

CITY OF SILVERTON

CITY COUNCIL REGULAR MEETING – 7:00 p.m., March 5, 2018

Silverton Community Center – Council Chambers – 421 South Water St.

Americans with Disabilities Act – The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City Clerk at 503-874-2216 at least 48 hours prior to the meeting.

A copy of the packet and materials, not privileged information under Executive Session Meetings Law, are available for review Monday through Friday 8:00 am to 5:00 pm in the City Manager's Office at the Silverton City Hall, located at 306 South Water Street. All documents will be available on our website at www.silverton.or.us.

AGENDA

- I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call**
- II. APPROVAL OF MINUTES** – Minutes from the work session held January 22, 2018 and the meeting held February 5, 2018
- III. OATHS OF OFFICE/PUBLIC RECOGNITION**
 - 3.1 Public Recognition – Maurice Leach**
- IV. PUBLIC COMMENT** – This is a business meeting of the City Council. The City values and welcomes public input. Please address the Council as a whole and not individual Council Members. Do not address Staff or members of the audience. Council action on items brought up in Public Comment is limited by the Open Meeting Law. The Council may direct Staff to study the matter and reschedule for further consideration at a later date. Items on the agenda will not be heard or discussed during Public Comment, but will be accepted at that place on the Agenda. Individuals are limited to three (3) minutes.
- V. SCHEDULED PRESENTATIONS**
 - 5.1 Gordon House annual presentation**
 - 5.2 National Fitness Campaign presentation – Charles Baldwin**
 - 5.3 Chamber of Commerce monthly report**
- VI. PUBLIC HEARING**
 - 6.1 Ordinance No. 18-04 – Public Hearing to consider an annexation application to annex 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits and zone the properties R-1, Single Family Residential with a concurrent Property Line Adjustment request with a Partition request to partition Taxlot 061W34BB 03600 into three parcels**
- VII. CONSENT AGENDA**
 - 7.1 Authorize the City Manager to sign an Intergovernmental Agreement with Marion County for Slurry Sealing**
 - 7.2 Authorize the City Manager to sign a Professional Services Agreement for the pre-design of the Screw Press Dewatering System**
 - 7.3 Resolution No. 18-08 – A Resolution to adopt Capital Improvement Plan update for Water, Sewer, Stormwater, and Street Improvements**

- 7.4 Approval of rental of the Oregon Garden to the Oregon Garden Resort from June 15, 2018 through June 18, 2018 for Brewfest
- 7.5 Authorize the City Manager to approve additional costs associated with the McClaine Street Sewer CCTV work

VIII. DISCUSSION/ACTION ITEMS

- 8.1 Public Comment on the demolition/deconstruction of the former Eugene Field School
- 8.2 Ordinance No. 18-05 – An ordinance amending Silverton Municipal Code Title 12 to add Chapter 12.55 to regulate use of city property and rights of way
- 8.3 Resolution No. 18-07 – A Resolution amending the City’s Administrative Fee Schedule
- 8.4 Ordinance No. 18-06 – Amending Silverton Municipal Code Chapter 3.12 Transient Occupancy Tax
- 8.5 Ordinance No. 18-07 – Granting A Non-Exclusive Telecommunications Franchise To Lightspeed Networks, Inc., Declaring An Emergency, And Stating An Effective Date

IX. APPOINTMENTS TO COMMITTEES AND ADVISORY GROUPS

- 9.1 Ratify appointment of Karolle Hughes to the Homeless/Housing Task Force

X. COUNCIL DISCUSSION

- 10.1 City Manager Update
- 10.2 Council communications

XI. EXECUTIVE SESSION – None Scheduled

XII. ADJOURNMENT

1 CITY OF SILVERTON
2 **CITY COUNCIL WORK SESSION MINUTES**

3 **Silverton Community Center – Council Chambers – 421 South Water St.**

4
5 **January 22, 2018, 6:00 PM**

6
7 **I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & roll call**

8
9 Mayor Palmer called the Special Meeting to order at 7:00 p.m.

Present	Absent	
X		Mayor Kyle Palmer
X		Council President Jason Freilinger
X		Jim Sears
X		Matt Plummer
X		Dana Smith
X		Laurie Carter
X		Rhett Martin

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27 Staff Present:

28 City Manager, Christy Wurster; Community Development Director, Jason Gottgetreu; and City Clerk, Lisa
29 Figueroa

30
31 **II. DISCUSSION/ACTION ITEMS**

32
33 **2.1 Update on Long-Range Financial Plan**

34
35 Finance Director Kathleen Zaragoza provided the Council with a document listing revenues and
36 expenditures. She said they listed the expenditures by departments. She reviewed the projections and
37 indicated the revenues do not cover the expenditures.

38
39 Finance Director Zaragoza suggested the Council continue to use the four year average for the forecast.
40 The Council discussed options and asked clarification questions. The Council indicated they would like to
41 see a graph that included all relevant funds. Finance Director Zaragoza stated staff will incorporate the
42 contingency funds that the Council authorized staff to create. She said the document includes operations
43 projections and there will be another piece that includes capital projects. She noted the 2017-2018
44 budgeted columns does not reflect beginning fund balances but only the items coming in as revenues that
45 year and going out as expenditures. She said those expenditures include items that could be considered
46 discretionary and transfers out, such as \$500,000 to the Civic Building Fund. She referenced the chart on
47 page two of the handout and indicated it appears the expenditures exceed the revenues because it does
48 not reflect the beginning fund balance but it does include the transfers. Staff suggested they list those
49 discretionary type transfers but pull them out so required expenditures are reflected. She also included a
50 graph showing the debt status of the City and indicated the City is in a better financial position than it was
51 14 years ago. There was discussion in regards to the long-term projections of transfers, contingencies
52 and setting money aside for Capital Improvement Projects.
53

1 The Council questioned whether the City received any revenue from marijuana sales. City Manager
2 Christy Wurster indicated it has been received. She noted that the Council and Budget Committee will
3 need to make a policy decision to determine whether they want to utilize those funds as one-time
4 expenditures or use them as on-going support for the operational budget.

6 **2.3 Review of System Development Charge Methodology and fees**

8 Steve Donovan, Donovan Enterprises provided a presentation on System Development Charges (SDC).
9 He reviewed the history of SDC and compared the Single Family Residential Total SDC rate of \$19,251 in
10 2013 versus \$20,818 in 2018. He said the City collected improvement fees but did not collect any
11 reimbursement fees prior to 2002. He said after Finance Director Zaragoza joined the City, she recreated
12 all the asset balances in the General Fund so the City could collect the reimbursement fees. The Council
13 asked what average should be used and Mr. Donovan indicated the City should use the 20 city average.
14 He said the parks SDCs have not been reviewed since 2008.

16 Mr. Donovan indicated SDCs collected for a specific service must be spent on that service but cannot be
17 used for maintenance or operations of capital improvements. He reviewed the limitations of SDCs and
18 explained SDCs cannot be used for existing deficiencies. The Council discussed island developments
19 that do not connect to other neighborhoods. Mr. Donovan indicated a Development Agreement is a tool
20 the City can use. He introduced SDC credits and explained they can also be used as a tool for the City in
21 addition to the conditions of approvals and development agreements.

23 City Manager Wurster said an evaluation of the SDC rates was included in the Council goals this year
24 and staff is looking for direction on whether staff should proceed, if a professional analysis should be
25 performed, and determine whether or not any adjustments to the rates should be made. The Council
26 commented on the presentation and a majority of the Council agreed to conduct a SDC analysis. City
27 Manager Wurster said the next step is to make sure all the Capital Improvement Plans (CIP) are up to
28 date so when staff selects a consultant, the consultant can analyze the projects to determine what the
29 appropriate SDC rate would be. She inquired whether the Council had a preference of which order the
30 CIPs should be updated. She indicated the Transportation System Plan update is currently underway.
31 The Council discussed whether a comprehensive review of the SDCs is needed. City Manager Wurster
32 indicated Staff may not look at a comprehensive review because each area is unique. Public Works
33 Director Christian Saxe provided information on reprioritizing projects and projects that were not included
34 in the CIPs and indicated Staff may be able to recommend a CIP readjustment list to the Council in April.
35 Mr. Donovan recommended reviewing the 90-day and 60-day notice requirements to the public prior to
36 changing any methodologies.

