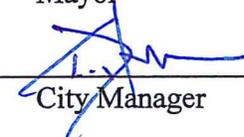
 12/5/19
Authorized Signature: Chief Administrative Officer Date

 12/2/19
Reviewed by Signature: Marion County Legal Counsel Date

 Dec 2, 2019
Reviewed by Signature: Marion County Contracts & Procurement Date

CITY OF STAYTON SIGNATURE, by and through its designated officials

By:  1/13/20
Mayor Date

By:  1-7-2020
City Manager Date

APPROVED AS TO FORM

By: N/A
City Attorney Date

INTERGOVERNMENTAL AGREEMENT PW-3290-20
Between
MARION COUNTY and CITY OF STAYTON
For
EMULSIFIED ASPHALT SLURRY SEAL SURFACING

1. PARTIES TO AGREEMENT

This Agreement between City of Stayton, a municipal corporation of the State of Oregon, hereafter called Agency, and Marion County, a political subdivision of the state of Oregon, hereafter called County, is made pursuant to ORS 190.010 (Cooperative Agreements).

2. PURPOSE/STATEMENT OF WORK

The purpose of this Agreement is to establish the terms and conditions under which the County will provide Emulsified Asphalt Slurry Seal services hereafter called Contracted Services, to Agency. These services are further described in Section 5.

3. TERM AND TERMINATION

3.1 This Agreement shall be effective from the date upon which the last signature is affixed through June 30, 2021 unless sooner terminated or extended as provided herein.

3.2 This Agreement may be extended for an additional period of one year by agreement of the parties. Any modifications in the terms of such amendment shall be in writing.

3.3 This agreement may be terminated by mutual consent of both parties at any time or by either party upon 30 days' notice in writing, and delivered by mail or in person. Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

3.4 County may terminate this agreement effective upon delivery of written notice to Agency or at such later date as may be established under any of the following conditions:

- a. If funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for the purchase of the indicated quantity of services. This agreement may be modified to accommodate a reduction in funds.
- b. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
- c. If any license, certificate, or insurance required by law or regulation to be held by Agency to provide the services required by this agreement is for any reason denied, revoked or not renewed.
- d. If Agency fails to provide services called for by this agreement within the time specified

herein or any extension thereof.

- e. If Agency fails to perform any of the provisions of this agreement or so fails to pursue the work as to endanger the performance of this agreement in accordance with its terms and after written notice from County, fails to correct such failure(s) within ten (10) days or such longer period as the County may authorize.

3.5 Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

4. FUNDING AND BILLING

4.1 The total amount paid by Agency under this Agreement shall not exceed \$45,000 which includes all Contracted Services and County labor and services. County labor and services shall not exceed \$5,000.00. Payments under this Agreement shall be made on a cost reimbursement basis according to the following terms: Agency shall make payment within thirty (30) days of receipt of County's invoice for services provided. Costs charged to Agency shall be billed at the County's direct time, equipment and material rates for the period in which services are provided, and at the actual price paid for Contracted Services.

4.2 Requests for payment shall be submitted to the Agency monthly to the attention of: Lance Ludwick, PE, Director of Public Works at the following address: City of Stayton, 311 N Third Avenue, Stayton, Oregon 97383. Final invoices are due no later than January 31, 2021.

5. OBLIGATIONS UNDER THE TERMS OF THIS AGREEMENT

5.1 UNDER THE TERMS OF THIS AGREEMENT, AGENCY SHALL:

- a. Provide County with list of roads under Agency jurisdiction designated to receive Contracted Services (See Exhibit A for list of roads).
- b. Perform any necessary repairs and maintenance to Agency-owned roads prior to the start of Contracted Services.
- c. Perform field inspection, maintain quality documentation and provide public notifications for Contracted Services to be performed on roads under Agency jurisdiction.
- d. Review contractor pay requests prior to payment by County for Contracted Services.

5.2 UNDER THE TERMS OF THIS AGREEMENT, COUNTY SHALL:

- a. Provide County and Contracted Services, up to a maximum of \$45,000, on roads specified by Agency and under Agency's jurisdiction.
- b. Provide engineering and construction contracting services necessary to prepare bid documents, advertise and receive competitive bids, and issue and administer the resulting construction contract.
- c. Perform field inspection, maintain quality documentation and provide public notifications of scheduled Contracted Services to be performed on any roads under County jurisdiction.
- d. Administer contractor pay requests, issue payment to contractor for Contracted Services and submit invoices to Agency.
- e. Provide ten (10) calendar days written notice to Agency of dates and times when Contracted Services will be performed.

6. COMPLIANCE WITH APPLICABLE LAWS

The parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement. The parties agree that this agreement shall be administered and construed under the laws of the state of Oregon.

7. NONDISCRIMINATION

The parties agree to comply with all applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations in the performance of this agreement.

8. HOLD HARMLESS

To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, each party agrees to waive, forgive, and acquit any and all claims it may otherwise have against the other and the officers, employees, and agents of the other, for or resulting from damage or loss, provided that this discharge and waiver shall not apply to claims by one party against any officer, employee, or agent of the other arising from such person's malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

9. INSURANCE

Each party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon tort claims act (ORS 30.260 TO 30.300).

10. MERGER CLAUSE

Parties concur and agree that this agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change to the terms of this agreement shall bind either party unless in writing and signed by both parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its term and conditions.

