



# AGENDA STAYTON CITY COUNCIL

**Monday, June 5, 2023**  
Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

## HYBRID MEETING

The Stayton City Council will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be live streamed on the City of Stayton’s YouTube account. Please use the following option to view the meeting:

- 7:00 p.m. – City Council Regular Session – [https://youtu.be/u\\_mAHKNfDXI](https://youtu.be/u_mAHKNfDXI)

**Public Comment and Public Hearing Testimony:** Meetings allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **no less than three hours prior to the meeting start time** to make arrangements to participate.

Comments and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- **In-Person Comment:** Parties interested in providing in-person verbal public comment shall fill out a “Request for Recognition” form available at the meeting. Forms must be filled out and submitted to the Assistant City Manager or designee prior to the meeting start time.
- **Video or Audio Conference Call:** Parties interested in providing virtual public comment shall contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment.
- **Written Comment:** Written comment submitted to [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** will be provided to the public body in advance of the meeting and added to the City Council’s webpage where agenda packets are posted.

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**1. CALL TO ORDER** **7:00 PM**

**2. FLAG SALUTE**

**3. ANNOUNCEMENTS**

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

**4. APPOINTMENTS****5. PUBLIC COMMENT****6. CONSENT AGENDA**

- a. May 15, 2023 City Council Work Session Minutes
- b. May 15, 2023 City Council Regular Session Minutes
- c. Resolution No. 1062 Chemeketa Cooperative Regional Library Service (CCRLS) Intergovernmental 5 Year Agreement

**7. PRESENTATIONS****8. PUBLIC HEARING**

**Ordinance No. 1062 Comprehensive Plan and Zoning Map  
Amendment for Property Located at 320 W Washington St.**

**ACTION**

- 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. Neutral/Other Testimony
- i. Questions from the Council
- j. Applicant Summary
- k. Staff Summary
- l. Close of Hearing
- m. Council Deliberation
- n. Council Decision on Ordinance No. 1062

**9. GENERAL BUSINESS**

**Appointment of Council Member to Serve  
as Representative to Adaptive Management Group**

**DISCUSSION**

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion

**Discussion of Council Rules**

**DISCUSSION**

- a. Staff Report – Julia Hajduk
- b. Public Comment
- c. Council Discussion

**10. COMMUNICATIONS FROM CITY STAFF**

- a. City Manager Updates / Announcements

**11. COMMUNICATION FROM MAYOR AND COUNCIL****12. ADJOURN**

*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 City Hall at (503) 769-3425.*

## CALENDAR OF EVENTS

<b>JUNE 2023</b>				
Monday	June 5	City Council	7:00 p.m.	<a href="https://youtu.be/u_mAHKNfDXI">https://youtu.be/u_mAHKNfDXI</a>
Tuesday	June 6	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	June 12	Homeless Task Force	6:00 p.m.	Stayton Community Center
Wednesday	June 14	Library Board	6:00 p.m.	Stayton Public Library
Monday	June 19	City Council Work Session	6:00 p.m.	Stayton Public Library
Monday	June 19	City Council	7:00 p.m.	<a href="https://youtu.be/ljITNVuYLfc">https://youtu.be/ljITNVuYLfc</a>
Monday	June 26	Planning Commission	7:00 p.m.	Stayton Community Center
Tuesday	June 27	City Council Executive Session	6:00 p.m.	City Hall Conference Room
<b>JULY 2023</b>				
Monday	July 3	City Council	7:00 p.m.	<a href="https://youtu.be/dskXUVCL23E">https://youtu.be/dskXUVCL23E</a>
Tuesday	July 4	<b>CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY</b>		
Monday	July 10	Homeless Task Force	6:00 p.m.	Stayton Community Center
Tuesday	July 11	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	July 17	City Council	7:00 p.m.	<a href="https://youtu.be/WpRmQT6c8dA">https://youtu.be/WpRmQT6c8dA</a>
Wednesday	July 19	Library Board	6:00 p.m.	Stayton Public Library
Monday	July 31	Planning Commission	7:00 p.m.	Stayton Community Center
<b>AUGUST 2023</b>				
Tuesday	August 1	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	August 7	City Council	7:00 p.m.	<a href="https://youtu.be/0q6BeCBrt0o">https://youtu.be/0q6BeCBrt0o</a>
Monday	August 14	Homeless Task Force	6:00 p.m.	Stayton Community Center
Monday	August 21	City Council	7:00 p.m.	<a href="https://youtu.be/-kcQELCRBsI">https://youtu.be/-kcQELCRBsI</a>
Wednesday	August 16	Library Board	6:00 p.m.	Stayton Public Library
Monday	August 28	Planning Commission	7:00 p.m.	Stayton Community Center

**Stayton City Council  
Work Session  
May 15, 2023**

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

**Time Start:** 6:00 P.M.

**Time End:** 6:55 P.M.

**MEETING ATTENDANCE LOG**

		<b>STAYTON STAFF</b>
Councilor David Giglio	Kassie Brown	Julia Hajduk, City Manager
Councilor Ben McDonald	Kim Dwyer	Alissa Angelo, Assistant City Manager (excused)
Councilor Jordan Ohrt	Tricia Frizzell	Gwen Johns, Police Chief
Councilor David Patty	Steven Halverson	Dan Fleishman, Director of Planning & Development
Councilor Steve Sims	Mark McDonnell	Ross Williamson, City Attorney
	Adam McFarland	Tammy Bennett, Office Specialist
	Jared Oeltjen	

<b>AGENDA</b>	<b>ACTIONS</b>
<p><b>HOMELESS TASK FORCE UPDATE</b>  <b>a. Management Update</b></p>	<p>Ms. Hajduk presented an update of the Homeless Task Force.</p> <p>Discussion and questions from Councilors and Homeless Task Force members including case law, code audit and review of public input. City Staff responded with recommendations and next steps.</p> <p>City Council was invited to attend the next Homeless Task Force meeting, June 12, 2023.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 5<sup>th</sup> DAY OF JUNE 2023, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Julia Hajduk, City Manager

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_

Tammy Bennett, Office Specialist

**City of Stayton  
City Council Minutes  
May 15, 2023**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON  
**Time Start:** 7:06 P.M. **Time End:** 8:44 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Brian Quigley (excused)	Julia Hajduk, City Manager
Councilor David Giglio	Alissa Angelo, Assistant City Manager (excused)
Councilor Ben McDonald	Lance Ludwick, Public Works Director
Councilor Jordan Ohrt	Dan Fleishman, Director of Planning & Development
Councilor David Patty	Gwen Johns, Police Chief
Councilor Stephen Sims	Janna Moser, Library Director
	Tammy Bennett, Office Specialist

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Announcements</b>	
a. Additions to the agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
<b>Appointments</b>	None.
<b>Public Comment</b>	None.
<b>Consent Agenda</b>	
a. May 1, 2023 City Council Regular Session	Motion from Councilor Giglio, seconded by Councilor Sims, to approve the consent agenda as presented. <b>Motion passed 5:0.</b>
<b>Presentations</b>	
Caleb Cox, Kittelson & Associates	Mr. Ludwick introduced Caleb Cox. Mr. Cox gave an update on the Shaff Rd. and Golf Club Rd. roundabout project.
<b>Public Hearing</b>	
<b>Ordinance No. 1061 Comprehensive Plan Zone Map Amendment Stayton Vet Clinic</b>	
a. Commencement of Public Hearing	Councilor Patty read the opening statement and opened the hearing at 7:45 p.m. Declaration of ex parte, bias and conflict of interest were declared by Councilor Patty and Councilor Sims as they both drove by the property.
b. Staff Introduction	Mr. Fleishman provided a brief introduction.

<ul style="list-style-type: none"> <li>c. Applicant Presentation</li> <li>d. Staff Report</li> <li>e. Questions from the Council</li> <li>f. Proponents’ Testimony</li> <li>g. Opponents’ Testimony</li> <li>h. Neutral/Other Testimony</li> <li>i. Questions from the Council</li> <li>j. Applicant Summary</li> <li>k. Staff Summary</li> <li>l. Close of Hearing</li> <li>m. Council Deliberation</li> <li>n. Council Decision on Ordinance No. 1061</li> </ul>	<p>Tracy Brown, planning consultant for the applicant provided a review of the requested comprehensive plan zone map amendment. Michael Ard, a traffic consultant for the applicant, provided an overview of the traffic impact study that was performed.</p> <p>Mr. Fleishman reviewed the staff report and his recommendation.</p> <p>Councilor Patty questioned if the public submission can be considered when making a Council decision. Staff responded.</p> <p>None.</p> <p>None.</p> <p>None.</p> <p>Councilor Ohrt questioned if property owners had been notified of the meeting. Staff responded.</p> <p>Mr. Brown stated that the proposal complies with various criteria required to approve the amendment and that the issues with parking management are being addressed.</p> <p>Mr. Fleishman provided a staff summary with the recommendation from staff and the Planning Commission to adopt Ordinance No. 1061 as presented.</p> <p>Councilor Patty closed the hearing at 8:30 p.m.</p> <p>None.</p> <p>Motion from Councilor McDonald, seconded by Councilor Giglio, to approve the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and Ordinance 1061 as presented. <b>Motion passed 5:0.</b></p>
<p><b>Communications from City Staff</b></p> <ul style="list-style-type: none"> <li>a. City Manager Updates / Announcements</li> </ul>	<p>Ms. Hajduk announced that copies of the proposed 2023-2024 City budget are available at City Hall.</p> <p>Ms. Hajduk shared that this week was National Police Officers week, and that next week is National Public Works week. She gave a shout out to both departments and thanked them for all the work that they do.</p>

	Chief Johns shared that she will be participating in the 2023 Law Enforcement Torch Run for Special Olympics in Berlin, Germany this June.
<b>Communications from Mayor and Council</b>	None.

APPROVED BY THE STAYTON CITY COUNCIL THIS 5<sup>th</sup> DAY OF JUNE 2023, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Julia Hajduk, City Manager

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_  
Tammy Bennett, Office Specialist



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

**TO: Mayor Quigley and the Stayton City Council**  
**FROM: Janna Moser - Library Director**  
**DATE: June 5, 2023**  
**SUBJECT: Consent Agenda: Intergovernmental Agreement No: 10699400 for Stayton Public Library participation in Chemeketa Cooperative Regional Library Service (CCRLS)**

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**ISSUE**

CCRLS contract

**ENCLOSURES**

- Resolution No. 1062

**BACKGROUND INFORMATION**

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

**FISCAL IMPACT**

Reimbursement to the Stayton Public Library of \$133,815 for 2023-24.

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

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

- SirsiDynix Symphony (Integrated Library System)
- Network connectivity, equipment and support
- Courier service
- Circulation computers, licensing, and additional software
- RFID technology, equipment, and supplies
- Scanners and thermal receipt printers
- Patron access to over one million items

- Online resources, databases, ebooks, and audiobooks
- Reimbursement for materials lost by non-Stayton patrons
- Staff training and mileage reimbursement to trainings and meetings

**MOTION(S)**

Consent agenda.