38 **2.4 Review of Time, Place, and Manner regulations for Marijuana Facilities**

39 Community Development Director Gottgetreu provided the staff report and reviewed the current
40 mandates for time, place and manner for marijuana facilities. He said separation standards do not exist
41 for retail facilities but local jurisdictions can adopt their own separation standards. He reviewed the
42 following:

- 44 • The current operation hours of 9:00 a.m. and 9:00 p.m. on Monday to Friday, 11:00 a.m. to 7:00
45 p.m. on Saturdays, and 9:00 a.m. and 6:00 p.m. on Sundays
- 46 • Whether edibles should be available at retail stores
- 47 • A map of available locations if the City Council adopted a 1,000 foot separation from retail store
48 to other retail store
- 49 • And the language of the code in regards to no requirements for background checks at retail
50 facilities.

51
52 The Council discussed the options and whether background checks should be required. Community
53 Development Director Gottgetreu questioned whether the Council would like to permit or prohibit gateway
54 areas into Silverton for marijuana facilities.

1 Colby Jackson, owner of the Lucky Leaf, said his store's hours are somewhat similar to liquor store hours
2 and suggested the Council consider 10:00 am to 7:00 pm. Monday through Saturday and 12:00 p.m. to
3 6:00 p.m. on Sunday. He suggested the Council consider allowing deliveries because the state allows it
4 and he has senior citizens who would benefit from deliveries. The Council asked who would perform the
5 deliveries and Mr. Jackson replied he would make the deliveries.
6

7 Noah Gillespie commented on the proposed ordinance. He indicated he submitted an application for a
8 new facility and said he believes allowing stores to remain open until 9:00 p.m. would be fine.
9

10 A consensus of the Council agreed to allow edibles to be sold in retail facilities, modify operation hours,
11 allow deliveries, require background checks and a 500-foot separation between retail stores.
12

13 **2.2 Review of Transient Business Licenses**

14
15 Community Development Director Gottgetreu presented the staff report and provided history on the
16 transient business license and business license. He said the current fee is \$200 for 90 days or \$800 a
17 year and the annual Business License is \$75. He said more permanent businesses are charged SDCs
18 based on what the City thinks their impact to the system would be but there are some transient
19 businesses that pay the transient business license fee and have been in Silverton for years, thus
20 essentially impacting the utility system. He indicated there is not a way to determine the impact on the
21 system from transient businesses and listed a possible approach to charging transient businesses:

- 22 • Provide a \$75 annual license to mobile food vendors
- 23 • Calculate an annual SDC charge for transportation-high turnover impacts
- 24 • Calculate an annual SDC charge for Stormwater impacts
- 25 • Charge an annual \$372.88 fee

26
27 The Council discussed the recommended options. City Manager Wurster indicated the Council may
28 implement a flat fee [by resolution] for transient businesses, and then a certain percentage of that fee
29 would be transferred to the Transportation Fund if they want to apply a portion of that fee to the
30 Transportation System. After further discussion, the Council questioned whether coffee carts fit into the
31 situation. City Manager Wurster indicated staff would like clarification on the definition of what is a
32 'transient business' and provided an example of the Old Oak Oven pizza cart, which is a food cart, but
33 rents a brick and mortar space to serve their customers. She also referenced a letter provided by Eric
34 Druliner for the Council's consideration. Community Development Director Gottgetreu said he would
35 review the traffic cost estimates, modify the 'transient business' definition to include whether transient
36 businesses would pay transportation SDCs and research the coffee carts issue. City Manager Wurster
37 indicated staff has direction on how to apply the business license fees as of January 1 this year based on
38 guidance from the Council.
39

40 Chamber of Commerce Executive Director Stacy Palmer commented on the discussion and said she
41 believes explaining the SDCs would not be an issue and questioned whether transient businesses would
42 be penalized after paying SDCs for 20 years versus a brick and mortar business.
43

44 **III. COUNCIL COMMUNICATIONS**

45
46 Councilor Plummer noted a Point in Time Homeless Count will be held on January 31.
47

48 City Manager Wurster indicated staff was contacted by the insurance company in regard to insuring the
49 Eugene Field property and indicated there were three options to insure the building:

- 50 • Insure the building for a \$4.3 million valuation with a \$15,000 per year premium
- 51 • Actual cash value of \$1,087,136 with \$3900 premium
- 52 • \$50,000 policy for debris removal only with a \$850 premium

53
54 City Manager Wurster indicated she instructed them to insure it for the actual cash value based on their
55 investment in the building.

1 **IV. ADJOURNMENT**

2
3 The Meeting adjourned at 9:52 p.m.

4
5 Respectfully Submitted By:

6
7 /s/Lisa Figueroa, City Clerk

DRAFT

3 Silverton Community Center – Council Chambers – 421 South Water St.

4
5 **February 5, 2018 – 7:00 p.m.**

6
7 **I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call**

8
9 Mayor Palmer called the meeting to order at 7:00 p.m.

	Present	Absent	
10			
11			Mayor
12	X		Kyle Palmer
13			
14			Council President
15	X		Jason Freilinger
16			
17	X		Jim Sears
18			
19	X		Matt Plummer
20			
21	X		Dana Smith
22			
23	X		Laurie Carter
24			
25	X		Rhett Martin
26			
27			

28 Staff Present:
29 City Manager, Christy Wurster; Chief of Police, Jeff Fossholm; Public Works Director, Christian Saxe;
30 Community Development Director, Jason Gottgetreu; and City Clerk, Lisa Figueroa

31
32 **II. APPROVAL of MINUTES – Minutes from the meeting held January 8, 2018**

33
34 Councilor Carter moved to approve the minutes as presented. Councilor Freilinger seconded the motion
35 and it carried unanimously.

36
37 **III. OATHS of OFFICE/PUBLIC RECOGNITION**

38
39 There were none scheduled.

40
41 **IV. PUBLIC COMMENT**

42
43 Don Kelley of Kelley & Associates spoke on behalf of BrucePac Industries. He said they are concerned
44 with the increase in water rates, which has increased their annual operations over \$30,000. He indicated
45 in the past BrucePac was invited to discuss increases and said they would like an opportunity to address
46 the proposed increases when they are presented to the Council for approval. He submitted a letter to the
47 Council for the record and the Council thanked Mr. Kelley for his comments.

48
49 Anthony Behrens said he is running for Marion County Circuit Court Judge and is visiting all the
50 communities in Marion County. He said he has served as a prosecutor, a Special Assistant Attorney
51 General, an Administrative Law Judge, a small business owner and has dedicated over 20 years to public
52 service. He indicated more information about him and his candidacy can be found on his website at
53 www.behrens4judge.com.