11. NOTICES

Any notice required to be given the Agency or County under this Agreement shall be sufficient if given, in writing, by first class mail or in person as follows:

For Agency:
Lance Ludwick
Directory of Public Works
311 N Third Avenue
Stayton, OR 97383

For County:
Ryan Crowther
Capital Projects Manager
5155 Silverton Road NE
Salem, OR 97305-3899

SIGNATURES

This agreement and any changes, alterations, modifications, or amendments will be effective when approved in writing by the authorized representative of the parties hereto as of the effective date set forth herein.

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

**MARION COUNTY SIGNATURE
BOARD OF COMMISSIONERS:**

Chair _____ Date _____

Commissioner *N/A* _____ Date _____

Commissioner _____ Date _____

Authorized Signature: *Bria Nicholas* _____ *1/31/2020*
Department Director or designee Date

Authorized Signature: *N/A* _____
Chief Administrative Officer Date

Reviewed by Signature: *Jane E. Vetto* _____ *2/4/20*
Marion County Legal Counsel Date

Reviewed by Signature: _____ *2/4/20*
Marion County Contracts & Procurement Date

City of Stayton
Authorized Signature: *[Signature]* _____ *2/02/20*
Date

Title: *CITY MANAGER* _____



REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): AARON FRUTTL

Address: 12326 Golf Lane SE Subdiv OR 97385
Street City State Zip

I wish to speak during:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | CITIZEN COMMENTS (Speak on a subject not on the Council agenda.) |
| <input type="checkbox"/> | GENERAL BUSINESS: (Speak on an item on the current Council agenda.) |
| <input type="checkbox"/> | Agenda Item: _____ |
| <input type="checkbox"/> | PUBLIC HEARING – TOPIC: _____ |

Comments: Homeless population here? plan for outgrowth.

Comments are limited to 3 minutes or less.



REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): STEW POISSON

Address: 1750 E PINE

Street

City

State

Zip

I wish to speak during:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | CITIZEN COMMENTS (Speak on a subject <u>not</u> on the Council agenda.) |
| <input type="checkbox"/> | GENERAL BUSINESS: (Speak on an item on the current Council agenda.) |
| <input type="checkbox"/> | Agenda Item: _____ |
| <input type="checkbox"/> | PUBLIC HEARING – TOPIC: _____ |

Comments: information - Oregon Main Street training - Business engine
fundings system pilot program -

Comments are limited to 3 minutes or less.



REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Bill Martinak

Address: 15556 Coon Hollow Rd Stayton OR 97383
Street City State Zip

I wish to speak during: Public Comment

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | CITIZEN COMMENTS (Speak on a subject not on the Council agenda.) |
| <input type="checkbox"/> | GENERAL BUSINESS: (Speak on an item on the current Council agenda.) |
| | Agenda Item: |
| <input type="checkbox"/> | PUBLIC HEARING – TOPIC: |

Comments: Phillips Estates - storm water system July 2019 ^{2 1/2 hr}
Aug 21 2019, proposed - Dec 2019 rejected proposal
20-38 pages 40,225 ORS no legal issues

Comments are limited to 3 minutes or less.



REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Bill Martinak

Address: 5552 Coon Hollow Rd SE Stayton Or 97383
Street City State Zip

I wish to speak during: Public Hearing

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | CITIZEN COMMENTS (Speak on a subject not on the Council agenda.) |
| <input type="checkbox"/> | GENERAL BUSINESS: (Speak on an item on the current Council agenda.) |
| <input type="checkbox"/> | Agenda Item: |
| <input checked="" type="checkbox"/> | PUBLIC HEARING – TOPIC: <u>annexation J</u> |

Comments: _____

Comments are limited to 3 minutes or less.



REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Margaret Ables

Address: PO Box 365 Sublimity OR 97385
Street City State Zip

I wish to speak during:

| | |
|--|--|
| | CITIZEN COMMENTS (Speak on a subject not on the Council agenda.) |
| | GENERAL BUSINESS: (Speak on an item on the current Council agenda.) |
| | Agenda Item: |
| | PUBLIC HEARING – TOPIC: <u>general (i)</u> |

Comments: _____

Comments are limited to 3 minutes or less.

MARION COUNTY TOBACCO RETAIL SNAPSHOT

COUNTY TOBACCO RETAIL ASSESSMENT OVERVIEW

Across Oregon, teams visited nearly 2,000 grocery stores, convenience stores, gas stations, pharmacies and other retailers. All retailers in this survey allowed youth to shop in their stores.

RETAIL FINDINGS ON TOBACCO MARKETING AND ADVERTISING IN MARION COUNTY

In Marion County, TPEP and partners surveyed 54 retailers out of 221.



7 in 10 advertised tobacco or e-cigarettes outside the store



100% sold flavored products (menthol, candy, etc.)