**RESOLUTION NO. 1062**

**A RESOLUTION TO EXECUTE INTERGOVERNMENTAL AGREEMENT NO: 10699400 FOR STAYTON PUBLIC LIBRARY PARTICIPATION IN CHEMEKETA COOPERATIVE REGIONAL LIBRARY SERVICE (CCRLS).**

**WHEREAS**, the Chemeketa Cooperative Regional Library Service (CCRLS) is a cooperative effort of 18 member libraries formed in 1973 to connect libraries in Marion, Polk, and Yamhill counties and share information resources;

**WHEREAS**, Stayton Public Library has been a CCRLS member library since the mid-1970s;

**WHEREAS**, reimbursement is provided to member libraries based 50% on the assessed value of property in the service area and 50% on the number of items circulated to non-residents. CCRLS reimbursement to Stayton Public Library for FY2023-24 will be \$133,815;

**WHEREAS**, continued participation in CCRLS provides Stayton Public Library with an automated library system and shared online catalog, network connectivity and equipment and support, courier service, circulation computers, self-checks and peripherals at no charge;

**WHEREAS**, continued participation in CCRLS provides Stayton Public Library patrons with access to over one million physical items through the free reciprocal borrowing service as well as access to online resources and downloadable ebooks and audiobooks; and

**WHEREAS**, staff recommends that City Council authorize the signing of the CCRLS agreement (Exhibit A).

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Stayton City Council authorizes the City Manager to sign Intergovernmental Agreement No: 10699400 for Stayton Public Library participation in Chemeketa Cooperative Regional Library Service (CCRLS).

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

**ADOPTED BY THE STAYTON CITY COUNCIL THIS 5<sup>th</sup> DAY OF JUNE 2023.**

CITY OF STAYTON

Signed: \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Julia Hajduk, City Manager



Procurement Services – 4000 Lancaster Drive NE, Salem, OR 97309

## **Library Participation in Chemeketa Cooperative Regional Library Service (CCRLS) Intergovernmental Agreement No: 10699400**

### **1) Parties to the Agreement**

This Agreement is by and between Chemeketa Community College through its Chemeketa Cooperative Regional Library Service (CCRLS), hereafter known as “College,” and the City of Stayton, Oregon, an Oregon municipal corporation, by and through its Stayton Public Library, hereafter known as “CCRLS Member Library,” both herein referred to individually and collectively as “Party” or “Parties.”

### **2) Agreement Documents and Order of Precedence**

The Agreement Documents consist of the following documents which are listed in descending order of precedence:

This Agreement; Amendments to this Agreement, if any; Attachments and Exhibits to this Agreement, which are incorporated by reference and attached, including: 10699400 Attachment A – Statement of Work/Consideration, and Exhibits to Attachment A if listed; 10699400 Exhibit 1 – Compensation Schedule.

A conflict in the Agreement Documents shall be resolved in priority listed above and with this Agreement taking precedence over all other documents. The Agreement Documents are the entire Agreement between the Parties and shall supersede any prior representation, written or oral.

### **3) Independent Contractor**

This Agreement is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership joint venture or association. CCRLS Member Library, its officers, employees, and/or agents are not authorized to act as an agent of College with respects to the fiscal and administrative management responsibilities of College under this agreement.

### **4) Purpose of Agreement/Consideration**

The purpose of this Agreement is to provide for the participation of the library of CCRLS Member Library in CCRLS, a cooperative of member libraries in the College district, under the terms and conditions set forth herein and as described in detail in Attachment A. Payments under this agreement will be made as described in Attachment A.

### **5) Term and Termination**

Parties agree that the term of this Agreement shall commence July 1, 2023 and shall continue through June 30, 2028 unless earlier terminated or later extended as provided herein.

- a) This Agreement shall be amended yearly to incorporate a revised compensation schedule for the next fiscal year effective July 1.
- b) This Agreement may be terminated by mutual consent of the parties at any time.
- c) College may terminate this Agreement effective upon delivery of written notice to CCRLS

Member Library or at such later date as may be established by College under any of the following conditions:

- i) 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 Work. This Agreement may be modified to accommodate a reduction in funds;
  - ii) If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the Work is no longer allowable or appropriate for purchase under this Agreement or is no longer eligible for the funding proposed for payments authorized by this Agreement; and
  - iii) If any license, certificate, or insurance required by law or regulation to be held by CCRLS Member Library to provide the Work required by this Agreement is for any reason denied, revoked or not renewed.
- d) CCRLS Member Library may terminate this Agreement effective upon delivery of written notice to College or such later date as may be established by CCRLS Member Library under any of the following conditions:
- i) If funding, appropriations, limitations, allotments, or other expenditure authority from federal, state, local, or other sources is not obtained or continued at levels sufficient in CCRLS Member Library's reasonable determination to perform its duties under this agreement;
  - ii) If federal, state, or local laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that CCRLS Member Library's performance under this agreement is prohibited, CCRLS Member Library is no longer eligible for the funding proposed for payments authorized by this agreement, or is prohibited from paying those payments authorized by this agreement from the planned funding source; and
  - iii) If any license, certificate, or insurance required by law or regulation to be held by CCRLS Member Library in order to perform its duties under this agreement is for any reason denied, revoked, or not renewed.
- e) Either Party may terminate this Agreement upon the other's material breach of any of its terms, by giving written notice to the Party in breach at least 60 days in advance of the effective date of termination. Cure of the breach by the Party in breach within the 60-day period shall void the notice of termination.
- f) This Agreement may be terminated by either Party without breach by the other upon giving written notice to the other Party no later than May 1. Termination shall be effective at midnight on the following June 30. It is the intent of this paragraph that the Parties recognize an obligation of good faith to create and continue a long-term relationship by virtue of this Agreement.
- g) Any such termination of this Agreement shall be without prejudice to any obligations or liabilities of either Party already accrued prior to such termination.
- h) In the event either Party terminates this Agreement, College shall provide CCRLS Member Library its current bibliographic, borrower, and circulation records and databases in machine-

readable media and format.

- i) In the event that the College CCRLS activities should cease and the assets and operations of CCRLS are not assumed by a successor providing equivalent service, then all assets of the CCRLS Automated System shall be transferred to participating cities without charge.

**6) Subcontractors**

CCRLS Member Library shall identify, and is required to receive prior written approval from College, prior of the Work beginning, of all proposed subcontractors which will provide Work under this Agreement. Although approval shall not be unreasonably withheld, College has the right to approve or disapprove all proposed subcontractors.

**7) Amendments**

The terms of this Agreement shall not be waived, changed or supplemented except by written amendment signed by the Parties to this Agreement.

**8) Compliance with Applicable Laws**

The Parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to providing the Work including but not limited (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973, the ADA of 1990 (United States Code, Title 42, Chapter 126, Sub-Chapters I - IV and Title 47, Chapter 5, Sub-Chapters II and VI), ORS 659A.142 and ORS 659A.400 through ORS 659A.409 and maintain the confidence of student educational records in accordance with FERPA, 20 U.S.C. § 1232g; 34 C.F.R. Part 99, OAR 581-021-0220 through 581-021-0440 and OAR 589-004-0100 through 589-004-0750.

This Agreement shall be administered and construed under the laws of the State of Oregon. The venue for any action related to this Agreement shall be in the Circuit Court for the County of Marion, Oregon.

**9) Compliance with College Policies**

The College retains the right to stop any activity and/or to require dismissal from the job site of any worker whose behavior does not comply, or gives the College reasonable suspicion to believe the worker's behavior does not comply, with pertinent Chemeketa Community College policy(ies), including but not limited to providing a respectful workplace, a harassment free workplace, and a drug and alcohol free workplace, or the activity is deemed hazardous to members of a user group, the public, or College facilities.

**10) Hold Harmless and Indemnification**

Subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300), each Party shall indemnify, within the limits of and subject to the restrictions in the Tort Claims Act, the other against any liability for personal injury or damage to life or property arising from its negligent activity under this Agreement provided, however, that each Party shall not be required to indemnify the other for any such liability arising out of the wrongful acts, including but not limited to, to a person's malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

**11) Insurance Requirements**

The Parties 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 through 30.300).

**12) Access to Records**

The Parties, the Secretary of State's Office of the State of Oregon and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to this specific Agreement for the purpose of making audit, examination, excerpts and transcripts.

**13) Ownership of Work Products**

All Work Product created by CCRLS Member Library pursuant to this Agreement, including derivative works and compilations, and whether or not such Work Product is considered a "work made for hire" or an employment to invent, shall be the exclusive property of the College. The College and CCRLS Member Library agree that such original works of authorship are "work made for hire" of which the College is the author within the meaning of the United States Copyright Act. If for any reason the original Work Product created pursuant to this Agreement is not "work made for hire," CCRLS Member Library hereby irrevocably assigns to the College any and all of its rights, title, and interest in all original Work Product created pursuant to this Agreement, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Upon the College's reasonable request, CCRLS Member Library shall execute such further documents and instruments necessary to fully vest such rights in the College. CCRLS Member Library forever waives any and all rights relating to original Work Product created pursuant to this Agreement, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

**14) Data Security and Privacy**

The Parties agree that all circulation data, which would in any way identify a particular library user or the materials borrowed by any user, are confidential and exempt from disclosure under the Oregon Public Records Law. Each Party shall refuse disclosure of any and all such data unless ordered by the by a valid subpoena or court order. The Parties shall maintain the confidentiality of patron records as required by the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 through 646A.628).

- a) In order to satisfy the Communications Assistance for Law Enforcement Act (CALEA) requirements, CCRLS Member Library will take reasonable agreed upon measures to identify internet users accessing the internet over the CCRLS network.

**15) Merger Clause**

Parties concur and agree that this Agreement constitutes the entire Agreement between the 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 terms and conditions.

**16) Force Majeure**

Neither CCRLS Member Library nor College shall be held responsible for delay or default caused by fire, riot, acts of God, and/or war which was beyond either party's reasonable control.

**17) Assignment**

CCRLS Member Library shall not assign or transfer its interest in this Agreement without the express written consent of College.

**18) Notices**

Any notice required to be given to the College or CCRLS Member Library under this Agreement shall be sufficient if given, in writing, by email, first class mail or in person as follows:

**College**

Doug Yancey, Interim Director, Chemeketa  
Cooperative Regional Library Service  
Chemeketa Community College  
PO Box 14007  
4000 Lancaster Drive NE  
Salem, OR 97309-7070  
Office: 503.315.4584  
Email: [doug.yancey@ccrls.org](mailto:doug.yancey@ccrls.org)  
c/o: [procurement@chemeketa.edu](mailto:procurement@chemeketa.edu)

**CCRLS Member Library**

Julia Hajduk, City Manager  
  
City of Stayton  
362 N. 3<sup>rd</sup> Avenue  
Stayton, Oregon, 97383  
Office: 503.769.3425  
Email: [jhajduk@staytonoregon.gov](mailto:jhajduk@staytonoregon.gov)

**19) Contact Persons****College**

Doug Yancey, Interim Director, Chemeketa  
Cooperative Regional Library Service  
Chemeketa Community College  
PO Box 14007  
4000 Lancaster Drive NE  
Salem, OR 97309-7070  
Office: 503.315.4584  
Email: [doug.yancey@ccrls.org](mailto:doug.yancey@ccrls.org)

**CCRLS Member Library**

Janna Moser, Library Director  
  
Stayton Public Library  
515 North 1<sup>st</sup> Avenue  
Stayton, OR 97383  
Office: 503.769.3313  
Email: [jmoser@staytonlibrary.org](mailto:jmoser@staytonlibrary.org)

**Signatures on Next Page**

## Signatures

This Agreement and any changes, alterations 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.