1 Joe Craig provided comments in regards to the plastic bag ban. He said the manufacturing of plastic bags
2 is detrimental to the environment and encouraged the Council to adopt a ban against single use plastic
3 bags.
4

5 Nolan Gillespie commented on the Council's work session discussion regarding time, place and manner
6 of marijuana retail operations. He suggested the Council consider extending the hours of operation
7 because he felt it would keep business in town rather than encouraging the public to purchase their
8 merchandise in other cities.
9

10 Charles Baldwin thanked the Council for their support of the Silverton Bike Committee, which has now
11 been established as the Transportation Advisory Committee. He said the City was designated a bike
12 friendly community by the League of American Bicyclists.
13

14 **V. SCHEDULED PRESENTATIONS**

15 **5.1 Sustainable Silverton presentation**

16 Mr. Baldwin and Elyce Brown spoke on behalf of Sustainable Silverton, a local organization. Ms. Brown
17 said their group is interested in conducting a study to see how Silverton can be proactive through
18 strategic energy planning similar to Hood River's program. She said the group is concerned about climate
19 change, its impact on Silverton's natural environment and resources and request the City Council adopt a
20 resolution stating:
21

- 22 a. The City acknowledges that both the climate and the energy sector are changing: on the one
23 hand, we are facing reduced snowpack and increased drought and forest fires, while on the other
24 hand, the ability to reduce emissions and increase the town's resiliency has never been more in
25 reach,
26
- 27 b. The City acknowledges the opportunity to make decisions about how those changes will look in
28 the City, rather than be pulled along with the tide and respond to challenges on the spur of the
29 moment, without a plan,
- 30 c. The City supports a study looking at opportunities and mitigation needs specific to Silverton, to be
31 carried out by the local grassroots, citizens group, Sustainable Silverton in partnership with the
32 City and is to be completed within the first half of this year, 2018.
33

34 The Council asked if any involvement is needed from the City and Mr. Baldwin stated they would like City
35 staff to be involved in the process. He indicated their group would compile the data. He said an evaluation
36 of statewide energy consumption has been conducted and they would include that data into their study,
37 however they would need the City's assistance to request a copy of that data for Silverton because it is
38 not available to the public. City Manager Wurster replied to add additional meetings to the Environmental
39 Management Committee's current schedule may impact the Public Works Department. Mr. Baldwin
40 indicated involvement from staff would be minimal to review the final survey data. After further discussion
41 a consensus of the Council agreed to support the organization, provide City involvement, and adopt a
42 resolution to acknowledge the reality of climate change, recognize the need to reduce energy use, and
43 state support for a study to mitigate climate change. Councilor Smith requested the water use issue noted
44 in the group's letter be part of the resolution. There were no objections from the Council.
45

46 **5.2 Chamber of Commerce monthly report**

47 Executive Director Stacy Palmer provided the monthly report. She indicated the Chamber received 5,329
48 contacts last month. She stated the Chamber has funds available from Judy's Party and is accepting
49 grant applications from local organizations. She indicated the Chamber will start a quarterly newsletter to
50 highlight upcoming events and Silverton attractions. She thanked everyone who assisted with the First
51 Citizen Banquet. She listed upcoming events, including the Chamber Golf Tournament on May 11, 2018
52 at Evergreen Golf Course.
53
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1 **VI. PUBLIC HEARING**

2
3 **6.1 Ordinance No. 18-02 and Ordinance No. 18-03 – Public Hearing to consider an annexation**
4 **application to annex 535 Short Street into the City Limits and zone the property R-1, Single**
5 **Family Residential with a concurrent Vacation request to vacate the Wilson Street Right-**
6 **of-Way south of Short Street**
7

8 Mayor Palmer opened the Public Hearing for the annexation application AN-17-02 at 8:01 p.m. He asked
9 if any Councilors wish to declare any ex-parte contacts or conflicts of interest. After hearing no comments,
10 he asked if any members of the public wish to challenge any members of the Council for bias and then
11 reviewed the Public Hearing procedures. Councilor Sears called point of order and asked for clarification
12 if a Public Hearing is needed for each Ordinance. Mayor Palmer indicated he planned to address each
13 ordinance separately.
14

15 Community Development Director Jason Gottgetreu provided the staff report. He said the Council
16 adopted Resolution No. 17-09, which allows the City to consider annexation applications under certain
17 conditions, such as reviewing properties less than two acres in size. He said this property is not subject to
18 the hold because it is smaller than two acres. He reviewed the annexation criteria and conditions of
19 approval. He stated the area is contiguous to the City limits and is within the Urban Growth Boundary. He
20 said the new property line would be located in the center of the Wilson Street Right-of-Way (ROW).
21

22 **Applicant's testimony**

23 The applicant, Fred Patterson, said he has lived at that property for 48 years. He said the septic tank and
24 leach field are failing and for the sake of his family he needs to be annexed into the City.
25

26 Mayor Palmer opened the floor for public comment. There were no comments in favor or opposed to the
27 annexation application.
28

29 Councilor Carter moved to close the Public Hearing. Councilor Sears seconded the motion and it carried
30 unanimously.
31

32 Mayor Palmer closed the Public Hearing at 8:16 p.m.
33

34 Councilor Sears moved to have the first reading of Ordinance No. 18-02, An ordinance of the Silverton
35 City Council annexing 0.115 acres of land located at 535 Short Street into the City Limits of the City of
36 Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map
37 061W34BD Tax Lot 02200 by title only. Councilor Smith seconded the motion and it carried unanimously.
38

39 City Manager Wurster read Ordinance No. 18-02 by title only.
40

41 Councilor Freilinger moved to pass Ordinance No. 18-02, An ordinance of the Silverton City Council
42 annexing 0.115 acres of land located at 535 Short Street into the City Limits of the City of Silverton,
43 Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map
44 061W34BD Tax Lot 02200 on its first reading. Councilor Carter seconded the motion and it carried
45 unanimously.
46

47 Councilor Sears moved to have the second reading of Ordinance No. 18-02, An ordinance of the
48 Silverton City Council annexing 0.115 acres of land located at 535 Short Street into the City Limits of the
49 City of Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County
50 Assessor's Map 061W34BD Tax Lot 02200 by title only. Councilor Carter seconded the motion and it
51 carried unanimously.
52

53 City Manager Wurster read Ordinance No. 18-02 by title only.
54

55 Councilor Freilinger moved to adopt Ordinance No. 18-02, An ordinance of the Silverton City Council
56 annexing 0.115 acres of land located at 535 Short Street into the City Limits of the City of Silverton,
57 Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map
58 061W34BD Tax Lot 02200 on its second and final reading. Councilor Sears seconded the motion and it
59 carried unanimously.

1
2 Mayor Palmer opened the Public Hearing at 8:21 p.m. for the Vacation application, VA-17-01. He asked if
3 any members of the Council wish to declare any conflicts of interest or ex-parte contacts. After hearing no
4 comments, he asked if any members of the public wish the challenge any members of the Council for
5 bias and then reviewed the Public Hearing process.
6

7 Community Development Director Gottgetreu provided the staff report to vacate a portion of Wilson Street
8 South of Short Street. The Council asked clarification questions in regards to the location of the water line
9 and the distribution of the vacation. He referenced Ordinance 05-33, which vacated lots of the Fronk's
10 Addition and a portion of Wilson Street lying South of Short Street but had another provision that allowed
11 the portion of Wilson Street lying north of the southerly boundaries to be vacated by a separate
12 ordinance. He said a water line currently exists in the ROW and indicated there is a condition to have a
13 15-foot easement over that pipe. He said there are no negative impacts on traffic circulation or
14 emergency service protection. He said the Planning Commission considered a condition to require a
15 pedestrian easement but decided against it because there are no mechanisms to connect to the private
16 property to the south. The Council asked clarification questions in regards to the location of the easement
17 and the conditions of approval.
18

19 **Applicant's testimony**

20 Mr. Patterson said that area of Wilson Street dead ends into a five-foot high wall and his family has used
21 that side of the road as a driveway. He said there was a pipeline installed by the apartment complex for
22 their utilities but they relocated their utilities in a different location and he will work with the City to
23 abandon that pipe in that section of the road.
24

25 Mayor Palmer opened the floor for public comment. There were no comments in favor or opposed to the
26 vacation application.
27

28 Councilor Freilinger moved to close the Public Hearing. Councilor Smith seconded the motion and it
29 carried unanimously.
30

31 Mayor Palmer closed the Public Hearing at 8:34 p.m.
32

33 Councilor Freilinger moved to have the first reading of Ordinance No. 18-03, An ordinance of the Silverton
34 City Council approving the vacation of the Wilson Street Right-Of-Way south of Short Street and zoning
35 the property R-1, Single Family Residential by title only. Councilor Smith seconded the motion and it
36 carried unanimously.
37

38 City Manager Wurster read Ordinance No. 18-03 by title only.
39

40 Councilor Carter moved to pass Ordinance No. 18-03, An ordinance of the Silverton City Council
41 approving the vacation of the Wilson Street Right-Of-Way south of Short Street and zoning the property
42 R-1, Single Family Residential on its first reading. Councilor Freilinger seconded the motion and it carried
43 unanimously.
44

45 Councilor Freilinger moved to have the second reading of Ordinance No. 18-03, An ordinance of the
46 Silverton City Council approving the vacation of the Wilson Street Right-Of-Way south of Short Street and
47 zoning the property R-1, Single Family Residential by title only. Councilor Sears seconded the motion and
48 it carried unanimously.
49

50 City Manager Wurster read Ordinance No. 18-03 by title only.
51

52 Councilor Freilinger moved to adopt Ordinance No. 18-03, An ordinance of the Silverton City Council
53 approving the vacation of the Wilson Street Right-Of-Way south of Short Street and zoning the property
54 R-1, Single Family Residential on its second and final reading. Councilor Sears seconded the motion and
55 it carried unanimously.
56

57 The Council recessed for a short break at 8:36 p.m. and reconvened at 8:45 p.m.
58
59

1 **VII. CONSENT AGENDA**

2
3 Councilor Sears moved to approve the consent agenda as presented. Councilor Freilinger seconded the
4 motion and it carried unanimously.