43% sold products within 12" of toys, candy, gum, slushy/soda or ice cream



1 in 4 offered price promotions/discounts

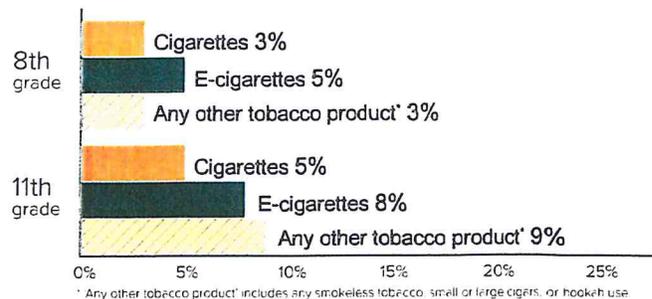


47% who sold cigarillos or small cigars advertised them for less than \$1

If you're interested in learning more about tobacco use in your county, you can explore your county's fact sheet at: smokefreeoregon.com/what-you-can-do/

^{1,3} For more information on data sources, please visit: <https://smokefreeoregon.com/sources/>

YOUTH TOBACCO USE^{1,3}



Among 11th graders in Marion County, e-cigarette use was **higher** than cigarette smoking in 2017.

FIGHTING BACK AGAINST TOBACCO INDUSTRY MARKETING AND ADVERTISING

- **Tobacco Retail Licensure** - Having a system that tracks tobacco retailers and enforces laws that keep kids from buying tobacco is critical to reducing tobacco use. Effective retail licensure has meaningful fees and penalties—and leaves an option for additional local policies.
- **Raising the Price of Tobacco Products** - Raising the price of tobacco is the most effective way to reduce tobacco consumption. Approaches include prohibiting discounts, multipack offers and coupons that keep tobacco cheap.
- **Regulating Flavored Tobacco Products** - Flavored tobacco is attractive to kids and masks the harsh taste and feel of tobacco products. Policies that restrict flavors would make tobacco products less appealing to youth.
- **Proximity and Density Policies** - Zoning restrictions can cap the number of retailers in an area, require a minimum distance between retailers or prohibit retail locations near schools or other areas youth frequent.
- **Tobacco-Free Pharmacies** - Prohibit the sale of tobacco products in pharmacies, where people go for medicine, flu shots and health care advice.
- **Tobacco-Smoke Free Designations** - Prohibit the use of tobacco in designated areas for creating healthy and welcoming public spaces for residents and visitors.



Marion-Polk Community Health Assessment (2018)



Summary

Every five years, Marion and Polk County, in partnership with local health professionals and community organizations, come together to describe the health of the community by conducting a Community Health Assessment (CHA). The CHA gathers data from various sources to identify local strengths and the most pressing health challenges using an evidence based framework. More than 600 community members contributed to this process by attending forums or taking an online survey. This community voice was incorporated into the CHA along with health statistics and other assessment data to identify priority areas for the new Community Health Improvement Plan (CHIP). Community members reviewed the CHA and selected the following three priority areas for the CHIP:

- Behavioral Health Support;
- Housing;
- Substance Use;



In 2019, strategies will be developed to address these priorities resulting in a finalized CHIP that will be used to achieve the community vision.

For more information please visit: <http://www.co.marion.or.us/HLT>

Marion-Polk Community

Vision: "A diverse and inclusive community with a physical environment that facilitates optimal physical and social health, infrastructure that supports economic growth and stability, and an integrated health care system that promotes equitable access to whole person care." –Adopted March 2018



Key Findings for the Community (Marion & Polk County)

Since the last CHA was published in 2015 there have been improvements in many areas including, but not limited to:

- Increased prenatal care access in the first trimester of pregnancy;
- Increased immunization rates among 2 year olds;
- Lower rates of cigarette smoking in adults and teens;
- Lower rates of adult binge drinking and teen alcohol use;
- Decrease in opioid-related deaths and hospitalizations;



Overall, the community has experienced significant progress with regard to accessing health care as more people now have health insurance and the creation of local coordinated care organizations (CCOs) has expanded access for the Medicaid population. Despite these gains, there are still not enough local providers to serve the population.

Since 2015, worsening trends have been observed in several areas including:

- Increasing prevalence of chronic conditions (diabetes, obesity, depression);
- Increasing renter financial burden and homelessness;
- Increasing rates of sexually transmitted infections (gonorrhea, syphilis, HIV, Hepatitis B);



Much of what is responsible for the health and quality of life in the community lies within factors that are known as the 'social determinants of health' (SDOH). This community, like any other, is being affected by the SDOH, and particularly suffers from lower educational achievement, higher poverty rates, food insecurity, and unaffordable housing. These determinants along with others factors are playing a significant role in influencing the health of the community.

Statistics for CHIP Priority Areas

(↑↓) indicates that trend is increasing or decreasing; (≡) indicates a stable trend; green indicates trend is in desired direction; red indicates that trend is worsening; M=Marion, P=Polk, OR = Oregon; HP 2020 = Healthy People 2020, national benchmark for healthy communities

Behavioral Health Support

Definition: Improve systems that support behavioral health and well-being thus reducing the need for treatment and other services.



| | Marion | Polk | Oregon | M | P | OR |
|--|--------|------|--------|-----------|---|----|
| Adult depression ^{1*} (diagnosis) | 27% | 23% | 25% | ↓ | ↑ | ↑ |
| | | | | 2010-2015 | | |
| 11th graders with symptoms of depression ² | 35% | 44% | 36% | ↑ | ↑ | ↑ |
| | | | | 2016-2018 | | |
| Adults with frequent mental distress ^{3**} | 13% | 12% | 14% | ↑ | ↑ | ↑ |
| | | | | 2014-2016 | | |