### College

### CCRLS Member Library

\_\_\_\_\_  
 (Signature) (Date)  
**Aaron Hunter**  
**Associate Vice President/ Chief Financial Officer**

\_\_\_\_\_  
 (Signature) (Date)  
**Julia Hajduk/City Manager, City of Stayton,**  
**Oregon**  
 Name/Title (Typed or Printed)

**Approved**

\_\_\_\_\_  
 (Signature) (Date)  
 Name: **Janna Moser**  
 Library Director for Stayton Public Library

Chemeketa Community College prohibits unlawful discrimination based on race, color, religion, national origin, sex, marital status, disability, protected veteran status, age, gender, gender identity, sexual orientation, pregnancy, whistleblowing, genetic information, domestic abuse victim, or any other status protected by federal, state, or local law in any area, activity or operation of the College. The College also prohibits retaliation against an individual for engaging in activity protected under this policy, and interfering with rights or privileges granted under federal, state or local laws.

Under College policies, equal opportunity for employment, admission, and participation in the College's programs, services, and activities will be extended to all persons, and the College will promote equal opportunity and treatment through application of its policies and other College efforts designed for that purpose.

Persons having questions or concerns about Title IX, which includes gender based discrimination, sexual harassment, sexual violence, interpersonal violence, and stalking, contact the Title IX coordinator at 503.365.4723, 4000 Lancaster DR. NE, Salem, OR 97305, or <http://go.chemeketa.edu/titleix>. Individuals may also contact the U.S. Department of Education, Office for Civil Rights (OCR), 810 3rd Avenue #750, Seattle, WA 98104, 206.607.1600.

Equal Employment Opportunity or Affirmative Action should contact the Affirmative Action Officer at 503.399.2537, 4000 Lancaster DR NE, Salem OR 97305.

To request this publication in an alternative format, please call 503.399.5192



## 10699400 Attachment A – Statement of Work/Consideration

### 1) Statement of Work

- a) Under this agreement CCRLS Member Library shall:
- i) Provide at least the basic level of service to nonresidents within the College District and to nonresident staff currently employed with the College. Basic level of service is defined as ten checkouts and ten holds per person at a time, utilizing individual rather than household cards; Basic level of service also includes access to currently licensed electronic resources provided by the College;
  - ii) Provide free borrowing privileges to card holding residents/patrons of other CCRLS Member Libraries and all currently registered College students who present a valid library card;
  - iii) Ensure that in no case shall card-holding residents of the College district receive less than the basic level of service from CCRLS Member Library;
  - iv) CCRLS Member Library may, at its sole discretion, elect to provide services to persons incarcerated in county, state, or federal jail or prison facilities. CCRLS Member Library may, at its sole discretion, elect not to allow its owned materials to be circulated to such facilities;
  - v) Notify each current non-resident cardholder within its geographic zone at least 30 days prior to instituting a fee for service above the basic level. No advance notification is necessary for fee increases;
  - vi) Provide reference and information services to patrons of the participating libraries of the CCRLS District in cooperation with College and other participating libraries;
  - vii) Provide for the regular participation of the library director in meetings of the PYM and as may be necessary in meetings of the CCRLS Advisory Council. The College depends on member participation. Regular participation shall be defined as attendance by the library director at each meeting, unless excused. CCRLS Member Library director's attendance at the September meeting of the PYM Association is highly encouraged. Library directors will have private secure email for communicating confidential College information. Directors will provide a chain of command to allow coverage in their absence;
  - viii) Provide for the regular participation of library staff at subcommittee meetings and training events provided by vendors and/or College. The College will reimburse mileage at current college rates; roundtrip from participating library to the meeting/training. Reimbursement will be made biannually;
  - ix) Assume full responsibility for the accuracy of data at its entry into the integrated library system, and for updating that data accurately to reflect library holdings. Such data includes, but is not limited to ISBN, Barcode number, library location, volume number, call number, copy number, type of material, status, etc.;
  - x) Take reasonable measures to protect equipment in CCRLS Member Library's possession from abuse, theft, and misuse. CCRLS Member Library shall, while in possession of the computer system hardware, including peripheral devices, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism or other sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS Member Library shall have no obligation under this paragraph with respect to loss resulting from defect in the computer system itself, or from the acts of vandals gaining access to the computer system programs. Or data accessed externally and not by the application of physical force to the tangible components of the system; and, provided further, that the CCRLS Member Library shall not be liable under this agreement for any consequential damages incident to any loss under this section;
  - xi) Prepare, provide, and maintain the furniture and physical location for installation of allocated hardware and equipment in its library. This responsibility includes network, cable installation, electrical power, and environment, all meeting industry, manufacturer, and vendor specifications;

- xii) CCRLS Member Library may purchase equipment and software to expand and enhance its own operations; provided that, if any such equipment and software will be linked to the integrated library system or the College telecommunications network, College shall be notified ahead of time and such equipment and software is to be acceptable to the College as compatible with the integrated library system and the College telecommunications network. The College shall not be responsible for maintenance of CCRLS Member Library equipment but will configure and ensure the College network connectivity. CCRLS Member Library shall not connect or install any such equipment or software without the review and written approval of the College after at least 90 days prior to notice by CCRLS Member Library. The College may remove non-approved equipment from the network at the College's discretion. To facilitate this approval, it is recommended that CCRLS Member Library include the College in the examination and selection process. The College cannot be responsible for making equipment and software work if this process is not followed. Any computer device connected to the College network must have approved anti-virus security software and a current, secure Operating System. CCRLS Member Library will not alter College network or workstation equipment within their building without communication or direction from the College;
  - xiii) Provide library staff possessing minimum level of technical ability and skill, with available phone access, to provide an onsite interface with College technical staff; and
  - xiv) Notify College of any desired reductions to the number of CCRLS Member Library software licenses held through group software purchases, at least three months prior to renewal.
- b) Under this agreement College shall:
- i) Provide for the fiscal and administrative management of the CCRLS
    - (1) Maintain the following:
      - (a) The Chemeketa Cooperative Regional Library Advisory Council hereinafter referred to as the CCRLS Advisory Council, through which recommendations on policies of the Service can be expressed. The present membership of the CCRLS Advisory Council shall be updated as needed and sent electronically for inclusion to all Library Directors and posted on the College website; and
      - (b) An ongoing liaison with Polk, Yamhill, and Marion Library Association (PYM) (or their executive committee) through which recommendations on procedures and their implementation can be expressed.
    - (2) Provide operation and maintenance of the College integrated library system and related platforms, including:
      - (a) Maintain bibliographic, circulation, and borrower data in an integrated library system. Design, applications, enhancements of, and major changes of operation to the integrated library system shall be subject to review by the PYM Technology Committee;
      - (b) Manage the College integrated library system under the terms of this agreement and other applicable agreements with vendors and participating library so that CCRLS Member Library has access to its bibliographic, circulation, and borrower records during library business hours and at other times as agreed upon between the CCRLS Member Library Director and the CCRLS Executive Director or their designee. The management responsibility for the integrated library system includes the obligation of College to monitor, evaluate, and create as needed entries for new materials and retrospective conversion of cataloging of old materials to maintain the highest quality bibliographic MARC database;
      - (c) Acquire and provide for effective maintenance and support of all essential present and future, central and remote integrated library system equipment at its own expense; and provide for secure installation and housing for integrated library system except such integrated library system equipment as is acquired by CCRLS Member Library for installation at its library, or as otherwise provided in Attachment A 1)a)xii) of this agreement;
      - (d) Coordinate and assume cost for installation of telecommunications equipment and lines needed at CCRLS Member Library's central and branch libraries for use with integrated library system. Parties agree that College does not control, and therefore cannot warrant, the telecommunication networks used to communicate data from a remote site, nor does this agreement cover maintenance of telecommunication lines;
      - (e) Acquire and furnish to CCRLS Member Library, at College's direct cost, certain necessary supplies, and services, such as utilities, library cards, bar codes, patron notices, storage media, and other supplies except printer paper, cartridges and toner which may be required to provide the services of integrated library system to CCRLS Member Library;

- (f) Provide at CCRLS Member Library's request, specialized reports not regularly generated by system.
- (g) Coordinate all service, support, equipment purchases and maintenance necessary to the proper operation of integrated library system and enforce rules and standards for use of integrated library system by CCRLS Member Library. CCRLS Member Library shall enter, retrieve, modify, and delete data in and from integrated library system in accordance with those rules and standards;
- (h) Maintain agreements for hardware maintenance and software support with current provider of library automation service(s). The College shall provide reasonable approved maintenance and support for integrated library system hardware and software not provided by automation vendor. The College shall provide reasonable prior notice to CCRLS Member Library when system operation must be suspended for operational or maintenance requirements. The College shall exercise its best efforts to schedule such periods of suspension during hours when CCRLS Member Library's libraries are closed. Except for suspension of operation for necessary system maintenance or because security of the College integrated library system is compromised or damaged, College shall not "lock out" CCRLS Member Library terminals from integrated library system;
- (i) Provide, through the College, one or more dedicated telephone lines to serve the system, and related telecommunication equipment as provided in the agreement with the vendor for the integrated library system, and pay all related installation, acquisition, maintenance, and use cost;
- (j) Except for equipment and software purchased by CCRLS Member Library under Attachment A 1) a) xii), all integrated library system hardware, software, and other capital equipment shall remain the property of College, and CCRLS Member Library shall have no claim thereto other than the right to use thereof under this agreement;
- (k) The College will provide ILL service through OCLC. CCRLS will serve as the Referral Center coordinating external loans and mediating borrowing requests from CCRLS Member Library staff. CCRLS Member Library will be responsible for shipping costs incurred through non-Orbis channels; the College will reimburse CCRLS Member Library for material lost and/or damaged in the ILL lending process; CCRLS Member Library will be responsible for material lost and/or damaged in the ILL borrowing process;
- (l) Contract for hosting maintenance and backup of the College integrated library system data. In the event of system malfunction or loss of data, the College shall promptly arrange for restoration of the most recently backed up data to the system once it is again functioning. No liability is assumed by the College if the integrated library system experiences down time or loss of data, which cannot be recovered;
- (m) Facilitate integrated library system training for CCRLS Member Library staff as deemed necessary. The College shall provide access to integrated library system user documentation for CCRLS Member Library's staff. All other training of CCRLS Member Library staff shall be the responsibility of CCRLS Member Library.
- (n) Provide for general maintenance and utilities to support the College integrated library system. This obligation includes janitorial service, maintenance painting as necessary, structural repairs, lighting and electrical system maintenance, and HVAC maintenance;
- (o) While providing computer network access to the College integrated library system, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism, or other sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS Member Library shall have no obligation under this paragraph with the acts of vandals gaining access to the computer system, programs, or data tangible components of the system; and, provided further, that CCRLS Member Library shall not be liable under this agreement for any consequential damages incident to any loss covered under this section;
- (p) Provide personnel for the operation of the system. "Operation" includes: use of supplied software to generate reports, notices, lists, and similar documents and files; preparation and sending of overdue notices, hold notices, reports, billings, and other specified documents produced for routine system operation by the vendor(s) of the system and its installation, maintenance, or support of software, or the maintenance, repair or replacement of hardware or firmware;
- (q) Through its governing board, retain final authority over the policies and decisions relating to budget, operating procedures, system design, participation by other libraries, and other like issues of a general policy nature affecting their operation of College and integrated library system. The board, however, shall not take such actions without the recommendation of the CCRLS Advisory Council;