5
6 **7.1 OLCC Liquor License Application (Change to Full On-Premises - Commercial) for Silver**
7 **Falls Brewery, LLC. DBA: Silver Falls Brewery Ale House**

8
9 **7.2 Approval of the 2018 Budget for the Oregon Garden Foundation**

10
11 **7.3 Approval of the Third Restated Nonprofit Corporation Bylaws of the Oregon Garden**
12 **Foundation**

13
14 **7.4 Resolution No. 18-03 – A Resolution to Increase The Appropriations for City**
15 **Management and Police Personnel Costs**

16
17 **7.5 Resolution No. 18-04 – A Resolution To Add the McClaine Street Improvement Project**
18 **to the City’s Capital Improvement Plan**

19
20 **7.6 Allow City Manager the authority to enter into an Intergovernmental Agreement for**
21 **Municipal Court Judge**

22
23 **VIII. DISCUSSION/ACTION ITEMS**

24
25 **8.1 Resolution No. 18-05 – Resolution Adopting a Revised Building Division Fee Schedule**

26
27 Community Development Director Gottgetreu provided the staff report and indicated the last update was
28 in 2012. He said notices of the proposed increases were sent to the state and the Home Builders
29 Association, but the City did not receive any comments from either organization. He recommended
30 several amendments to Exhibit A:
31

32 Table A-1

\$100,001 to \$150,001	250,000	\$713.50	\$1227.10	\$1229.40	\$1229.40 for the first \$100,000 plus \$6.25 \$6.50 for each additional \$1000, or fraction thereof
\$250,0001	And Above	\$1648.75	\$1884.70	\$1879.40	\$1879.40 for the first \$250,0001 plus \$4.00 \$5.00 for each additional \$1000, or fraction thereof

33
34 Table B-1

\$50,001 to \$100,000 \$150,001 up	401.00	1227.10	\$1229.40	\$1229.40 for the first \$50,000 \$150,001 plus \$6.25 \$6.50 each additional \$1000, or fraction thereof, to and including \$100,000
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35
36 Table B-3

Reinspection Fee	\$65.00	\$75.00/hour
Inspections outside of normal business hours (minimum charge, two hours)	\$65.00	\$75.00/hour

37
38 Table C-1:

Inspection outside of normal business hours (minimum charge two hours)	\$65.00	\$97.50/hour
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39
40 Table F-4

Inspections made outside of normal business hours (two hour min)		-\$65/hr \$75.00/hour
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Additional inspections during normal business hours (one hour min)	\$65/hr \$75.00/hour
Reinspection fee	\$65/hr \$75.00/hour

Councilor Freilinger moved to adopt Resolution No. 18-05, A resolution of the Silverton City Council amending the City's Building Permit Fee Schedule for various building permits with the recommended changes as proposed by staff. Councilor Smith seconded the motion.

Councilor Smith commented she would like to see the information shared on the City website so people can calculate their own costs as close to the actual estimate as possible. After further discussion the motion to adopt Resolution No. 18-05 carried unanimously.

8.2 Resolution No. 18-06 – A Resolution Extending the Timeframe of Resolution 17-09 Relating to the Processing of Annexations in the City of Silverton

Mayor Palmer opened the floor to receive public comments.

Dave Adams said he owns property outside of the city limits and supported the resolution to extend the annexation process timeline.

Community Development Director Gottgetreu provided an update to the Council. He said SB 1573 was passed by the state and precludes the City from sending annexations to the voters. He said SB 1573 was challenged by the cities of Philomath and Corvallis. He said the City passed a resolution which placed a hold on annexations for properties greater than two acres, unless the applicant opted to send the annexation request to the voters. He said since then, the Circuit Court ruled in favor of the state but the matter is still under challenge by those cities. He stated the Council may adopt the resolution to extend the hold for another year or repeal the resolution.

Councilor Freilinger moved to adopt Resolution No. 18-06, A resolution of the Silverton City Council related to the consistency between Silverton Development Code Chapter 4.10 and Oregon Senate Bill 1573 and providing staff direction in processing annexations until such time as the inconsistency is legally or legislatively addressed and extend it for another year. Councilor Smith seconded the motion and it carried unanimously.

IX. APPOINTMENTS to COMMITTEES and ADVISORY GROUPS

9.1 Appointment to the Planning Commission

The Mayor summarized the staff report and indicated he conducted interviews. He said he believed Mr. Benedict and Ms. Ainsley would have contributed to the Planning Commission but stated Ms. Huebner was appointed to fill a vacancy and recommended she serve a full term.

Councilor Smith moved to appoint Tasha Huebner to the Planning Commission. Councilor Freilinger seconded the motion and it carried six to one. Councilor Carter opposed the motion.

9.2 Appointment to the Environmental Management Committee

Councilor Carter moved to re-appoint Jaime Fuhrman to the Environmental Management Committee. Councilor Freilinger seconded the motion.

Councilor Smith indicated she was surprised to see Ms. Fuhrman's application as she was aware that Ms. Fuhrman was not going to reapply. Following discussion the motion carried unanimously.

9.3 Appointment to the Tourism Promotion Committee

Councilor Smith moved to appoint Dylan Frederick to the Tourism Promotion Committee. Councilor Carter seconded the motion and it carried unanimously.

1 **X. COUNCIL DISCUSSION**

2
3 **10.1 City Manager update**

4
5 City Manager Wurster asked the Council if they want to see the proposed resolution for climate change at
6 the next regular meeting and they said yes. She reviewed the discussion items for the February 26 work
7 session and asked if the Council wants to discuss development agreements. The Council said yes. She
8 thanked Victor Madge and the Historical Society for their efforts on placing plaques throughout the City.
9 She noted the Pudding River Watershed Council will conduct an ivy pull on February 24 at the
10 Wastewater Treatment Plant between 9:00 a.m. and 12:00 p.m. and volunteers are welcome to assist.
11 The Council asked to have that information shared on the website.
12

13 City Manager Wurster updated the Council about the 'all-way' stop signs on Steelhammer Road and
14 Jaysie. She said Councilor Sears inquired whether the signs adhered to the Manual on Uniform Traffic
15 Control Devices (MUTCD) Standards. She said the City adopted MUTCD standards within the Public
16 Works Design Standards and she planned to remove the stop sign on Steelhammer Road as per the
17 requirements. She indicated staff believes the sign is working but she wanted to bring the issue before
18 the Council because the Code and the Public Works Design Standards conflict. She noted a provision in
19 the Code allows the Council to take formal action contrary to a City Manager's decision. A consensus of
20 the Council agreed to discuss the issue in future a work session.
21

22 **10.2 Council communications**

23
24 Councilor Sears asked if there is a tentative date for the Transportation System Plan Project Advisory
25 Committee meeting. Public Works Director Christian Saxe indicated the meeting has been postponed.
26 Councilor Sears asked whether the Abiqua stream gauge was in operation. Public Works Director Saxe
27 indicated the City is in negotiations to take over that gauge.
28