Housing

Definition: Improve the affordability and safety of local housing.



| | Marion | Polk | Oregon | M | P | OR |
|--|-----------|-----------|--------------|-----------|---|----|
| Renter burden ⁴ (≥30% household income on rent) | 51% | 55% | 53% | ↑ | ↑ | ↑ |
| | | | | 2008-2016 | | |
| Rental vacancy rate ⁴ | 4% | 3% | 4% | ↓ | ↓ | ↓ |
| | | | | 2008-2016 | | |
| Homelessness ⁵ #(#/100,000) | 995 (293) | 223 (266) | 13,953 (337) | ↑ | ↑ | ↑ |
| | | | | 2015-2018 | | |

Substance Use

Definition: Decrease substance use in the community.



| | Marion | Polk | Oregon | HP2020 | M | P | OR |
|--|--------|------|--------|--------|-----------|---|----|
| Adult smoking ^{1*} (current) | 17% | 14% | 18% | 12% | ↓ | ↓ | ↓ |
| | | | | | 2010-2015 | | |
| 11th grade smoking in last month ² | 4% | 2% | 6% | 16% | ↓ | ↓ | ↓ |
| | | | | | 2016-2018 | | |
| Adult binge drinking in last month ^{1**} | 15% | 15% | 18% | 24% | ↓ | ↓ | ≡ |
| | | | | | 2010-2015 | | |
| 11 th grade alcohol use in last month ² | 24% | 24% | 29% | 13% | ↓ | ↓ | ≡ |
| | | | | | 2016-2018 | | |
| 11 th grade marijuana use in last month ² | 19% | 16% | 20% | 6% | ≡ | ↓ | ↑ |
| | | | | | 2016-2018 | | |

Sources: 1. OHA. BRFSS. 2012-2015; 2. OHA. SWS. 2018; 3. CHR. Rankings Report. 2016; 4. Census. ACS. 2012-2016; 5. Community Resource Program. Homeless Count. 2018;

† = problems with stress, depression, and/or emotional problems for at least 14 days of the month * = age adjusted



WHAT WORKS

Tobacco Use

Evidence-Based Interventions for Your Community

TASK FORCE FINDINGS ON TOBACCO USE

The Community Preventive Services Task Force (Task Force) has released the following findings on what works in public health to prevent tobacco use. These findings are compiled in The Guide to Community Preventive Services (The Community Guide) and listed in the table below. Use the findings to identify strategies and interventions you could use for your community.

Legend for Task Force Findings: Recommended Insufficient Evidence Recommended Against (See reverse for detailed descriptions.)

| Intervention | Task Force Finding |
|--|--------------------|
| Reducing Tobacco Use Initiation | |
| Increasing the unit price of tobacco products | |
| Mass media campaigns when combined with other interventions | |
| Smoke-free policies | |
| Increasing Tobacco Use Cessation | |
| Increasing the unit price of tobacco products | |
| Mass media campaigns when combined with other interventions | |
| Mass-reach health communication interventions | |
| Mobile phone-based interventions | |
| Multicomponent interventions that include client telephone support | |
| Smoke-free policies | |
| Provider reminders when used alone | |
| Provider reminders with provider education | |
| Reducing client out-of-pocket costs for cessation therapies | |
| Internet-based interventions | |
| Mass media – cessation contests | |
| Mass media – cessation series | |
| Provider assessment and feedback | |
| Provider education when used alone | |

| Intervention | Task Force Finding |
|--|--------------------|
| Reducing Exposure to Environmental Tobacco Smoke | |
| Smoke-free policies | |
| Community education to reduce exposure in the home | |
| Restricting Minors' Access to Tobacco Products | |
| Community mobilization with additional interventions | |
| Sales laws directed at retailers when used alone | |
| Active enforcement of sales laws directed at retailers when used alone | |
| Community education about youth's access to tobacco products when used alone | |
| Retailer education with reinforcement and information on health consequences when used alone | |
| Retailer education without reinforcement when used alone | |
| Laws directed at minors' purchase, possession, or use of tobacco products when used alone | |
| Decreasing Tobacco Use Among Workers | |
| Smoke-free policies | |
| Incentives and competitions to increase smoking cessation combined with additional interventions | |
| Incentives and competitions to increase smoking cessation when used alone | |

Visit the "Tobacco Use" page of The Community Guide website at www.thecommunityguide.org/tobacco to find summaries of Task Force findings and recommendations on tobacco use. Click on each topic area to find results from the systematic reviews, included studies, evidence gaps, and journal publications.

The Centers for Disease Control and Prevention provides administrative, research, and technical support for the Community Preventive Services Task Force.

UNDERSTANDING THE FINDINGS

The Task Force bases its findings and recommendations on systematic reviews of the scientific literature. With oversight from the Task Force, scientists and subject matter experts from the Centers for Disease Control and Prevention conduct these reviews in collaboration with a wide range of government, academic, policy, and practice-based partners. Based on the strength of the evidence, the Task Force assigns each intervention to one of the categories below.

| CATEGORY | DESCRIPTION | ICON |
|------------------------------|---|---|
| Recommended | There is strong or sufficient evidence that the intervention is effective . This finding is based on the number of studies, how well the studies were designed and carried out, and the consistency and strength of the results. |  |
| Insufficient Evidence | There is not enough evidence to determine whether the intervention is effective. This does not mean the intervention does not work. There is not enough research available or the results are too inconsistent to make a firm conclusion about the intervention's effectiveness. The Task Force encourages those who use interventions with insufficient evidence to evaluate their efforts. |  |
| Recommended Against | There is strong or sufficient evidence that the strategy is harmful or not effective . |  |

Visit the "Systematic Review Methods" page on The Community Guide website at www.thecommunityguide.org/about/methods.html for more information about the methods used to conduct the systematic reviews and the criteria the Task Force uses to make findings and recommendations.

