

ORDINANCE No. 778

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 15 "BUILDINGS AND CONSTRUCTION" AND CREATING CHAPTER 15.10 "EXCAVATION AND GRADING".

WHEREAS, the Stayton City Council finds that local government shall act to preserve the peace, health, safety, and general welfare of the City and its inhabitants; and

WHEREAS, the City of Stayton has adopted rules and standards and has contracted with jurisdictions which have adopted rules and standards established to preserve the peace, health, safety, and general welfare of the City and its inhabitants; and

WHEREAS, Chapter 15 of the Stayton Municipal code was created to regulate buildings and construction within the city limits of the City of Stayton; and

WHEREAS, the City of Stayton has no regulations over grading and excavation associated with building and construction; and

WHEREAS, regulation of grading and excavation during building and construction events is essential to assuring the preservation of the general public's general welfare, health, and safety.

NOW THEREFORE, the Stayton City Council hereby ordains as follows:

## CHAPTER 15.10

### EXCAVATION AND GRADING

#### SECTIONS

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#### **15.10.040 PURPOSE**

The purpose of this chapter is to safeguard life, limb, property and the public welfare by regulating excavation, grading and fill on public and private property.

1. Separate permits, plan reviews and fees shall apply to retaining walls or major drainage structures as required by the Director.

#### **15.10.050 SCOPE**

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; provides for approval of plans and inspection of grading construction.

1. The standards listed below are recognized (see Sections 3502 and 3503 of *1994 Uniform Building Code - Oregon Edition*).

##### **A. Testing**

1. ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
2. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
3. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
4. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
5. ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods.

## **15.10.060 PERMITS REQUIRED**

**1. Permits Required.** Except as specified in section 15.10.060.2 of this section, no property shall be excavated or graded without the owner or authorized representative first having obtained a permit from the Director.

**2. Exempt Work.** A permit is not required for the following:

- a. When approved by the Director, grading in an isolated, self-contained area if there is no hazard to private or public property.
- b. An excavation below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
- c. Cemetery graves
- d. Refuse disposal sites controlled by other regulations.
- e. Excavations for wells or tunnels or utilities.
- f. Exploratory excavations under the direction of soil engineers or engineering geologists.
- g. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
- h. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

**3. Exemption from the permit requirements of this chapter shall not be deemed to grant authority for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances.**

## **15.10.070 HAZARDS**

**1. Whenever the Director determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely**

affects the safety, use or stability of a public way, waterway or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of written notice from the Director, shall within the period specified therein repair, correct or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this Chapter.

#### **15.10.080 DEFINITIONS**

For the purposes of this chapter the definitions listed hereunder shall be construed as specific in this section.

**APPLICANT** shall mean the property owner or authorized representative of site to be excavated or graded.

**APPROVAL** shall mean the proposed work or completed work conforms to this chapter in the opinion of the Director

**AS-GRADED** is the extent of surface conditions on completion of grading

**BEDROCK** is in-place solid rock

**BENCH** is a relatively level step excavated into earth material on which fill is to be placed.

**BORROW** is earth material acquired from an off-site location for use in grading on site.

**BUILDING CODE** is the current 1994 Uniform Building Code - Oregon Edition.

**CITY COUNCIL** is the Stayton City Council as defined in the Stayton Municipal Code.

**CIVIL ENGINEER** is a professional engineer registered in Oregon to practice in the field of civil works

**CIVIL ENGINEERING** is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

**COMPACTION** is the densification of a fill material by mechanical means.

**EARTH MATERIAL** is any rock, natural soil or fill or any combination thereof.

**ENGINEERING GEOLOGIST** is a geologist experienced in engineering geology.

**ENGINEERING GEOLOGY** is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**EROSION** is the wearing away of the ground surface as a result of the movement of wind, water, or ice.