29 Councilor Plummer said the Transportation Advisory Committee is scheduled to meet February 22, 2018.
30 He commented on the January 31 Point in Time Count, he listed resources that were available and said it
31 was an enlightening experience. He said there is an event at the Silverton Grange Hall on February 16 to
32 discuss issues going on in the community.
33

34 Councilor Smith noted the Homeless/Housing Task Force is scheduled to meet on March 1. She said the
35 Environmental Management Committee (EMC) discussed the possibility of changing the \$2500 fine to a
36 tiered system.
37

38 Councilor Freilinger said he is excited for the Goal Setting next week because the Council has a lot going
39 on right now.
40

41 Councilor Carter commented on the lack of street trees on First Street beyond BrucePac and questioned
42 whether the City can enhance that entrance into town. She asked the Council to recognize Maurice Leach
43 for his efforts in helping the City. A consensus of the Council agreed to recognize Mr. Leach at the next
44 meeting.
45

46 Councilor Martin expressed he is excited to attend the Youth Council Summit on Friday, February 9 at the
47 State Capitol. He said the Rotaract Club has a meeting scheduled February 6, at 6:00 p.m. at Main Street
48 Bistro.
49

50 Mayor Palmer read a letter he received from student Karis Colman regarding the lack of handicap
51 accessible swings at Coolidge McClain Park. He said with assistance from the Rotary Club and City staff
52 a grant was acquired and two swings would be purchased for the park. He presented a check to the City
53 on behalf of the Rotary Club for \$1,554.80 for the cost of the swings. He said he spoke with Councilor
54 Smith and they recommend the EMC reach out to the businesses in regards to plastic bag ban as they
55 conduct their outreach in regards to the downtown smoking ban.
56

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XI. EXECUTIVE SESSION

There was none scheduled.

XII. ADJOURNMENT

The meeting adjourned at 10:21 p.m.

Respectfully submitted,

Lisa Figueroa
City Clerk

DRAFT

Agenda Item 5.1

March 5, 2018

City of Silverton City Council
306 South Water Street
Silverton, OR 97381



Re: The Gordon House

Ladies and Gentlemen of the Council:

On behalf the Gordon House Conservancy Board of Directors, I am pleased to present our third annual State of the House Report.

The state of the Gordon House is very good. The House had a hallmark year in 2017 with excellent attendance and fund-raising along with significant restoration work to insure the good health of the house well into the future. Approximately 5,000 visitors toured the house last with another estimated 10-15,000 doing an exterior “walk around”. The rough winter last year hurt our early-year admission stats but we had a strong summer and ended the year at 96% of our ambitious yearly goal. It is worth noting that just 4 years ago we generated about \$34,000 from admissions and 2017 was nearly \$58,000. That is a 70% increase just from tours. We have recently moved to full on-line ticketing for our tours and just in the first couple of months, we have visitors booked from 14 different states. We are confident this simple technology upgrade will have a very positive effect on tour bookings. In addition to visitors who tour the house, there was a wide array of special events during the year, which drew hundreds more people to the House and Silverton. These events range from art exhibits, to weddings and corporate retreats. This year we had five specific music concerts, which were very well attended. Our goal is to formalize these into a seasonal concert series and hopefully start producing live recordings. The highlight of the 2017 was the amazing solar eclipse in August. The Gordon House was able to capitalize on the world-wide interest in the eclipse and rented the house to a famous artist/landscape architect from London who flew his family over to watch the solar phenomena. He paid us a tidy \$3,000 for the privilege, had a wonderful time, and absolutely loved Silverton. Our goals for 2018 include more weddings, more corporate meetings and more music. All of these can add to the local economy.

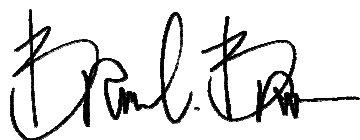
Our big restoration project for 2017 was to rebuild the sagging west balcony. The overall cost of the restoration was approximately \$56,000. We were able to pay for this significant project from a wide variety of donations and grants including an historic preservation grant secured with the help of the City of Silverton. Restoring the house’s signature cantilever has brought praise from supporters and a great deal of satisfaction and relief to those who have worked so hard to make it happen these last few years. Our next big project is to realize Mr. Wright’s vision for the surrounding landscaping. Pursuing funding for this project is one of our targeted efforts this year. We are moving forward with some interim restoration work on lawn area while we as we work on the larger landscape planning effort.

The Gordon House is entering its 16th year as a member of the Silverton community and its impact continues to grow and grow. Per statistics from the Chamber of Commerce on tourist dollars spent per visitor coupled with our visitor data base the Gordon House contributes about one million dollars to the local economy and we want that impact to grow as awareness and use of the house grows.

While the Gordon House is usually able to generate enough income to generally meet its expenses it is a constant struggle and even small unforeseen expenses can be a challenge. Moving forward we are somewhat apprehensive that our support donations may shrink due to the recently passed federal tax bill. On both the economic and cultural fronts, we feel the Gordon House is an excellent investment for the city. Because of that positive return on investment and the cultural value we offer our Silverton community, we feel justified in asking the council to continue its financial support of our utility bills. The city budgeted \$3,500 in 2017-2018, which is very close to what our actual annual utility bill runs. Additionally, I would like to ask the City for a one-time appropriation of \$1,500 so we can procure and install a wireless security camera system and additional exterior lighting. We have had some of our visitor's cars broken into while touring the house and we have staff in the house alone after hours. Every dollar we don't have to spend on securing, heating and lighting the house is a dollar we can spend promoting and drawing even more visitors to the house and Silverton.


If you have any questions, we are happy to respond and provide whatever additional information you may need. We are happy to work with the City Manager's office to forward our request to the Budget Committee or other office within City government. Thank you for the opportunity to present to Council and we look forward to an excellent ongoing working relationship with the City.

Sincerely

A handwritten signature in black ink, appearing to read "Bruce Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce Brown, AIA
Chairman, Gordon House Conservancy Board of Directors

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	6.1	Ordinance No. 18-04 – Public Hearing to consider an annexation application to annex 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits and zone the properties R-1, Single Family Residential with a concurrent Property Line Adjustment request with a Partition request to partition Taxlot 061W34BB 03600 into three parcels
	Agenda Type:	
	Public Hearing	
Meeting Date:		
	March 5, 2018	
Prepared by:	Reviewed by:	Approved by:
Jason Gottgetreu	Christy S. Wurster	Christy S. Wurster

Recommendation:

Approve Ordinance No. 18-04 to annex 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City limits and zone the properties R-1, Single Family Residential and approve the concurrent lot line adjustment and partition application.

Background:

The applicant submitted an application on December 14, 2017 to annex 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits and zone the properties R-1, Single Family Residential with a concurrent Property Line Adjustment request to shift the common property line to the south by 12’ with a Partition application to Partition Taxlot 061W34BB 03600 into three parcels with parcel 1 containing 9,028 square feet, parcel two containing 8,800 square feet, and parcel 3 containing 10,356 square feet and parcel 3 being designated a duplex lot.

Budget Impact	Fiscal Year	Funding Source
None	2017-2018	N/A

Attachments:

1. AN-17-03 & PA 17-04 & LA-17-03 Staff Report
2. February 13, 2018 Planning Commission Minutes
3. PC Resolution 18-02
4. City Council Ordinance No. 18-04



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-17-03 & PA 17-04 & LA-17-03

LAND USE DISTRICT:
UT-5, URBAN TRANSITION – 5 ACRE

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 061W34BB
LOTS #: 03500 & 03600
SITE SIZE: 1.02 ACRES
ADDRESS: 685 SCHEMMEL LANE

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 685 SCHEMMEL LANE AND THE ADJACENT TAXLOT 601W34BB 03600 INTO THE CITY LIMITS AND ZONE THE PROPERTIES R-1, SINGLE FAMILY RESIDENTIAL WITH A CONCURRENT PROPERTY LINE ADJUSTMENT REQUEST TO SHIFT THE COMMON PROPERTY LINE TO THE SOUTH BY 12' WITH A PARTITION APPLICATION TO PARTITION TAXLOT 061W34BB 03600 INTO THREE PARCELS WITH PARCEL 1 CONTAINING 9,028 SQUARE FEET, PARCEL TWO CONTAINING 8,800 SQUARE FEET, AND PARCEL 3 CONTAINING 10,356 SQUARE FEET AND PARCEL 3 BEING DESIGNATED A DUPLEX LOT.