RESOURCES

You can use the following resources to guide the implementation of evidence-based strategies and put the Task Force findings to work.

- **Directory of Research Tested Intervention Programs (RTIPs)** 
National Cancer Institute and Substance Abuse and Mental Health Services
<http://rtips.cancer.gov/rtips>
- **Success stories in reducing tobacco use**
The Community Guide
<http://thecommunityguide.org/CG-in-Action/index.html>
- **Best practices for tobacco control**
Centers for Disease Control and Prevention
www.cdc.gov/tobacco/stateandcommunity
- **Partnership for Prevention Action Guide**
www.prevent.org/Topics/Tobacco-Control.aspx
- **State Tobacco Activities Tracking and Evaluation (STATE) System**
Centers for Disease Control and Prevention
<http://apps.nccd.cdc.gov/statesystem>

[Home](#) [Sitemap](#)
[Contact Us](#)

City of



| | | | | | | |
|---------------------------|---------------------------------|-----------------------------|---------------------------------|----------------------------|---------------------------|--|
| Calendars | City Government | Departments | Document Center | Employment | Resources | |
|---------------------------|---------------------------------|-----------------------------|---------------------------------|----------------------------|---------------------------|--|

Document Center

| |
|---|
| Interactive City Map |
| Facilities Master Plan Project |
| Forms and Permits |
| City Documents and Plans |
| Phillips Estates Subdivision - Public Information |
| Stayton Community Dog Park - Public Information |

Phillips Estates - Public Information

In August of 2006, the Planning Commission approved the preliminary plan for a subdivision of 64+/- lots on 20 acres. The approval contained 13 conditions of approval, one of which required storm drainage to be conducted to Mill Creek. In April of 2009, a Subdivision Plat for Phase 1 was recorded for the first 20 lots. In 2013, plans for Phase 2 were submitted to the City, showing a storm water retention pond with no discharge outlet as a temporary measure until Phase 3 was constructed. The City Engineer determined the plans were incomplete. In August of 2013, JCNW Family LLC started construction of Phase II, even though the construction plans had not been approved by City nor had the City received a performance bond. In April of 2014, the City approved the Plat for Phase 2 lots. In late spring 2014, the City became concerned that the stormwater retention pond was not functioning as designed. After numerous discussions with JCNW Family LLC regarding the stormwater retention pond and the applicant failing to document the pond's proper functioning, in October 2014 the City issued a stop work order. In May of 2015, the City filed for arbitration, in accordance with the Development Agreement.

Summary of Outcome of Arbitration: City of Stayton vs. JCNW Family LLC

1. Arbitrator confirmed all of the City's seven claims and ruled that JCNW Family LLC was in breach of sections, 1, 3, and 10 of the Development Agreement between the parties.
2. The Arbitrator denied all of JCNW Family LLC's counterclaims.
3. The Arbitrator upheld the validity of the issuance of the Stop Work Order as "justified considering the circumstances."
4. The Arbitrator ruled the stormwater facility was not properly engineered and was not build to standards.
5. The Arbitrator ruled the stormwater facility does not function as designed to have zero discharge.
6. The Arbitrator ordered JCNW Family LLC to reimburse the City for over \$280,000 in legal fees

Bill Martinak, owner and principle of JCNW Family, LLC, stated in his deposition that he discussed with his engineer, Steve Ward of WesTech Engineering, that the pond was not performing at zero discharge following the first substantial rainfall following construction in 2013 (deposition page 107, lines 1 - 7). Steve Ward confirmed that he had come to the conclusion that the pond was not going to perform as a zero discharge pond the first winter after the pond was built in 2013 (deposition page 49, lines 8-15). Despite realizing the pond was not functioning as designed as early as December 2013, this information was not disclosed and was actively withheld as the City began to question the functionality of the Stormwater System. Steve Ward, in a September 2014 meeting, refused to admit the pond was not functioning and challenged the City to prove its concerns (minutes from September 23, 2014 meeting).

During the request for discovery, the City learned more information about the engineering of the pond. In a report from Carlson Geotechnical dated June 25, 2013, it was determined that the water table was 3.5 to 4.0 feet below the ground surface. Test pits dug by Carlson in the proposed pond location determined there was no discernible infiltration. Steve Ward sent an email on June 28, 2013, deeming the report "extremely damaging." On July 9, 2013, Mr. Ward submitted engineering plans to the City that indicated the stormwater pond would infiltrate at 4.1 inches per hour. On July 10th, Carlson Geotechnical was called back out to the proposed detention pond. During this visit Mr. Martinak told Carlson the groundwater level was 6 to 8 feet below ground level. Mr. Martinak took Carlson to a pit location that he had chosen and that he had dug. (Note: It has yet to be proven definitively where this pit was located, but indications are that it was dug outside of the location of the pond. Also, no effort was made to determine the seasonal groundwater level, a critical component in the design of the pond.) During the July 10th test, Carlson observed infiltration of 4.1 inches per hour. The Carlson reports were never shared with the City until they were produced for discovery during the arbitration process.