- (r) In serving card-holding College district nonresident patrons, abide by each CCRLS Member Library's rules and procedures regarding borrowing privileges. In no case shall card-holding residents of the College district receive less than the basic level of service from College;
  - (s) Provide a quarterly financial report to the CCRLS Advisory Council that includes revenue and expense information for the quarter and year to date, compared to a) current year budget and b) prior year for the same period. The report will be made available to CCRLS Member Library;
  - (t) Reimburse CCRLS Member Library for library materials borrowed by district non-residents and college students, faculty, and staff under this agreement and not returned by the borrowers within twelve months of due date. CCRLS Member Library hereby transfers and assigns all interests in such materials and replacement charges to the College with respect thereto. If lost materials are returned, CCRLS Member Library will reimburse the College for any lost materials replacement charges paid to the CCRLS Member Library;
  - (u) Provide regular courier service between the participating libraries;
  - (v) May coordinate group purchasing of College related equipment, software, or non-essential supplies, as needed, to assist CCRLS Member Library and other participants. Charges for purchased supplies, equipment, services, maintenance contracts, delivery charges, postage, etc. will be billed to CCRLS Member Library at direct cost and payable to College;
  - (w) Coordinate group purchasing of computer access and print management software licenses from Envisionware (or subsequent vendor); and
  - (x) Coordinate group purchasing of such College related services on behalf of member libraries including, but not limited to Debt Collect, ORBIS and Cascade Alliance Courier. College will invoice CCRLS Member Library annually or quarterly for the cost of Debt Collect services on a usage basis.
- (3) Electronic Payments for Fines, Lost Book Charges, or Other Charges
- (a) Through College, collect and process electronic payments for fines, lost book charges, or other charges owed to CCRLS Member Library. The College recognizes that CCRLS Member Library may adopt payment options which are not processed through College PayPal account and that College has no opportunity or obligation to service those transactions;
  - (b) Process charges that are paid only through the shared library integrated library system operated by College;
  - (c) College shall not be financially responsible to refund corrected charges to a library patron. Any dispute of charges is the responsibility of CCRLS Member Library to resolve with the patron. Deductions from the merchant banking account will be deducted from the next regular payment to the associated CCRLS Member Library CCRLS Member Library;
  - (d) Compile and calculate monthly charges. However, payment to CCRLS Member Library will be made on a quarterly basis. In the event the amount due to CCRLS Member Library is less than \$15, the payment may be held for the next quarterly payment;
  - (e) Make payment to CCRLS Member Library in the amount paid on their behalf, minus merchant services for the period. Associated fees will be distributed on a pro-rata basis to each library based on the percentage of total funds collected that month and total fees that month;
  - (f) College shall be credited payments for unidentified charges, or for items, which College has previously reimbursed CCRLS Member Library;
  - (g) College shall acknowledge responsibility only for the amount of any correction without penalty;
  - (h) College shall, at all times during the term of this agreement, comply with Oregon Revised Statutes Chapter 295 and shall deposit any fines, fees, charges, or other payments collected pursuant to this agreement in an institution included in the Oregon State Treasurer's list of Qualified Depositories for Public Funds; and
  - (i) College shall, at all times during the term of this agreement, be able to demonstrate that the integrated library system and that of any acquirer, third party provider or processor that is used in providing services pursuant to this agreement, comply with Payment Card Industry Data Security Standards.

## 2) Consideration

- a) College will compensate CCRLS Member Library:
  - i) In the amount shown in Exhibit 1 – Compensation Schedule for providing nonresident library service for the residents of the College District. Payments shall be made in four equal installments at the end of each quarter as provided herein; and
  - ii) For each net loan provided, i.e., the difference between the number of CCRLS Member Library items loaned to and checked out in another CCRLS library and the number of items owned by other CCRLS libraries borrowed and checked out by the CCRLS Member Library. Tabulation of net loans shall be provided by the College integrated library system. Each net loan shall be paid in the amount shown in Exhibit 1. Payments shall be made quarterly as provided herein.
- b) City of Newberg Only:
  - i) In consideration for participation in the College system and in lieu of taxes, since the CCRLS Member Library is outside the area taxed to provide this service, the CCRLS Member Library shall pay to the College the sum shown in Exhibit 1 on or before December 15 of each year; and
  - ii) In the interest of expanding library access to an unserved population, College will permit the City of Newberg to issue CCRLS basic library cards to applicants who reside in that portion of Yamhill County that is within the boundaries of the Portland Community College district, including the City of Dundee.
- c) The College will invoice CCRLS Member Library for services and licensing provided through group purchases quarterly or annually as more specifically described in 1)b)i)(2). (Including but not limited to §v, w, x) and fees described in 1)b)i)(3).
- d) Payments made or invoices issued under this agreement, either for full or partial payment, shall reference the College contract number written herein.



**10699400 Exhibit 1**  
**FY 2023–2024 Compensation Schedule (July 1, 2023 – June 30, 2024)**

**Non-Resident Library Service Fee to CCRLS Participating Entity Library by College**

Library	Annual Amount	Quarterly Payment
<b>Amity Public Library</b>	<b>\$7,935</b>	\$1,983.75
<b>Chemeketa Community College Library</b>	<b>\$2,294</b>	\$573.50
<b>Dallas Public Library</b>	<b>\$160,966</b>	\$40,241.50
<b>Dayton Library (Mary Gilkey City Library)</b>	<b>\$9,019</b>	\$2,254.75
<b>*Grand Ronde Tribal Library</b>	<b>\$0.00</b>	\$0.00
<b>Independence Public Library</b>	<b>\$60,554</b>	\$15,138.50
<b>Jefferson Public Library</b>	<b>\$34,769</b>	\$8,692.25
<b>Lyons Public Library</b>	<b>\$14,401</b>	\$3,600.25
<b>McMinnville Public Library</b>	<b>\$219,195</b>	\$54,798.75
<b>Monmouth Public Library</b>	<b>\$64,329</b>	\$16,082.25
<b>Mt. Angel Public Library</b>	<b>\$28,414</b>	\$7,103.50
<b>Newberg Public Library</b>	<b>\$107,738</b>	\$26,934.50
<b>Salem Public Library</b>	<b>\$689,303</b>	\$172,325.75
<b>Sheridan Public Library</b>	<b>\$14,293</b>	\$3,573.25
<b>Silver Falls Library District</b>	<b>\$115,603</b>	\$28,900.75
<b>Stayton Public Library</b>	<b>\$133,815</b>	\$33,453.75
<b>Willamina Public Library</b>	<b>\$12,274</b>	\$3,068.50
<b>Woodburn Public Library</b>	<b>\$95,469</b>	\$23,867.25

**\*Grand Ronde live circ date was 6/8/2022**

**Net Loan Payment to CCRLS PARTICIPATING ENTITY by College:** The net loan payment rate for fiscal year 2023-2024 shall be \$1.50 per item.

**Participation Payment to College (City of Newberg Only):** The participation payment to College by the City of Newberg for fiscal year 2023-2024 shall be \$181,837.98.



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

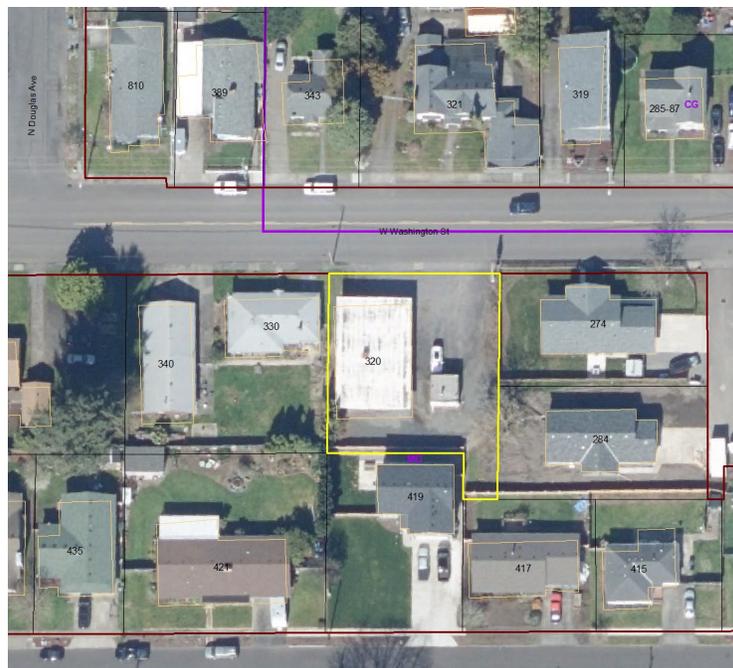
**TO: Mayor Brian Quigley and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: June 5, 2023**  
**SUBJECT: Comprehensive Plan Map and Zone Map Amendments,  
 320 W Washington St**

**ISSUE**

The issue before the City Council is a public hearing on applications to amend the Comprehensive Plan Map and the Official Zoning Map for the property at 320 W Washington St. The Comprehensive Plan Map amendment is from Residential to Commercial. The Official Zoning Map amendment is from Medium Density Residential to Commercial General. Following the public hearing, the Council will be requested to consider Ordinance 1062 to amend the Comprehensive Plan Map and the Official Zoning Map.

**BACKGROUND INFORMATION**

The subject property is comprised of a 0.23-acre parcel addressed as 320 W Washington St. The parcel is developed with a building that has been the location of Stayton Dry Cleaners for the past fifty-plus years. The parcel is shown below in a March 2020 aerial photo:



Between the time zoning was enacted and 2018, the property had been designated Commercial and zoned Commercial General. In 2018, the city initiated a zoning amendment in several areas of the City to reduce the number of nonconforming single family dwellings. At that time the Comprehensive Plan designation was changed from Residential to Commercial and the Zoning from Commercial General to Medium Density Residential.

The property had been in continual commercial use until several months ago when the dry cleaner closed. The applicant has a contract to purchase the property and intends to move their existing business to this location.

### **ANALYSIS**

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

The application consists of the application form, the applicant's narrative, and an analysis required by the state's Transportation Planning Rule.

Similar to the application that was before the Council last month, there is a recommendation to impose a cap of no more than 400 vehicle trips per day from future development or use of the property.

### **RECOMMENDATION**

The Planning Commission has recommended approval, as indicated in the attached order.

The staff also recommends approval as reflected in the draft ordinance that is included in the packet, which includes the recommended cap on vehicle trips from the property.

There may be testimony at the public hearing that requires 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 and the first consideration of Ordinance 1062**

Move to approve the application of Jason Jenniches (Land Use File #3-02/23) and Ordinance 1062 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 1062 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 1062 will be brought before the Council for a second consideration at the June 19, 2023 meeting.

#### **2. Approve the application and Ordinance 1062 with modifications**

Move to approve the application of Jason Jenniches (Land Use File #3-02/23) and Ordinance 1062 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

1062 will be brought before the Council for a second consideration at its June 19, 2023 meeting.