DATE: FEBRUARY 22, 2018

Attachments

- A. Vicinity Map and Review Criteria
- B. Applicant's Findings
- C. Conditions of Approval
- D. Staff Report
- E. Testimony

APPLICANT:
TIM PUNZEL
PO BOX 206
SILVERTON, OR 97381

PROPERTY OWNER:
TIM PUNZEL
PO BOX 206
SILVERTON, OR 97381

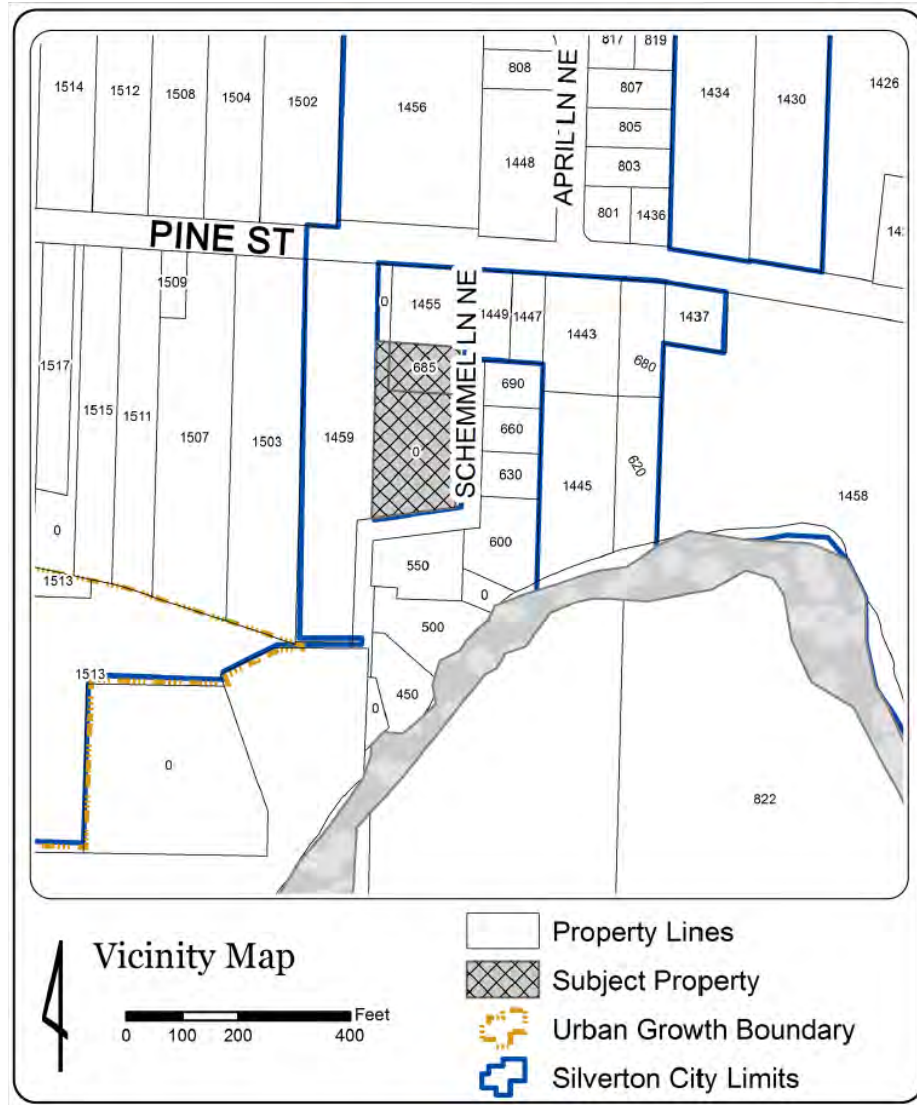
LOCATION: LOCATED ON THE WEST SIDE OF SCHEMMEL LANE AT 685 SCHEMMEL LANE.

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-17-03 & PA 17-04 & LA-17-03

Vicinity Map and Surrounding Land Use Districts

- North – UT-5, Urban Transition – 5 Acre
- East – R-1, Single Family Residential
- South – R-1, Single Family Residential
- West – R-1, Single Family Residential



REVIEW CRITERIA:

4.10.140 Annexation Review Criteria. When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and
2. Conformity of the proposal with the city's comprehensive plan; and
3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
4. The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and
5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
10. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed by applicant's conceptual development plan; and
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the comprehensive plan as open space or as significant scenic, historic or natural resource areas; and
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole; and
13. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more

than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

14. Promotes the timely, orderly and economic provision of public facilities and services; and
15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

4.3.210 Property Line Adjustment: The community development director or designee shall consider the following review criteria and may approve, approve with conditions or deny a request for a property line adjustment in writing based on all of the following:

1. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;
2. Lot Standards. All lots and parcels conform to the applicable lot standards of the land use district (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;
3. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 SDC, Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made even less conforming by the property line adjustment.

4.3.140 Minor Partition

A. General Review Criteria. The city shall consider the following review criteria and may approve, approve with conditions, or deny a preliminary plat based on the following; the applicant shall bear the burden of proof.

1. The proposed preliminary plat complies with the applicable development code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 2, Land Use (Zoning) Districts, and Article 3, Community Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
2. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
3. If any part of the site is located within an overlay zone, or previously approved planned development, it shall conform to the applicable regulations and/or conditions;
4. Evidence that any required state and federal permits have been obtained, or shall be obtained before approval of the final plat;

5. Evidence that improvements or conditions required by the city, road authority, county, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
6. If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat, and appropriate covenants, conditions and restrictions (CC&Rs) are provided.