The Arbitrator found, "Respondent's project engineer, Steve Ward, testified that the 13.3 CFS for a ten year event was the estimate he used to determine the amount of water passing from the Quail Run subdivision onto the Phillips' property. This estimate was based on a calculation relating to the likely amount of impervious surfaces in the Quail Run subdivision and not on actual measurements. He testified that he did not consider the fairly constant flow of groundwater that flows form the Quail Run storm drainage system onto the Phillips' property. Further, Mr. Ward testified that he did not perform adequate infiltration tests but tried to go forward with the limited testing that was performed because the developers were under pressure to resolve the drainage issue so the project could move ahead. He agreed that the retention pond, as designed and built, was inadequate to address existing water drainage issues and that he expects that water will continue to flow through the pond onto neighboring properties and beyond during the winter months." (Page 8, Section 22 of the Final Award)

An independent arbitrator, approved by both parties, oversaw a four day hearing where all evidence and testimony was provided. After the arbitration hearing, the arbitrator confirmed all claims of the City; denied all counter claims of JCNW Family, LLC; upheld the Stop Work Order as "justified;" and awarded the City all reasonable legal fees. The arbitrator ordered JCNW Family, LLC to conduct the proper engineering studies and submit revised plans to the City to conduct stormwater to Mill Creek in accordance with the Planning Commission's approval of the subdivision.

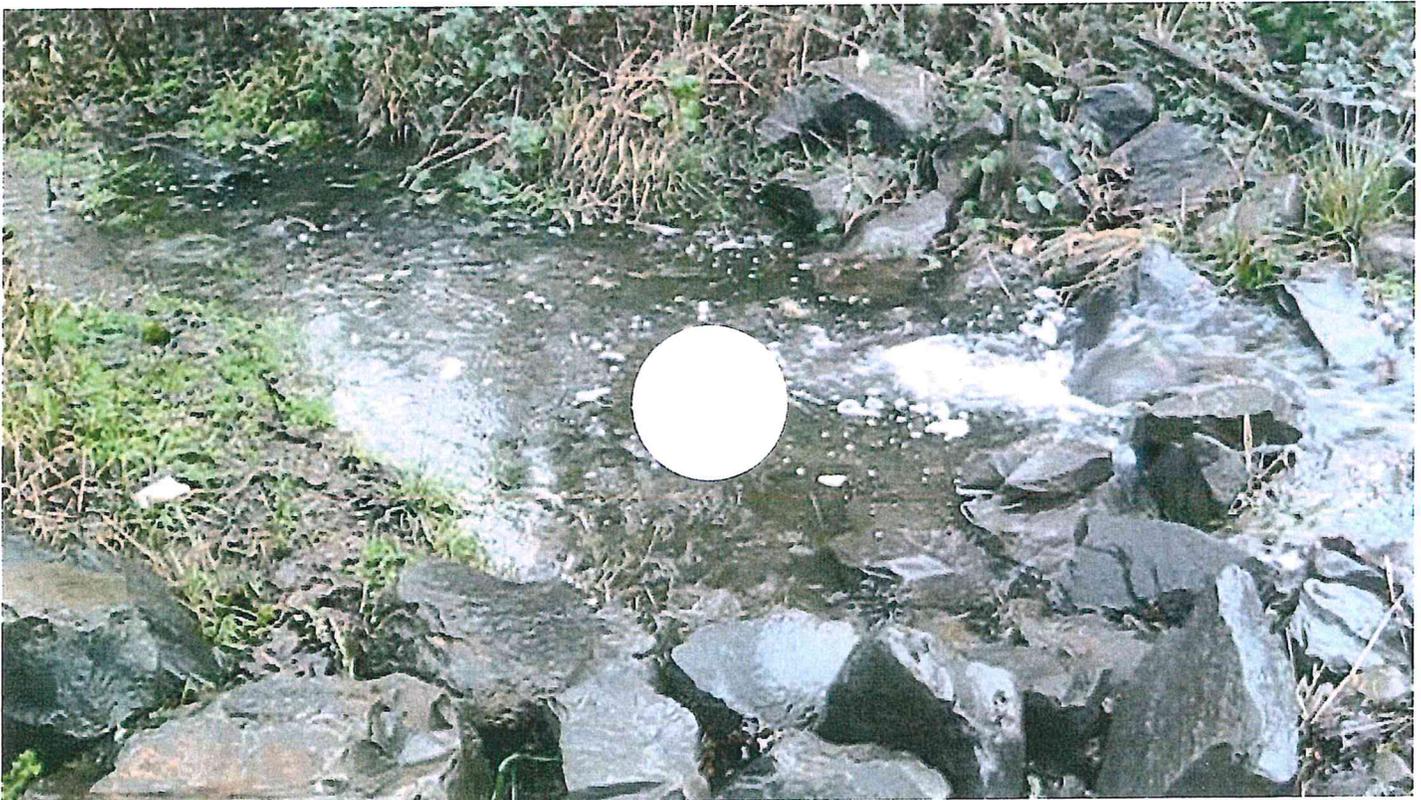
The City has attempted to work with JCNW Family LLC on implementing solutions to the stormwater issues. The City is waiting for JCNW Family LLC to provide viable proposals.