**3. Deny the application**

Move to deny the application of Jason Jenniches (Land Use File #3-02/23) and direct staff to prepare a draft Order of Denial for consideration by the City Council.

**4. Continue the hearing until June 19, 2023.**

Move to continue the public hearing on the applications Jason Jenniches (Land Use File #3-02/23) until June 19, 2023.

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

Move to close the hearing on the applications of Jason Jenniches (Land Use File #3-02/23) but maintain the record open to submissions by the applicant until June 19, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on July 3, 2023.

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

Move to continue the deliberation on the applications of Jason Jenniches (Land Use File #3-02/23) until June 19, 2023.

Submit Via Email



CITY OF STAYTON
APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: Yakis Feokhista
Address: 320 W Washington
City/State/Zip: Stayton OR 97383
Phone: (971) 218-2115 Email:

APPLICANT: Jason Jenniches
Address: 1160 Highland DR
City/State/Zip: Stayton OR 97383
Phone: (971) 218-9073 Email: jamie-jenniches@yahoo.com

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

CONSULTANTS: Please list below planning and engineering consultants.

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

ENGINEERING
Name: Mike Ard
Address: 17790 SW Dodson Dr
City/State/Zip: Sherwood OR 97140
Phone: (503) 537-8511
Email: mike.ard@gmail.com > wrote.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner [ ] applicant [X] applicant's representative [ ] planning consultant [ ] engineer [ ]

LOCATION:

Street Address: 320 W Washington, Stayton, OR 97383
Assessor's Tax Lot Number and Tax Map Number: 091W10CA05500
Closest Intersecting Streets: Douglas

CURRENT ZONE MAP DESIGNATION: Residential

PROPOSED ZONE MAP DESIGNATION: Commercial

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/21/23 Fee Paid: \$ 2000.00 Receipt No. 193248933PT
Land Use File# 3-02/23

Submit Via Email



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: Feoktista yakis
Address: 320 Washington St
City/State/Zip: Stayton OR 97383
Phone: ( ) - Email:

APPLICANT: Jason Jenniches
Address: 1160 Highland Dr
City/State/Zip: Stayton OR 97383
Phone: (971) 218-9073 Email: jamiel-jenniches@yahoo.com

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

CONSULTANTS: Please list below planning and engineering consultants.

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

ENGINEERING
Name: 17790 SW Dodson Dr
Address: Sherwood OR 97140
City/State/Zip:
Phone: (503) 537-8511
Email: Mike.ard@gmail.com > write.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: From Residential to

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

LOCATION:

Street Address: 320 W Washington St

Assessor's Tax Map and Lot Number(s): 091W10CA05500

Closest Intersecting Streets: Douglas

SIGNATURE OF APPLICANT: [Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/21/23 Fee Paid: \$2000.00 Receipt No. 193248933PT

Land Use File# 3-02/23

Comprehensive Plan Map and Zoning Map Amendment  
for  
Jamie & Jason Jenniches

320 W. Washington Street (091W10CA tax lot 5500)



February 21, 2023

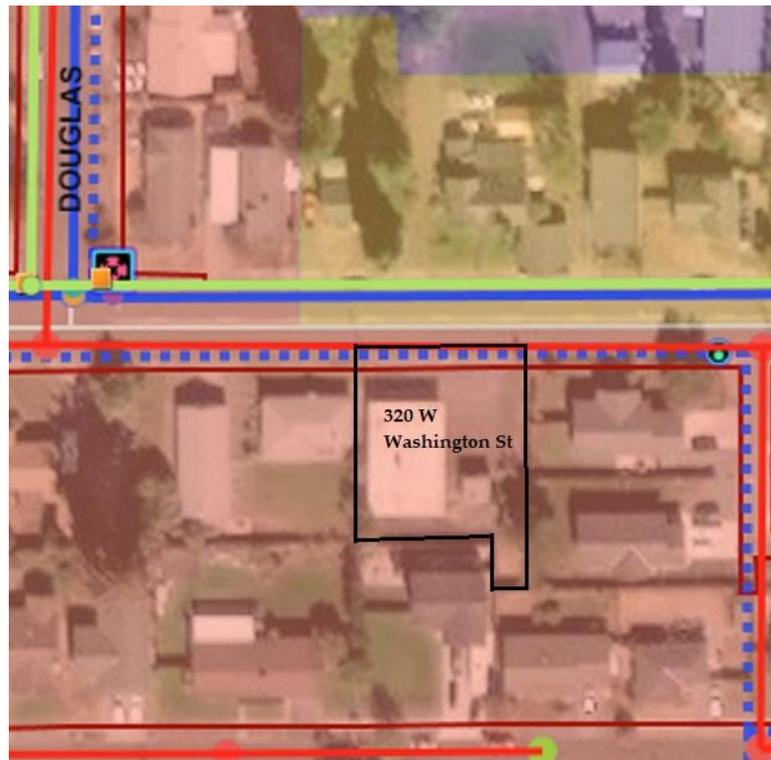
Jason & Jamie Jenniches

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## I. Project Description

Jamie & Jason Jenniches requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they are under contract to purchase located at 320 W. Washington Street, Stayton, OR. The subject property is legally described as tax lot 5500, 091W10CA and contains 0.23 acres. The property is located in the 300 block of W. Washington Street a commercial drycleaning business is currently located on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation on the property back to Commercial General (CG) which it was previously zoned and the Comprehensive Plan Map designation to Commercial.

This property was previously zoned as Commercial General (CG) with a Commercial Comprehensive Plan Map Designation and the property has been in operation as a commercial building since 1961. As shown on the Zoning Map below, the subject property is bordered on its northern boundary by property currently zoned Commercial General (CG). These properties also carry a Commercial Comprehensive Plan Map designation. With approval of the proposed zoning change, this property will be changed back to its original and the correct zoning.



The applicant is submitting this application to ensure continued use of this building doing fabric alterations, specifically custom upholstery work. The requested amendment is necessary to facilitate the sale of this building and continue operation as a commercial building for local small businesses.

## Public Utilities

The subject property is well served by existing public utilities as shown on the City's GIS system. Stormwater lines, Water & sanitary sewer service is in place and currently servicing the property in W. Washington Street to the north. A review of the City's water and sanitary sewer master plans indicate the subject property is located in an area of the city where all public facilities should have sufficient capacity to serve the property and have been doing so for 64 years.

## Transportation

The subject property is also well served by improved city streets. The City's Transportation System Plan classifies N. 1st Avenue east of the site as a Major Arterial, sanitary sewer service is, North of the site, as a Neighborhood Collector, and W. Washington Street that run along the north boundaries of the site is also a Major Arterial. As part of the application package, the applicant hired a Transportation Engineer to prepare an analysis regarding compliance with the Transportation Planning Rule (TPR).

The Analysis Letter submitted with this application finds the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation system as the current use of the property would not be changing with the zone change to ensure the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule.

## II. Application Approval Requests

The applicant is seeking concurrent review of the following requests with this application:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment

## III. Application Materials

The following items are included with this application:

- Land Use Application
- Project Narrative
- TPR Analysis Letter

## IV. Review of Applicable Approval Criteria

Comprehensive Plan Map and Zoning Map amendment requests are required to comply with the code criteria found in the Stayton Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code sections are reviewed in this narrative:

<u>Section</u>	<u>Title</u>
Section 17.12.170	Comprehensive Plan Amendments
Section 17.12.180	Zoning Map Amendments

### Section 17.12.170 Comprehensive Plan Amendments

1. **Purpose** - The Comprehensive Plan is the City's official and controlling land use

document, guiding public and private activities that affect Stayton's growth, development, and livability. ... This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.

**Response:** *A review of all applicable Comprehensive Plan text, goals, policies, and actions is included below.*

2. **Definition** - A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative or quasi-judicial amendments.  
**Response:** *The proposed Comprehensive Plan map amendment has been initiated by a future private property owner and will be processed as a quasi-judicial amendment.*
  
3. **Initiation** - A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.  
**Response:** *The future owner of the subject property has submitted this application for review.*
  
4. **Method of Adoption** - Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed by the City Council. All proceeding shall be conducted in accordance with this Chapter.  
**Response:** *The City Council will adopt an ordinance with approval of the application request.*
  
5. **Submittal Requirements:**
  - a. Completed Application form
  - b. Evidence of interest in the property
  - c. Map showing property
  - d. Narrative statement explaining the request
    - 1) Statement of water, sewer, storm, transportation, park, and school availability.
    - 2) Statement of increased demand of above facilities generated by the proposed change.
    - 3) Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with project demand.
    - 4) Traffic impact analysis in accordance with Section 17.26.050.3.
    - 5) Statement outlines the method and source of financing required to provide those additional facilities identified in subsection 3) above.
  - e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.  
**Response:** *All of the items required by this section are included with the application package. The applicant is requesting both a Comprehensive Plan Map amendment to change the Comprehensive Plan map designation from Residential to Commercial and a Zoning Map amendment to change the zoning designation*

*from Medium Density Residential (MD) to Commercial General (CG).*

## 6. Approval Criteria

### b. Quasi-judicial Amendment

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.

*Response: As reviewed below, the proposal to change the Comprehensive Plan Map designation of 0.23 acres from Residential to Commercial is consistent with applicable Comprehensive Plan goals and policies and statewide planning goals. The subject property is not located within a relevant area plan. Each applicable Comprehensive Plan goals or policies is reviewed below followed by a review of the Statewide Planning Goals. Based on this review, this criterion is satisfied.*

## **City of Stayton Comprehensive Plan**

### Chapter 4 - Transportation

Goal. Provide a transportation system that enhances the safety and security of all transportation modes.

Policy T-5 It is the Policy of the City to improve safety and operational components of existing transportation facilities.

*Response: As reviewed in the submitted TPR Analysis, will ensure that the zone change does not result in a significant effect on the transportation as defined under Oregon's Transportation Planning Rule.*

Goal. Provide a transportation system that supports existing industry and encourages economic development in the city.

Policy T-19. It is the Policy of the City to provide a transportation system that supports the movement of goods and delivery of services throughout the city while balancing the needs of all users and preserving livability in residential areas and established neighborhoods.

*Response: As reviewed in the submitted TPR Analysis, the zoning change will not have a change on the current traffic impact*

### Chapter 5 - Public Facilities and Services

Goal - Urban development will occur in areas with existing services and in those area where future extensions of those services can be provided in the most feasible, efficient, and economical manner,

*Response: The subject property is located in an area currently served by water, sewer, stormwater, and transportation facilities. As reviewed above, these facilities in the vicinity of the subject property are adequate to serve future development. This condition will not change with approval of this request.*

### Chapter 6 - Housing

Goal - Existing and future residents will be provided a choice of housing types in safe and healthful housing.

Policy HO-1. It is the Policy of the City to encourage development of housing that meets the needs of all income groups of existing and future residents,

Policy HO-4. It is the Policy of the City to encourage the maintenance, conservation

and enhancement of existing residential area and housing stock.

**Response:** *The proposal to change the designation of 0.23 acres of residential land to commercial will have not affect the ability of the city to comply with this goal and policies. The subject property currently abuts existing commercially designated properties along its western and southern boundaries.*

#### Chapter 7 - Economy

Goal - It is the Policy of the City to enhance and protect the vitality of Stayton's existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City and encouraging the diversification of goods and services available to residents.