**EXCAVATION** is the mechanical removal of earth materials.

**DIRECTOR** is the City of Stayton Director of Public Works

**FILL** is a deposit of earth materials placed by artificial means.

**GEOTECHNICAL ENGINEER** See “soils engineer”

**GRADE** is the vertical location of the ground surface.

Existing Grade is the grade prior to grading

Finish Grade is the final grade of the site which conforms to the approved plan.

Rough Grade is the stage at which the grade approximately conforms to the approved plan.

**GRADING** is any excavation or filling or combination thereof.

**HAZARD** is any excavation, embankment or fill which has become a threat to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, waterway or drainage channel.

**KEY** is a designed compacted fill placed in a trench excavated in earth materials beneath the toe of a proposed fill slope.

**PERMIT** is the written authorization for excavation and grading as described in this chapter including a “modified” permit for changes or additions to an approved project. “Permittee” is holder of the permit.

**PROFESSIONAL INSPECTION** is the inspection required by this Chapter to be performed by the civil engineer, soils engineer, or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

**SITE** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**SLOPE** is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**SOIL** is naturally occurring superficial deposits overlying bedrock.

**SOILS ENGINEER (GEOTECHNICAL ENGINEER)** is an engineer experienced and knowledgeable in the practice of soils engineering (GEOTECHNICAL) engineering.

**SOILS ENGINEERING (GEOTECHNICAL ENGINEERING)** is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

**TERRACE** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

#### **15.10.090 PERMIT REQUIREMENTS**

**1. Permits Required.** Except as exempted in Section 15.10.060 of this chapter, no person shall do any excavation or grading without first obtaining a permit from the Director. A separate permit shall be obtained for each site.

**2. Application.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Director for that purpose. Every such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made.
- b. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will identify and definitely locate the proposed work.
- c. Indicate the use or occupancy for which the proposed work is intended.
- d. Be accompanied by plans, diagrams, computations and specifications and other data as required by the Director.
- e. All required fees paid in full
- f. Be signed by the applicant, or the applicant's authorized agent.

**3. Grading Designation.** Grading in excess of 5,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 yards shall be

designated “regular grading” unless the permittee chooses to have the grading performed as engineered grading, or the Director determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

**4. Engineered Requirements.** Application for a permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Director.

a. Specifications shall contain information covering construction and material requirements.

b. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

c. The plans shall include the following information:

1. General vicinity of the proposed site.

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.

a. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

b. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

c. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.

d. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Director, specific recommendations contained in the soils

engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

e. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

**5. Soils Engineering Report.** The soils engineering report required by Section 15.10.090.4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

**6. Engineering Geology Report.** The engineering geology report required by Section 15.10.090.4 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

**7. Liquefaction Study.** The Director may require a GEOTECHNICAL investigation in accordance with Sections 1804.2 & 1804.5 1994 Uniform Building Code - Oregon Edition when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

- a. Shallow ground water, 50 feet or less.
- b. Unconsolidated sandy alluvium.
- c. Seismic Zones 3 and 4.

**8. Regular Requirements.** Each application for a permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plan shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- a. General vicinity of the proposed site.
- b. Limiting dimensions and depth of cut and fill
- c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.

**9. Modifications.** The Director may require that excavation & grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. The provisions of Section 106.3.4 of 1994 Uniform Building Code - Oregon Edition are applicable to grading permits.

a. The Director may require professional inspection and testing by the soils engineer. When the Director has cause to believe that geologic factors may be involved, the grading will be required to conform to engineering grading.

## **SECTION 15.10.100 PLAN REVIEW, PERMIT & INSPECTION FEES**

**1. General.** Fees shall be prescribed by Resolution of the City Council and assessed in accordance with the provisions of this Section.

**2. Plan Review Fees.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

**3. Permit Fees.** A fee for each permit shall be paid to the City. There shall be no separate charge for standard terrace drains and similar facilities.