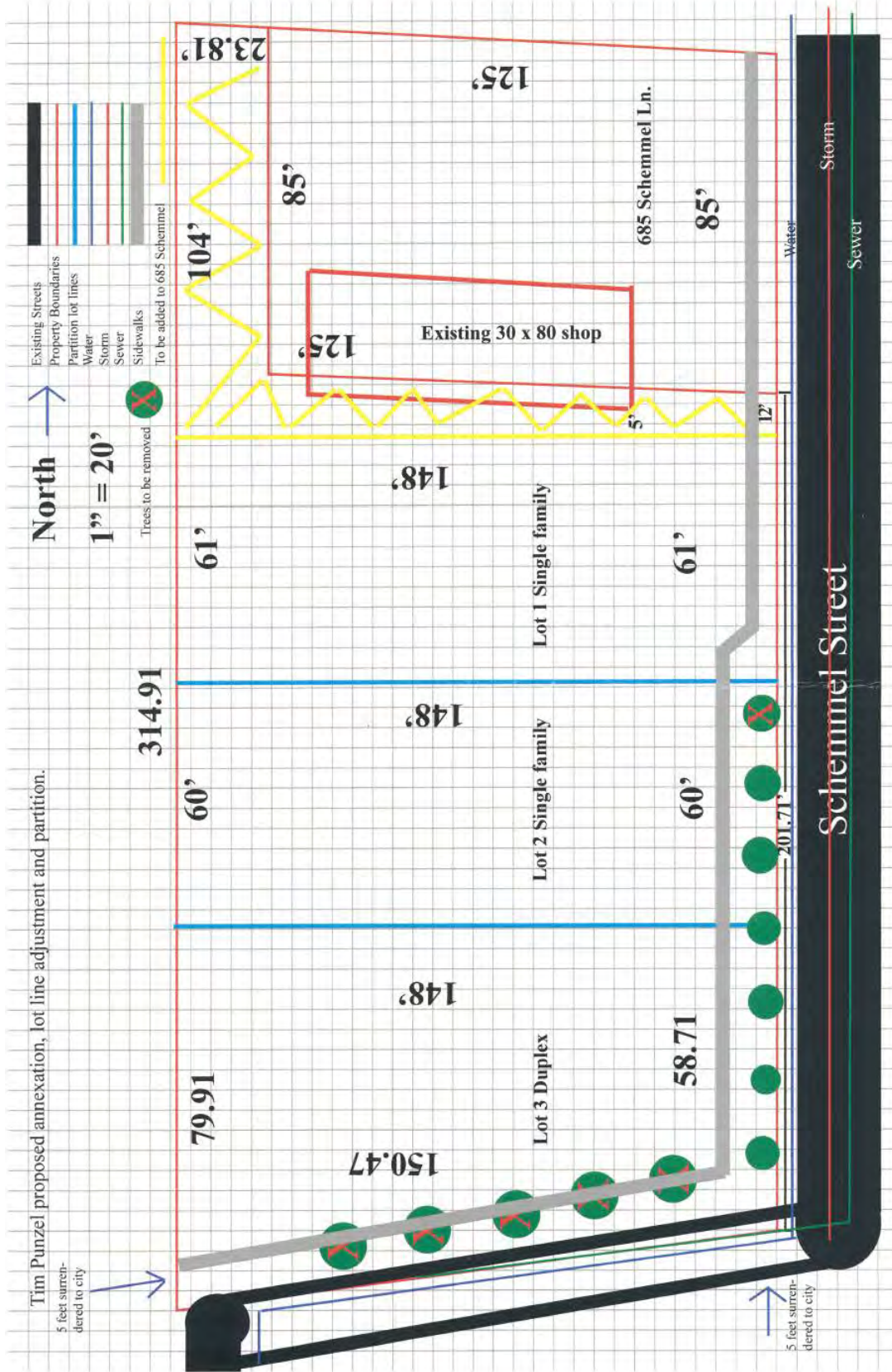
B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of SDC 3.4.100(G), Subdivision Street Connectivity.
2. Setbacks shall be as required by the applicable land use district (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 SDC, Access and Circulation.
4. Landscaping or other screening may be required to maintain privacy for abutting uses. See Article 2, Land Use (Zoning) Districts, and Chapter 3.2 SDC, Landscaping, Street Trees, Fences and Walls.
5. In conformance with the International Fire Code, a 12-foot-wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also Chapter 3.1 SDC, Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Open Space and Park Dedication. Requirements for open space and/or park dedication, as provided in SDC 3.4.200, Public use areas, and SDC 4.3.110(J), Floodplain, Park, and Open Space Dedication, are met.

D. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 SDC, Public Facilities.

ATTACHMENT B: APPLICANT'S FINDINGS



ATTACHMENT C: CONDITIONS OF APPROVAL

1. The applicant shall construct roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal.
2. The applicant will be responsible to comply with all Marion County requirements to record the property line adjustment. The property line adjustment shall significantly conform to the submitted plan and shall be recorded within 1 year of this approval.
3. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Public Works Design Standards into account.
4. All applicable building permits and Public Works permits shall be obtained prior to any work that requires a building permit or Public Works permit.
5. The applicant shall dedicate an additional 15' of Right-of-Way along the eastern frontage of Schemmel Lane and an addition 5' of Right-of-Way along the southern frontage of Schemmel Lane as part of the final plat.
6. Any new dwellings will be required to pay a transportation SDC charge at the time when a building permit is issued.
7. ~~The applicant shall coordinate with the Public Works Department to remove the problematic tree along parcel two, which will then be the location of the driveway to parcel 2.~~
8. Front yard landscaping meeting development code standards shall be provided for the new dwellings within 6 months of occupancy.
9. 2 off-street parking spaces shall be provided for each dwelling and 3 off-street parking spaces shall be provided to the duplex.
10. New dwellings shall connect to the sanitary sewer mainline in conformance with Public Works Design Standards.
11. Any new dwellings will have to pay all applicable sanitary sewer SDC fees when building permits are issued.
12. New dwellings shall connect to the water mainline in conformance with Public Works Design Standards. Meter boxes shall be installed 1 foot off the property line in accordance with City standards.
13. Applicant shall contact the Fire Department to verify fire flow conditions and meet all applicable Fire District standards.
14. Any new dwellings will have to pay all applicable water SDC fees when building permits are issued.
15. The applicant shall extend the storm system to the west down Schemmel Lane in accordance with Public Works Design Standards.
16. Any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued.
17. All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city.
18. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements.

19. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
20. The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways.
21. Any new development will have to pay all applicable park SDC fees during the building permit process.
22. The City will review the final plat as a Type I procedure and will not grant approval unless all require conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat.
23. A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits.

ATTACHMENT D: STAFF REPORT, AN-17-03 & PA 17-04 & LA-17-03

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on December 14, 2017 to annex 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits and zone the properties R-1, Single Family Residential with a concurrent Property Line Adjustment request to shift the common property line to the south by 12' with a Partition application to Partition Taxlot 061W34BB 03600 into three parcels with parcel 1 containing 9,028 square feet, parcel two containing 8,800 square feet, and parcel 3 containing 10,356 square feet and parcel 3 being designated a duplex lot.
2. The site is currently developed with a single family home with the southern lot being vacant.
3. Notice was mailed to all property owners within 700 feet of the subject area on January 24, 2018. As of this writing, February 6, 2018 no written testimony has been received. The notice was published in the Silverton Appeal on January 31, 2018. The site was posted on February 1, 2018.
4. The City Council passed Resolution 17-09 on February 6, 2017 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject property is less than two acres in size and not subject to the hold.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500

Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on December 17, 2017 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on January 24, 2018. The notice was published in the Silverton Appeal on January 31, 2018. The site posted on February 1, 2018. The application will be before the Planning Commission February 13, 2018 and will be before the City Council March 5, 2018.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a

territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.

The City Council passed Resolution 17-09 on February 6, 2017 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject property is less than two acres in size and not subject to the hold. City Staff were directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

Section 4.10.140 Review Criteria – Annexation

When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

- 1. Adequacy of access to the site; and*

Findings: The site is located on the western side of Schemmel Lane, a local street under Silverton jurisdiction. Criterion 1 is met.

- 2. Conformity of the proposal with the City's Comprehensive Plan; and;*

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. A single family dwelling currently exists on the site in conformance with the Comprehensive Plan (Comp Plan).

The Goal of the Urbanization Element of the Comprehensive Plan is to, "Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner." And has Objectives to, Maintain a supply of buildable residential, commercial and industrial land within the City's UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City' development policies, codes, standards and other

The Goal of the Air, Water and Land Resources Quality seeks to "Maintain and improve the quality of the area's air, water, and land resources." The area proposed for annexation is developed with an existing single family home on a septic system. As such, this annexation and subsequent connection to the City's water and sewer system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

A Goal of the Transportation Element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will be required to meet transportation, access and circulations, and roadway standards.

The Goal of the Housing element to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes.

The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation of a single family home will not have an impact upon this element.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to “Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents.” The water system, storm water system, sewer system, and transportation network exist adjacent to the site.

3. *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city’s infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and*

Findings: The property is requesting annexation in order to develop two new single family homes and a duplex, which will be discussed during the partition review of the Staff Report. Public utilities currently exist within the Schemmel Lane Right-of-Way. Public facilities are planned to be provided to serve the site; thereby meeting Criterion 3.

4. *The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and*

Findings: There are no identified Master Plan projects identified to serve the site. The water system, storm water system, sewer system, and transportation network exist adjacent to the site. There are a number of large conifer trees adjacent to the Schemmel Lane pavement. The applicant is proposing to retain the trees. There are a few options with regard to the trees. The trees currently exist between 2’ – 5’ from the edge of the pavement of Schemmel Lane. No curbs or sidewalk exist on the west side of Schemmel Lane. The City could require street improvements to include roadway widening, curb, and sidewalks.