Policy EC-2. It is the Policy of the City to enhance and protect the vitality of Stayton's

Existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the city and encouraging the diversification of goods and services available to residents.

**Response:** *The proposal to change the designations of this property from residential to commercial is expected to improve the city's service sector by facilitating the continued use of a commercial building by a local small business. The subject property is well suited to accommodate this use given its location and size and the location of existing public facilities.*

#### Chapter 8 - Land Use

The discussion in this chapter addresses Statewide Planning Goals 9 (Economy), 10 (Housing), and 14 (Urbanization). As reviewed in this chapter the proposal is consistent with the goals policies in this chapter and applicable Statewide Planning Goals.

Goal - Provide for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals.

Policy LU-1 It is the Policy of the City to adopt a zoning map consistent with the Comprehensive Plan Map.

**Response:** *As reviewed below, the proposal is expected to marginally affect the ability of the city to comply with the requirements of Statewide Planning Goals 9, 10, and 14.*

### Statewide Planning Goals

#### Goal 1: Citizen Involvement

**Response:** *The city's review process includes citizen involvement opportunities by sending a public notice to adjoining property owners, sending a notice of the proposal to the Department of Land Conservation and Development, publishing a notice of the public hearing in the local newspaper, and holding public hearings before the Planning Commission and City Council. With these actions, this goal is satisfied.*

#### Goal 2: Land Use Planning

**Response:** *The City of Stayton has a Comprehensive Plan acknowledged by the Department of Land Conservation and Development (DLCD). Notice of the proposal*

*will be sent to DLCD as required. This goal is satisfied.*

Goals 3 and 4: Agriculture and Forest Lands

*Response: Because the subject property is located within the existing city limits these Goals are not applicable.*

Goal 5: Natural Resources

*Response: The subject property contains 0.23 acres with an existing commercial structure. The subject property does not contain any known natural resources. This goal is satisfied.*

Goal 6: Air, Land, and Water Resources

*Response: The subject property is located within the existing city limits and as such is designated for development. Any future development/redevelopment of the property will comply with this Goal. This goal is satisfied.*

Goal 7: Natural Hazards

*Response: The subject property is generally flat and does not contain any known natural hazards. This goal is satisfied.*

Goal 8: Recreational Needs

*Response: The City already has an adopted Parks Master Plan identifying community recreational needs. The subject property is not identified for any future park amenity. This goal is satisfied.*

Goal 9: Economic Development

*Response: This Goal requires the city to provide adequate opportunities for a variety of economic activities. Approval of this request will help to facilitate a small increase (0.23 acres) in the area of Commercially designated property. This goal is satisfied.*

Goal 10: Housing

*Response: Approval of the request is expected to reduce the area of Residential property by 0.23 acres. The City's buildable lands inventory and housing needs analysis (Table 8-3) indicates the city had 138 acres of vacant residential buildable land in the existing city limits and as shown on Table 8-4, there were an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the city had over 1,000 acres of residential land, at that time, the request to change 0.23 acres from Residential to Commercial will result in a decrease of this supply by less than 3/10 of one percent. This goal is satisfied.*

Goal 11: Public Facilities

*Response: The subject property is served by sanitary sewer and water service and this will not change with approval of this request. Following approval, the applicant's plan is to continue using the property in similar fashion to its current use. This development is not expected to result in a significant increase in water or sanitary sewer use from current levels. This goal is satisfied.*

Goal 12: Transportation

**Response:** *This Goal is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan and a Transportation Planning Rule Analysis, prepared by Ard Engineering is included with the application package. As reviewed in this analysis, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

Goal 13: Energy Conservation

**Response:** *The proposal will have no effect on the ability of the city to comply with this goal. This goal is satisfied.*

Goal 14: Urbanization

**Response:** *The proposal satisfies the objective of this Goal by accommodating additional commercial development within the existing Urban Growth Boundary as planned. This goal is satisfied.*

Goals 15 - 19:

**Response:** *These goals are not applicable.*

- 2) The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with project needs for such lands in the Comprehensive Plan.  
**Response:** *The subject property current use of this property will not be changing. This criterion is satisfied.*
  
- 3) Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.  
**Response:** *As reviewed above, the proposal complies with all applicable statewide planning goals. An exception to these Goals is not needed or requested. This criterion is satisfied.*
  
- 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).  
**Response:** *As detailed in the TPR Analysis included with this application, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

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

*Response: The City's buildable lands inventory and housing needs analysis is contained in Chapter 6, Housing and Chapter 8, Land Use in the Comprehensive Plan. Tables 8-3 8-4 of the Plan indicates the city had 138 acres of vacant residential buildable land in the existing city limits and an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the city had over 1,000 acres of residential land at that time, the applicant's proposal to change 0.23 acres from Residential to Commercial will decrease this supply by less than one percent. The proposal will have a negligible effect on the supply of buildable lands. This criterion is satisfied.*

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

*Response: As discussed above, public facilities including water, sanitary sewer, stormwater, and streets are available and adequate to serve uses allowed under the proposed Commercial plan designation and the buildings current use. This criterion is satisfied.*

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

*Response: The subject property has been in use as a commercial structure since 1961. This criterion is satisfied.*

7. Plan Map: Whenever any land is redesigned pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

*Response: Following approval of this request, the City will modify the Comprehensive Plan Map to reflect the new Commercial designation on the subject property.*

## **Section 17.12.180 Zoning Map Amendments**

### **1. Purpose:**

The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

*Response: The applicant requests approval to change the zoning designation for the property from Medium Density Residential (MD) to Commercial General (CG).*

### **2. Definition:**

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone

may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the city. Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the city from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

**Response:** *A concurrent request to change the Residential Comprehensive Plan Map designation on the property to Commercial is included with the applicant's request.*

### 3. Initiation:

An Official Zone Map amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.

**Response:** *This request has been initiated by the owner of the subject property.*

### 4. Method of Adoption:

Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.

**Response:** *The City Council will adopt an ordinance approving this request.*

### 5. Submittal Requirements:

In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:

**Response:** *All of the required items have been submitted.*

### 6. Approval Criteria:

In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.

#### b. Quasi-judicial Amendments.

- 1) The proposed zone is consistent with the Comprehensive Plan 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.

**Response:** *The applicant requests a concurrent Zoning Map and Comprehensive Plan Map amendments to change these designations on this property from Residential to Commercial. This criterion is satisfied.*

- 2) Existing or anticipated services (water, sanitary sewer, storm sewers, school, police,

and fire protection) can be accommodate potential development in the subject area without adverse impact not be affected service area.

**Response:** *As discussed above, all public facilities including water, sanitary sewer, stormwater, and streets are available and have sufficient capacity to serve uses allowed under the proposed zoning designation. This criterion is satisfied.*

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

**Response:** *A TPR Analysis prepared by a Transportation Engineer is included with the application package. As detailed in this document, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

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

**Response:** *A review of all applicable goals and policies from the Stayton Comprehensive Plan is addressed in criterion (1), Section 17.12.170 above. As reviewed in this section, the proposal satisfies these goals and policies. This criterion is satisfied.*

- 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 land from any zoning designation.

**Response:** *As reviewed in criterion (5) of Section 17.12.170 above, the proposal to change the zoning designation for this property will result in a change of less than one percent of the City's residential building lands. The location of the subject property is unique in that it is the only property directly abutting the existing veterinary hospital and the owners purchased this property with the intent of expanding this facility onto the subject property. This criterion is satisfied.*

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

**Response:** *Notice of the proposal will be sent as required to the Department of Land Conservation and Development. This criterion is satisfied.*

- 7) The physical characteristics of the property proposed for rezoning area 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.

**Response:** *As reviewed above, the existing building has been used for commercial use since 1961. The physical characteristics of the property including availability of public services, location and characteristics of the*

*the site is appropriate to accommodate the proposed use and development of this use will not result in adverse impact on surroundings uses.*

## **V. Conclusion**

Jamie & Jason Jenniches request a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they are purchasing located at 320 W. Washington St, Stayton, OR. The subject property is legally described as tax lot 5500, 091W10CA and contains 0.23 acres. The property is located in the 300 block of W. Washington St and a commercial building is currently constructed on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation for the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial in order to continue the use of the commercial building by local small businesses. As demonstrated above, the proposal complies with all applicable criteria and the applicant respectfully requests the application be approved.





21370 SW Langer Farms Pkwy  
Suite 142, Sherwood, OR 97140

## Technical Memorandum

**To:** Jamie Jenniches

**From:** Michael Ard, PE

**Date:** February 21, 2023

**Re:** 320 W Washington Street – Zone Change Analysis

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This memorandum is written to provide information and analysis related to a proposed zone change for the property located at 320 W Washington Street in Stayton, Oregon. The subject property is currently zoned “MD” Medium Density Residential and is proposed to be rezoned to “CG” Commercial General.

The subject property was previously zoned CG and was home to the Stayton Cleaners dry-cleaning business. Although the dry cleaner is currently closed, a Google Street View image taken in June 2019 confirms that the dry-cleaning business was open at the time that the zoning was changed from CG to MD. Accordingly, the city’s most recent Transportation System Plan (also dated June 2019) was prepared while the property was still in active commercial use.

The Google Street View image is shown below.



320 W Washington Street (Photo dated June, 2019)



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February 21, 2023  
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The City initiated the zone change process on the property without a request or explicit agreement from the property owner. Since the dry-cleaning building on the subject property remains on the site and is not suitable for residential use, the re-zoning of the property led to a situation in which the building can neither be used as a residence nor occupied by a commercial business without initiating a zone change and/or rebuilding the existing structure on the site. As such, the property is proposed for rezoning back to the prior CG commercial zoning.

In order to assess the potential transportation impacts of the proposed zone change, an estimate of the trips generated under the “reasonable worst case development scenario” was prepared for the existing and proposed zoning. The potential change in trips thereby represents the maximum increase in traffic which could be attributed to the proposed zone change.

#### ***EXISTING ZONING - TRIP GENERATION***

Under the existing MD zoning, the subject property can currently be developed with up to 12 dwelling units per acre. Based on the subject property’s size of 0.23 acres (10,000 sf), a maximum of 3 dwelling units could be constructed on the subject property. Since the minimum lot size permitted in the zone is 7,000 square feet, it was assumed that the three dwellings would take the form of a tri-plex on the property.

A trip generation estimate for the existing zoning was prepared using data from the *Trip Generation Manual, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 215, *Single-Family Attached Housing* and are based on the number of dwelling units.

The daily and peak-hour trip volumes projected under the existing zoning are detailed in Table 1 below. A detailed trip generation worksheet is also included in the attached technical appendix.

**Table 1 - Existing Zoning "Reasonable Worst Case Development Scenario"**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
3 Attached Dwelling Units	0	1	1	1	1	2	22

#### ***PROPOSED ZONING - TRIP GENERATION***

Under the proposed CG zoning, the subject property could be developed with a wide variety of commercial uses, including retail stores, a gas station, offices (including medical and dental offices), a fitness center, a hotel, an eating and drinking establishment, and an auto repair facility. Based on an examination of the permitted uses and assuming that any future building on the subject property could reasonably occupy up



to 25 percent of the land area, the land use resulting in the highest trip generation was determined to be a 2,500 square foot convenience store.