Below you will find documents in relation to this development and the arbitration.

** Note: Make sure you have your pop-up blocker disabled.*

-  City of Stayton v JCNW Family LLC -- FINAL AWARD.pdf
-  Geotech and Emails.pdf
-  Chronology.pdf
-  Phillips Subdivision - Developer Agreement.pdf
-  Stop Work Order - Phillips Estates October 21 2014.pdf
-  Arbitrator Awards
-  Deposition Transcripts
-  Photos - Philips Estates

Below are four videos taken at the Philips Estates property showing water flow over the weir.





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

TO: Bill Martinak
FROM: Lance S. Ludwick P.E.; Director of Public Works
DATE: December 4, 2019
SUBJECT: Phillip Estates Stormwater Management Issue

On August 21st, 2019 we met in the public works office to discuss your proposal to remedy the stormwater management issues directly related to the development of the Phillips Estates subdivision.

The proposal as I interpreted it was to construct a private stormwater lift station and force main from the existing stormwater pond located on the land described in the Public Utility Easement granted to the City of Stayton and recorded in Reel 3605, Page 76, of the Marion County records. The private force main would be owned and maintained by a Homeowners Association that would be created with the remaining lots of Phase 2 of the Phillips Estates subdivision. The private line also would use the existing 30 inch pipe in Junco Street to serve as a conveyor pipe for the new force main, and it would outfall into the City's regional detention facility pipe located just east of Kindle Way, thence go north to Mill Creek.

City staff convened and reviewed your proposal and we have concluded that we cannot allow a private stormwater lift station to be constructed in the City. The City's Public Works Design Standards do not provide for stormwater lift stations. In addition, the City is concerned with the long-term operation and maintenance of a private system. Allowing your proposal puts the City in a position that we may eventually have to take over ownership and maintain the lift station and we want to avoid that scenario. We also do not want to set a precedent that the City allows lift stations/ force mains even when gravity alternatives are available.

The best course of action is for you to find an alternative route that allows for a gravity storm sewer line to be constructed. That is something that the City could support as long as it is designed and constructed per our Public Works Design Standards and Construction Specifications.

The City will continue to work with you to find a solution to the stormwater management issue at the Phillip Estates Subdivision.

If you have any questions please contact me at your convenience.



City of Stayton

Administration • Finance
362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-3425 • Fax (503) 769-1456

February 19, 2020

Bill Martinak
15556 Coon Hollow Road SE
Stayton, Oregon 97383

RE: Public Records Request

Dear Mr. Martinak,

As indicated in my email to you on February 5, 2020, I am in receipt of your Public Records Request and have completed our review of the records in the City's possession. The City responds to your public records request as follows:

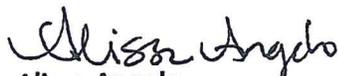
Request: Any public records related to the attached City of Stayton Memorandum dated December 4, 2019. This includes meeting notes from City staff and outside consultants, and records on file at the Public Works Department that were used to generate the Memorandum.

Response: The City is in possession of 38 pages of records related to your request, of which 18 pages are considered exempt under ORS 40.225. Enclosed you will find 20 pages of releasable records. After a diligent review, the City is unable to find any responsive meeting notes from City staff and outside consultants.

Your request form indicated you would like to receive digital copies of the documents via email. I've attached the documents we are able to provide.

If you have any further questions, I can be reached via email at aangelo@ci.stayton.or.us or phone at (503) 769-3425.

Sincerely,


Alissa Angelo

Administrative Services Manager

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

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

POOL
400 W. VIRGINIA STREET
STAYTON, OR 97383
(503) 767-7665

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

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

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

Martinak Records Request

Public Works Director

| Task | Actual Time |
|--|-------------------|
| Locate and Review Files | 45 minutes |
| | <u>45 minutes</u> |
| Public Works Director (per hour) | \$75.84 per hour |
| Cost for Public Works Director Portion of Request | \$56.88 |

City Manager

| Task | Actual Time |
|---|-------------------|
| Locate and Review Files | 40 minutes |
| | <u>40 minutes</u> |
| City Manager (per hour) | \$84.19 per hour |
| Cost for City Manager Portion of Request | \$56.13 |

Planning & Development Director

| Task | Actual Time |
|--|------------------|
| Locate and Review Files | 5 minutes |
| | <u>5 minutes</u> |
| Planning & Development Director (per hour) | \$66.52 per hour |
| Cost for Planning & Development Director Portion of Request | \$5.54 |

Administrative Services Manager

| Task | Actual Time |
|--|-------------------|
| Review Files, Process, and Finalize Request | 45 minutes |
| | <u>45 minutes</u> |
| Administrative Services Manager (per hour) | \$51.02 per hour |
| Cost for Administrative Services Manager Portion of Request | \$38.27 |

Other Associated Fees

| | |
|---|---------|
| Digital Copies (\$0.10 per page for 20 pages) | \$ 2.00 |
|---|---------|

| | |
|-------------------------------|-------------------|
| Final Cost for Request | \$158.82 |
| Previous Balance Paid | (\$147.32) |
| Balance Owed | \$11.50 |

Martinak Records Request Estimate

This estimate is subject to change based on actual time spent on request and any additional fees for digital copies, etc.