## **15.10.040.110 BONDS**

The Director may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

1. In lieu of a bond the applicant may deposit cash or file an instrument of credit with the Director in an amount equal to that which would be required in the bond.

## **15.10.120 CUTS**

**1. General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

a. In the absence of an approved soils engineering report, on request of the applicant, these provisions may be waived by the Director for minor cuts not intended to support structures.

**2. Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee

furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper than herein prescribed slope will be stable and not create a hazard to public or private property.

### **15.10.130 FILLS**

**1. General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section and approved by the Director.

a. In the absence of an approved soils engineering report, on request of the applicant, these provisions may be waived by the Director for minor cuts not intended to support structures.

**2. Preparation of Ground.** Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

**3. Fill Material.** Detrimental amounts of organic material deemed so by the Director or designate shall not be permitted in fills. Except as permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

**EXCEPTION:** The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

a. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

b. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

c. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

**4. Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum density of applicable design curve as determined and approved by the Director or City Engineer.

**5. Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

#### **15.10.140 SETBACKS**

**1. General.** Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be provided by the Director.

**2. Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

**3. Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

- a. Additional setbacks.
- b. Provision for retaining or slough walls.
- c. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- d. Provisions for the control of surface waters.

**4. Modification of Slope Location.** The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

#### **15.10.150 DRAINAGE AND TERRACING**

**1. General.** Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

**2. Terrace.** Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately midheight shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in

height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

a. Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 4 inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet.

b. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

**3. Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

**4. Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Director or other appropriate jurisdiction as designated by the Director as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other approved devices.

a. Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

**EXCEPTION:** The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

a. No proposed fills are greater than 10 feet in maximum depth.

b. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet.

c. No existing slope faces, which have a slope face steeper than 1 unit vertical in 10 units horizontal (10% slope), have a vertical height in excess of 10 feet.

**5. Interceptor Drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of 4 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the Director.

## **15.10.160 EROSION CONTROL**

**1. Slopes.** The faces of cut and fill slopes shall be prepared and maintained to control against erosion. The control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are

not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

**2. Other Devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

#### **15.10.170 INSPECTION**

**1. General.** Grading operations for which a permit is required shall be subject to inspection by the Director. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 15.10.170.5 for engineered grading and as required by the Director for regular grading.

**2. Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

**3. Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Director for review and action.

**4. Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the Director for review and action.

**5. Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Chapter, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Director. In the event of changed conditions, the permittee shall be responsible for informing the Director of such change and shall provide revised plans for review and action.

**6. Director.** The Director or designate shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

**7. Notification of Noncompliance.** If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineering or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Director.

**8. Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during project, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the permitted project. It shall be the duty of the permittee to notify the Director in writing of such change prior to the recommencement of the permitted work.

#### **15.10.180 COMPLETION OF WORK**

**1. Final Reports.** Upon completion of the rough grading work and at the final completion of the permitted work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

a. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 15.10.170.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

b. Civil engineers shall state that to the best of their knowledge the work within their area of responsibilities was done in accordance with the final approved plan.

c. A report prepared by the soils engineer retained to provide such services in accordance with Section 15.10.170.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during the permitted work and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

d. A report prepared by the engineering geologist retained to provide such services in accordance with Section 15.10.170.5, including a final description of the geology of the site and any new information disclosed during the permitted work and the effect of same on recommendations incorporated in the approved plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

e. The grading contractor shall submit in a form prescribed by the Director a statement of conformance to said as-built plan and the specifications.

**2. Notification of Completion.** The permittee shall notify the Director when the permitted work operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved plan, and the required reports have been submitted.

PASSED BY THE STAYTON CITY COUNCIL this 17th day of February 1998.

DATE 2-18-98 By: Daphne E. Girod  
DAPHNE E. GIROD, Mayor

DATE 2-24-98 By: Thomas L. Barthel  
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

DATE 2/26/98 By: David A. Rhoten  
DAVID A. RHOTEN, City Attorney