The trip generation estimate for the proposed zoning was again prepared using data from the *Trip Generation Manual, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 851, *Convenience Store* and are based on the gross floor area of the store.

It should be noted that convenience stores attract pass-by trips. Pass-by trips occur when drivers patronize a business while traveling along the adjacent roadway. Since the driver would travel on the adjacent roadway regardless of whether they stopped at the convenience store, these trips are not considered as “new trips” on the transportation system. Accordingly, the trip estimate must be adjusted to discount the pass-by trips. Based on ITE data, it is estimated that 51 percent of the site trips will be pass-by trips.

The daily and peak-hour trip volumes projected under the proposed zoning are detailed in Table 2 below. A detailed trip generation worksheet is also included in the attached technical appendix.

**Table 2 - Proposed Zoning "Reasonable Worst Case Development Scenario"**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
2,500 sf Convenience Store	78	78	156	63	60	123	1906
- 51% Pass-By Trips	-40	-40	-80	-39	-39	-78	-972
<b>Net Site Trips</b>	<b>38</b>	<b>38</b>	<b>76</b>	<b>24</b>	<b>21</b>	<b>45</b>	<b>934</b>

***EXISTING VERSUS PROPOSED ZONING - TRIP GENERATION COMPARISON***

Based on the analysis of the two reasonable worst case development scenarios, the potential increase in site trips resulting from the proposed zone change is detailed in Table 3 on the following page.

**Table 3 - Net Change in Trip Generation**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
Proposed Zoning Site Trips	38	38	76	24	21	45	934
- Existing Zoning Site Trips	0	-1	-1	-1	-1	-2	-22
<b>Net Change In Site Trips</b>	<b>38</b>	<b>37</b>	<b>75</b>	<b>23</b>	<b>20</b>	<b>43</b>	<b>912</b>

In general, zone changes which result in 400 or more added daily trips are deemed likely to have a significant impact of the transportation system and require a more detailed analysis of future conditions at



the planning horizon in order to identify any capacity or safety problems and facilitate identification of appropriate mitigation measures. Based on the analysis, the proposed zone change could result in significant impacts to the surrounding transportation system under the reasonable worst case development scenario, with 75 added trips during the morning peak hour, 43 added trips during the evening peak hour, and 912 added daily trips. Accordingly, some form of mitigation will be required to satisfy Oregon's Transportation Planning Rule.

### ***TRANSPORTATION PLANNING RULE ANALYSIS***

In order to allow the proposed zone change on the subject property, the City of Stayton must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed zone change.

#### **660-012-0060**

##### **Plan and Land Use Regulation Amendments**

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

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

No changes are proposed to the functional classification of existing or planned transportation facilities.

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

No changes are proposed to the standards implementing the functional classification system.

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

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

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



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 February 21, 2023  
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*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Under the reasonable worst case development scenario, the proposed zone change would result in 75 added trips during the morning peak hour, 43 added trips during the evening peak hour, and an increase of 912 daily trips. It is anticipated that traffic increases of this magnitude may result in a significant effect as measured at the planning horizon. Accordingly, some form of mitigation is required in order to approve the zone change application. Acceptable mitigation measures are described in OAR 660-012-0060(2).

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

Several potential mitigation options are then described under sub-sections (a) through (e). In this instance, mitigation is proposed pursuant to sub-section (d), which reads:

*(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*

One mechanism to ensure that future development under the proposed zoning does not result in a significant impact on surrounding transportation facilities is to apply a trip cap to the subject property. Since the prior zone change from CG to MD zoning was not initiated by the property owner and created a situation in which the existing building cannot reasonably be occupied for either residential or commercial uses, and since the city's Transportation System Plan was prepared while the subject property was in active commercial use, it is appropriate to maximize the level of commercial use which can occur on the subject property.

Based on the analysis, a trip cap limiting future development within the subject property to 400 or fewer average daily trips would ensure that the proposed zone change does not significantly affect the surrounding transportation system while maximizing flexibility for future commercial development on the subject property.



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### *CONCLUSIONS*

Based on the analysis, the proposed zone change reverting from MD zoning back to the prior CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted within the property at 320 W Washington Street. Accordingly, a trip cap of 400 average daily trips is proposed in conjunction with the proposed zone change. This trip cap is sufficient to ensure that the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. No other mitigations are recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at [mike.ard@gmail.com](mailto:mike.ard@gmail.com) or via phone at 503-862-6960.



## Appendix

# Trip Generation Calculation Worksheet



Land Use Description: Single-Family Attached Housing  
 ITE Land Use Code: 215  
 Independent Variable: Dwelling Units  
 Quantity: 3 Dwelling Units  
 Setting: General Urban/Suburban and Rural

## Summary of ITE Trip Generation Data

### **AM Peak Hour of Adjacent Street Traffic**

Trip Rate: 0.48 trips per dwelling unit  
 Directional Distribution: 31% Entering 69% Exiting

### **PM Peak Hour of Adjacent Street Traffic**

Trip Rate: 0.57 trips per dwelling unit  
 Directional Distribution: 57% Entering 43% Exiting

### **Total Weekday Traffic**

Trip Rate: 7.2 trips per dwelling unit  
 Directional Distribution: 50% Entering 50% Exiting

## Site Trip Generation Calculations

3 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	0	1	1
PM Peak Hour	1	1	2
Weekday	11	11	22

# Trip Generation Calculation Worksheet



Land Use Description: Convenience Store  
 ITE Land Use Code: 851  
 Independent Variable: Gross Floor Area  
 Quantity: 2.50      Thousand Square Feet

## Summary of ITE Trip Generation Data

### **AM Peak Hour of Adjacent Street Traffic**

Trip Rate:                    62.54 trips per ksf  
 Directional Distribution:            50% Entering            50% Exiting

### **PM Peak Hour of Adjacent Street Traffic**

Trip Rate:                    49.11 trips per ksf  
 Directional Distribution:            51% Entering            49% Exiting

### **Total Weekday Traffic**

Trip Rate:                    762.28 trips per ksf  
 Directional Distribution:            50% Entering            50% Exiting

## Site Trip Generation Calculations

2.50 ksf Convenience Store

	Entering	Exiting	Total
AM Peak Hour	78	78	156
PM Peak Hour	63	60	123
Weekday	953	953	1906

**ORDINANCE NO. 1062**

**AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE  
PLAN AND THE STAYTON ZONING MAP FOR PROPERTY LOCATED  
AT 320 W WASHINGTON STREET**

WHEREAS, Jason Jenniches has a purchase and sale contract for 320 W Washington St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and a Zoning Map amendment from Medium Density Residential (MD) to Commercial General (CG) as to that property (“subject property”);

WHEREAS, the subject property is Tax Lot 5500 as shown on Map 91W10CA and is addressed as 320 W Washington St.

WHEREAS, the subject property is designated Residential by the Comprehensive Plan Map and zoned Medium Density Residential by the Official Zoning Map;

WHEREAS, the neighboring properties to the east and northeast, are zoned MD and are developed with single family dwellings. The neighboring properties to the south, are zoned MD and are developed with single family dwellings. The neighboring property to the west is zoned MD and is developed with two single family dwellings. The neighboring property to the north, across W Washington St, are zoned Commercial General and developed with single family dwellings;

WHEREAS, applications for an amendment to the Comprehensive Plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.170.6.

WHEREAS, applications for an amendment to the Official Zoning Map are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.180.5.

WHEREAS, following a public hearing on April 24, 2023, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the applications;

WHEREAS, the Stayton City Council held a public hearing on June 5, 2023, and, pursuant to SMC 17.12.170.6 and SMC 17.12.180.5, makes the following findings regarding each of the approval criteria:

**Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.**

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

Findings: The Comprehensive Plan describes the purposes of the Commercial and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. Goals and Policies within the Comprehensive Plan that provide some direction regarding this application include the goal for public facilities and services that urban development will occur in areas with existing services and the goal to enhance and protect the vitality of the existing commercial and service sector. The

subject site is served by existing utilities and will not require an extension of the public services. This application has been submitted to allow continued use of the subject property as commercial.

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

Findings: The subject property has historically been in commercial use since at least 1963 when the existing building was constructed. The property, and surrounding properties were zoned Commercial General in the late 1970s, when the original zoning map was prepared. The City initiated a zone map amendment in 2018, in order to reduce the number of non-conforming residential properties in the commercial zones. This property has been in commercial use since that time.

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

Findings:

Goal 1 is in regard to citizen involvement. The application is subject to the public hearing standards established in SMC 17.12.090 and 17.12.100 and Oregon Revised Statutes 227.160 to 186. Two public hearings were held on the applications.

Goal 2 is in regard to land use planning. The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in May 2013. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regard to the preservation of agricultural lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 4 is in regard to the preservation of forest lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 5 is in regard to open spaces, scenic and historic areas, and natural resources. There are no "Goal 5 Resources" identified in the Comprehensive Plan on or adjacent to the subject properties.

Goal 6 is in regard to air, water and land resources. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 7 is in regard to areas subject to natural disasters and hazards. There are no identified natural hazards on this property.

Goal 8 is in regard to recreation. The City has a Parks Master Plan that addresses the recreational needs of the community. This property is not identified for any future recreational facilities.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The subject property has been in commercial use and was previously designated as

Commercial Amendment of the Comprehensive Plan Map designation to Commercial would increase opportunity for economic activity in the City and would implement the adopted Economic Development Strategy of supporting the expansion of existing businesses.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of about 0.06% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what was projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment had been zoned CG since the adoption of city-wide zoning in the mid-1970s. In 2018 the Planning Commission identified a number of areas in the City that were zoned Commercial but in residential use and initiated a Comprehensive Plan amendment to decrease the number of non-conforming uses throughout the City. The subject property was among the properties for which the Comprehensive Plan designation was changed from Commercial to Residential at that time.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan. The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 2,500 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 934 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 400 daily trips. The analysis concluded that if a trip cap of 400 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the expansion of an existing business within the city limits.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

Goals 15 through 19 are regarding the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively. The City is not located on the Willamette River or on the Oregon Coast.

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

Findings: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 2,500 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 934 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 400 daily trips. The analysis concluded that if a trip cap of 400 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system.

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

Findings: There are 1,824 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicated that there were 921 buildable acres of land inside the UGB and outside of the City Limits. Since that time there have been about 55 acres of residential land annexed, 8 acres of commercial land annexed, and 10 acres of industrial land annexed. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there were 144 acres of buildable land in the City zoned for residential use. The Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. This amendment would result in a decrease of 0.23 acres in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be needed during the planning period.

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

Findings: There is a 12-inch water main in W Washington St. There is an 8-inch sewer main in W Washington St. There is a 10-inch storm main in W Washington St.

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

Findings: Neighboring properties on the south side of W Washington St are all single family dwellings in the MD zone. The neighboring properties on the north side of W Washington St are single family dwellings and a photography studio in a mix of MD and CG zoning. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 400 daily trips.

**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.*

Findings: There is a concurrent application to amend the Comprehensive Plan Map designation from Residential to Commercial.

- 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.*

Findings: There is a 12-inch water main in W Washington St. There is an 8-inch sewer main in W Washington St. There is a 10-inch storm main in W Washington St.

- 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).*

Findings: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 2,500 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 934 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 400 daily trips. The analysis concluded that if a trip cap of 400 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system.