Public Works Director

| Task | Actual Time |
|----------------------------------|-------------------------|
| Locate and Review Files | 60 minutes |
| | 60 minutes |
| Public Works Director (per hour) | \$75.84 per hour |

Estimated Cost for Public Works Director Portion of Request \$75.84

City Manager

| Task | Actual Time |
|-------------------------|-------------------------|
| Locate and Review Files | 30 minutes |
| | 30 minutes |
| City Manager (per hour) | \$84.19 per hour |

Estimated Cost for City Manager Portion of Request \$42.10

Planning & Development Director

| Task | Actual Time |
|--|-------------------------|
| Locate and Review Files | 15 minutes |
| | 15 minutes |
| Planning & Development Director (per hour) | \$66.52 per hour |

Estimated for Planning & Development Director Portion of Request \$16.63

Administrative Services Manager

| Task | Actual Time |
|--|-------------------------|
| Review Files and Process Request | 15 minutes |
| | 15 minutes |
| Administrative Services Manager (per hour) | \$51.02 per hour |

Estimated for Administrative Services Manager Portion of Request \$12.76

Estimated Cost for Request \$147.32 *

** This estimate is subject to change based on actual time spent on request and any additional fees for digital copies, etc.*

February 28, 2020

To the Honorable Mayor and Stayton City Council,

I am not in favor of another mobile home park in Stayton.

Staff talks about not meeting our density requirements which has been increased by pressures from the state legislature and the planning lobby that wants to adapt big city planning to small communities around Oregon. We should resist this increased density movement and go back and change our codes. We live here they do not.

I also believe the Council should direct the staff to adopt policies that actually represent the community thinking, not the planner's and the Planning Commission's.

Our neighbor, Sublimity, continues to develop 10,000 square foot residential lots. I think it is great that they continue to buck the system. By them doing that however it will drive Stayton to higher densities, overcrowding Stayton with developments similar (medium densities) to what you have before you tonight.

We do not need another mobile home park in this area. We have three. Sublimity one. Aumsville is also represented with a park. Choices abound.

Our planer says if this plan is approved by the Council, but the current applicant moves on without developing the park the conceptual plan will be come part of the property. That is not necessarily the case. Once the property is zoned medium density a future Council may allow a development of duplexes on the property. And we can look around town and see how poorly they are maintained.

Staff says the Council needs to assign one of three residential zones to the property. My read is that the Council can split the property into more than one residential zone during the annexation process.

For example, High Density zoning which is, needed in the community, could be placed on the property north of the Lucas ditch. Low density (single family) would be placed south of the ditch and would be compatible with the surrounding area. Doing this would create a higher density than all single family homes on the parcel.

I am in favor of the annexation, but not in favor of designating the land as medium density. If you choose all one zone make it LD, single family.

The developer is not concerned with what the community wants, but with what he wants. He started with an RV Park and now it is a Mobile home Park.

He is "shopping" the development code. Stayton is not The Price Is Right so you can choose whichever door you want.

Thank you for your consideration.

Gerry Aboud
836 East Kathy Street
Stayton, Or 97383

Brooke Winstead

845 Summerview Drive
Stayton, OR 97383
541.598.6576
Lbwinstead@yahoo.com

March 2, 2020

Stayton City Council

Dear Councilors,

I'm writing today to object to the proposed mobile home park on Fern Ridge Road. I live in the neighborhood directly to the west of this property, The Village at Sylvan Springs, and I can see many potential issues arising from allowing a mobile home park at this location.

My first concern is the increased stormwater runoff. Once that land is developed, there will be a noticeable increase in water needing a place to go. The Village at Sylvan Springs already has flooding issues from the protected wetlands, which run alongside the back of our homes. This is where all of the runoff goes, from hospital hill and every other home in between. Our HOA is responsible for the wetlands, yet the city continues to allow building and changes which affect the wetlands and our HOA.

My second concern is the increased traffic. The intersection at Fern Ridge and HWY 22 is not a safe intersection. You are either crossing traffic to enter Fern Ridge, or you're merging with traffic going 60+mph from a complete stop. Adding a mobile home park so close to this will impact an already dangerous intersection and add to the traffic getting on and off of HWY 22. We've recently seen an increase of traffic on Fern Ridge from the new MAPS CU and Verizon store and it can not handle much more.

Lastly, the homes around Fern Ridge are nice. These homeowners take pride in their homes and neighborhoods. It's a safe part of town and we would like to keep it that way. There's a field behind Foothills Church, which is in between our neighborhood and the proposed site. We are suspecting that people living in the mobile home park would use this field to cross into our neighborhood to get to the Arco Station, liquor store, Dairy Queen, and other stores in that area. We do not welcome any questionable foot traffic in our neighborhood.

These are the main reasons I object to the proposed mobile home park. Our HOA is already over extended with the wetlands as they are. We cannot support an increase of water, which may flood our homes. We need safe access into and out of our homes. And we need to know our kids are safe in

the neighborhood and not worry about hundreds of people cutting through our neighborhood to access stores.

Thank you for your time and consideration.

Sincerely,

Brooke Winstead