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

Findings: Three categories of Comprehensive Policies are appropriate to look at with this application: housing, economic, and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The property is currently developed with a commercial building and has not been in residential use for at least the past 60 years.

There are no economic policies in the Comprehensive Plan directly related to this application.

Policy LU-1 is that the City will adopt a zoning map consistent with the Comprehensive Plan Map. This policy is to be implemented by an action that zoning district boundaries are to follow property lines and rights of way centerlines as much as practicable.

- 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.*

**Findings:** There are 12 vacant lots within the City that are zoned MD, with a combined area of 25.2 acres. There are 9 vacant lots zoned CG, with a combined acreage of 15 acres. The subject has historically been in commercial use and the proposed amendment would allow commercial use to continue.

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

**Findings:** The applicant provided an analysis required by OAR 660-012-0060.

- 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.*

**Findings:** The subject property is flat and level. The property is already developed with a building and parking area.

WHEREAS, pursuant to the findings above, the City Council concludes that the Comprehensive Plan amendment and Zoning Map amendment are compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Comprehensive Plan Map Changed.** Based on the Findings and Conclusions set forth above, the Stayton Comprehensive Plan Map is amended as follows:

Area to be changed from Residential to Commercial

Beginning at a point on the centerline of W Washington St at a point opposite the west property line of Tax Lot 5500 of Marion County Assessor's Map 091W10CA, then proceeding southerly along the west property line of Tax Lot 5500 of Marion County Assessor's Map 091W10CA to the southwest corner of the tax parcel; thence easterly along the south property line of Tax Lot 5500 a distance of 75 feet; thence southerly a distance of 25 feet; thence easterly a distance of 20 feet to the southeast corner of Tax Lot 5500; thence northerly along the east lot line of Tax Lot 5500 to the centerline of W Washington St; thence westerly along the centerline of W Washington St to the point of beginning.

A portion of the revised Comprehensive Plan Map, illustrating the amendments to the Comprehensive Plan Map is included as Exhibit A, attached hereto and incorporated herein.

**Section 2. Zoning Map Changed.** Based on the Findings and Conclusions set forth above, the Stayton Official Zoning Map is amended as follows:

Area to be changed from Medium Density Residential to Commercial General

Beginning at a point on the centerline of W Washington St at a point opposite the west property line of Tax Lot 5500 of Marion County Assessor's Map 091W10CA, then proceeding southerly along the west property line of Tax Lot 5500 of Marion County Assessor's Map 091W10CA to the southwest corner of the tax parcel; thence easterly along the south property line of Tax Lot 5500 a distance of 75 feet; thence southerly a distance of 25 feet; thence easterly a distance of 20 feet to the southeast corner of Tax Lot 5500;

thence northerly along the east lot line of Tax Lot 5500 to the centerline of W Washington St; thence westerly along the centerline of W Washington St to the point of beginning.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit B, attached hereto and incorporated herein.

**Section 3. Trip Cap.** The land use actions taken in this ordinance are conditioned upon any development to be constructed or any use established on the subject property generating not more than 400 vehicle trips per day. Any application for development on the subject properties or any application for a change of use shall submit with the application a Transportation Impact Analysis or a Transportation Assessment Letter as provided for in the SMC that verifies the proposed development will conform to the trip cap limitations stated herein.

**Section 4. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor’s signing.

**Section 5.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 5th day of June, 2023.

CITY OF STAYTON

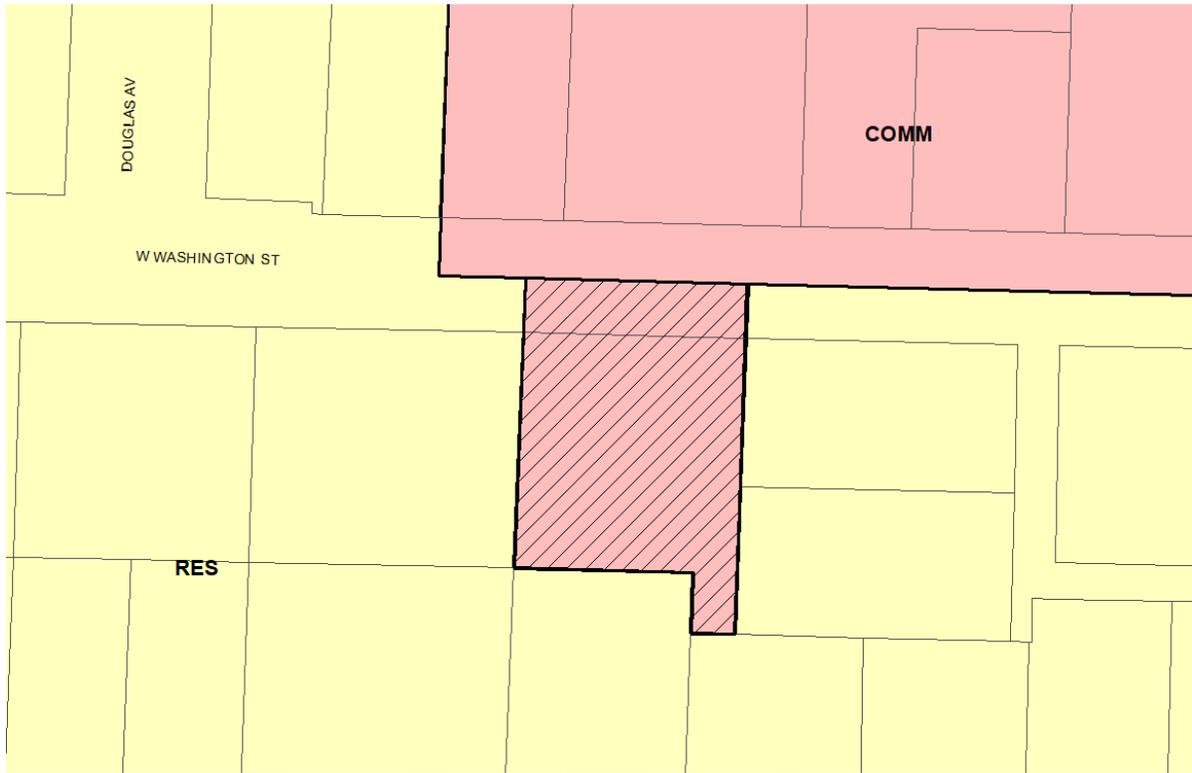
Signed: \_\_\_\_\_, 2023

BY: \_\_\_\_\_  
Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2023

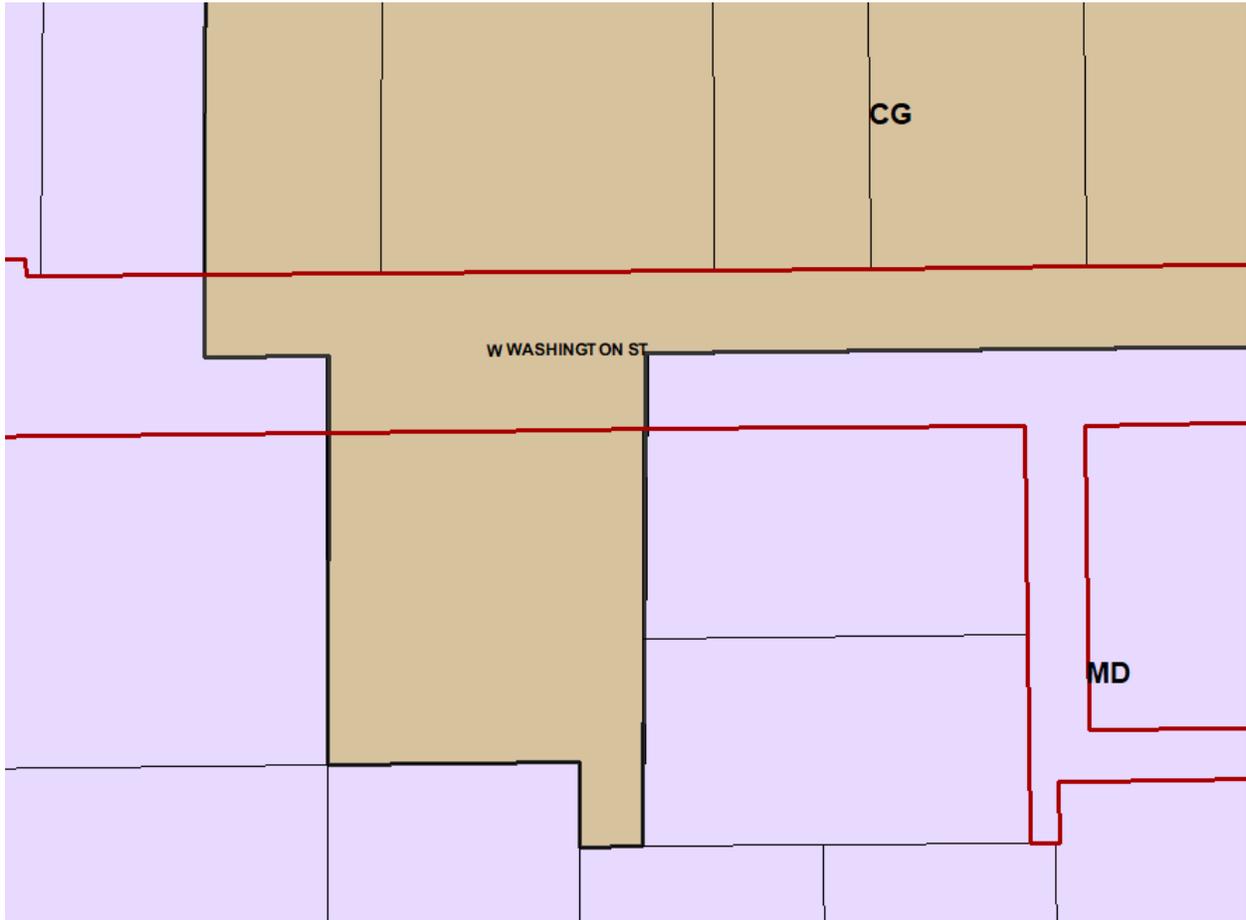
ATTEST: \_\_\_\_\_  
Julia Hajduk, City Manager

EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP



DRAFT

EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP





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

**TO:** Mayor Brian Quigley and the Stayton City Council  
**FROM:** Julia Hajduk, City Manager  
**DATE:** June 5, 2023  
**SUBJECT:** Appointment of Council member to the Adaptive Management Group (AMG)

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As part of the MOU with the Santiam Water Control District (SWCD), an Adaptive Management Group (AMG) was established to facilitate dialogue and collaboration between the City and the District. Per the MOU, the AMG membership is comprised of four members: the Manager of the District, a member of the Board of Directors of the District to be designated by the District, the City Public Works Director, and a member of the City Council to be designated by the City. There is not currently a City Council designee, therefore we are asking Council to identify a member to serve as the AMG member to represent the City at these meetings. Meetings are to occur annually and as needed to address matters of concern to the District and the City. We anticipate meetings being held every 2-3 months through the end of the year as we discuss an update to the water delivery contract. In addition, the City and District will be having conversations about stormwater requirements, the District's modernization project and Wilderness Park over the coming year.

Staff is requesting Council input on who will be appointed to serve on the AMG. Once a name is provided, a resolution will be prepared for formal appointment, via consent, at the next Council meeting.

**MOTION(S)**

N/A