This would require the removal of all of all the conifers. Retaining the trees would preclude typical roadway widening improvements. The City could allow sidewalks to be constructed on the west side of the trees, which would be on private property and would require an easement. In order to not damage the trees or compact the dirt around the trees root system, the sidewalks may have to be located outside of the drip line of the trees. This would create an unusual situation and may still impact the trees. Having a sidewalk constructed would not preclude the property owners from being responsible for future roadway improvements should they be necessary in the future, which would be provided in the form of a Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs. Schemmel Lane is a dead end local street. Sidewalks exist along a portion of the east side of the street. The option to provide the most protection for the trees would be to defer any roadway or sidewalk improvements to a point in the future where either the trees have reached the end of their useful life, or have damaged the road to a point where they need to be removed and the roadway improved for safety reasons. This would be done in the form of a Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the homes. The staff recommended condition was for the third option to provide the most protection to the trees while retaining requiring a standard roadway improvement in the future.

The Planning Commission reviewed the potential options and recommends the roadway improvements be constructed as part of the development. The Planning Commission notes that having the developer construct the improvements now precludes any future uncertainty on if or who would have to pay for said improvements and when maintains consistency that frontage improvements be constructed at the time of development. The applicant shall construct roadway improvements along the site's frontage of Schemmel Lane including a half street improvement with curbs, sidewalks, and tree removal (**Condition 1**). Therefore Criterion 4 is met.

5. *The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and*

Findings: The area is contiguous to the City. The site abuts the City Limits along the southern, eastern, and western property lines. The annexation represents a logical direction for city expansion, meeting Criterion 5.

6. *The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and*

Findings: The area considered for annexation is inside the Urban Growth Boundary. The criterion is met.

7. *The proposed use of the property is consistent with the applicable comprehensive plan designation; and*

Findings: The use of the property will continue to be used as a single family dwelling, a permitted use. The Partition being applied for will be reviewed for consistency with the

Single Family Zoning District. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

8. *The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and*

Findings: The proposed annexation has been reviewed for conformity with the city's comprehensive plan earlier in the report.

9. *Shall be in compliance with applicable sections of ORS Chapter 222; and*

Findings: ORS 222 provides for a means of annexation by election or by action of the governing body. However, as noted above the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection.

The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures.

This application has been found to be in compliance with the applicable sections of ORS Chapter 222 and will follow all applicable state and local procedures. Therefore, this criterion has been met.

10. *Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and*

Findings: There are no wetlands on the site and the site is not located within the floodplain. The site is very flat. Natural hazards of the site have been addressed. The criterion is met.

11. *Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and*

Findings: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

12. *Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.*

Findings: The annexation will add one single family home to the City Limits with the potential for two more single family dwellings and one duplex. The overall impact of the annexation will be minimal given the small scale of the proposed development. The standard is met.

13. *If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already*

occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

Findings: The most recent adopted Comprehensive Plan amendments have used a growth rate of 2% over the 20 year planning horizon. Given a 2% growth rate over the next 5 years with an average household size of 2.65 per the 2010 census, the 5 year supply of vacant and redevelopable land is 412 lots and the 8 year supply is 680 lots. The current amount of shovel ready lots in Silverton is 62 and the amount of redevelopable land amounts to 613 lots for a total supply of 676. The City is between the 5 year and 8 year supply which allows the City to consider additional factors when reviewing the annexation. The annexation is small in scale and is in an area that is nearly surrounded by the City Limits. Schemmel Lane is a local dead end street that has limited development potential in the future. The addition of three parcels to the lot supply will retain Silverton under the 8 year supply mark. There is one subdivision under construction in Silverton accounting for 76 lots and no pending subdivision applications. Adding a development that would only create the potential of two additional parcels would not harm the public good.

14. Promotes the timely, orderly and economic provision of public facilities and services; and

Findings: The property is requesting annexation to develop with residential uses. Public facilities already exist fronting the site.

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

Findings: The annexation will allow a property that fronts existing City utilities to be annexed and developed in accordance with Silverton Development Code standards. The standard is met.

Lot Line Adjustment

Section 4.3.210

Review Criteria

The Community Development Director or designee shall consider the following review criteria and may approve, approve with conditions or deny a request for a property line adjustment in writing based on all of the following:

- 1. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;*

Findings: The proposal is to adjust the common property lines between 685 Schemmel Lane and Taxlot 3600. No new parcel is being created by the lot line adjustment. Therefore, Criterion 1 is met

2. *Lot standards. All lots and parcels conform to the applicable lot standards of the land use district (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;*

Findings: The proposal is to adjust the common property line between 685 Schemmel Lane and Taxlot 3600 by transferring approximately 4,125 square feet from Taxlot 3600 to 685 Schemmel. The existing property line currently runs underneath the accessory structure on 685 Schemmel. The property line adjustment will locate the new property line 5' from the accessory structure, thereby meeting R-1 setback standards. The adjusted lots will continue to meet the minimum lot width and depth standards. The criterion is met.

3. *Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 – Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment;*

3. Article 3 – Community Design Standards

Section 3.1.200 Vehicle Access and Circulation

This Section implements the access management policies of the City of Silverton Transportation System Plan. The intent of this Section is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system.

Findings: No new accesses are proposed as part of the lot line adjustment. The standard is met.

Section 4.3.210D Recording Property Line Adjustments

Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with the County within 1 year of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

Findings: The applicant will be responsible to comply with all Marion County requirements to record the property line adjustment. The property line adjustment shall significantly conform to the submitted plan and shall be recorded within 1 year of this approval (**Condition 2**).

Minor Partition

Section 4.3.140 Review Criteria: Preliminary Plat

- A. **General Review Criteria.** The City shall consider the following review criteria and may approve, approve with conditions or deny a preliminary plat based on the following:

1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;*

Findings: This review is being undertaken to ensure the proposed preliminary plat complies with the applicable Silverton Development Code (SDC) sections and all other applicable ordinances and regulations. The applicable SDC sections are listed above and are all addressed in the staff report. The proposal has either been found to be compliant with the applicable criteria and standards or conditions have been placed on the proposal to achieve compliance. The proposal meets Criterion 1 based on the affirmative findings found in the staff report that address all applicable SDC sections.

Article 2 – Land Use Districts

Section 2.2.110 Residential Districts – Allowed Land Uses

Findings: The proposal is to partition the adjusted and consolidated Taxlot 3600 into three parcels for the construction of two single family homes and one duplex. Single family homes are allowed outright in the R-1 zone. Duplexes are permitted on one new lot in new partitions and shall be identified as a duplex lot on the final plat. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Public Works Design Standards into account (**Condition 3**). All applicable building permits and Public Works permits shall be obtained prior to any work that requires a building permit or Public Works permit (**Condition 4**). The standard is met.

Section 2.2.120 Residential Districts – Development Standards

Findings: The site is proposed to be partitioned into three parcels. The site is currently vacant. The lot contains a total area of 28,264 square feet and will be divided into three parcels with parcel one containing 9,028 square feet, parcel two containing 8,880 square feet, and parcel 3 containing 10,356 square feet. The minimum lot size in the R-1 zone is 7,000 square feet for an interior lot and 8,000 square feet for a corner lot. The minimum lot width in the R-1 Zone is 50 feet and the minimum lot depth in the R-1 Zone is 60 feet. All parcels meet minimum dimensional standards. The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-1 zone. The standards are met.

Section 2.2.130 Residential Districts –Setbacks Yards

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation.

Findings: The applicant submitted a development plan that indicates each parcel will contain an adequate building envelope given the setbacks in the R-1 zone, thereby meeting the standard.

Section 2.2.160 Residential Districts – Lot Coverage

The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage by buildings is calculated as the percentage of a lot or parcel covered by buildings and structures exceeding thirty (30) inches above grade, including enclosed and unenclosed structures (as defined by the foundation plane)

Findings: Any new development will be required to meet lot coverage standards. The development plan submitted indicates meeting lot coverage standards is feasible.

Section 2.2.200 Residential Districts – Special Use Standards

Duplex in R-1 District. Duplexes are allowed in the R-1 district, subject to the following standards which are intended to respect the single-family character of the R-1 district:

- 1. Floor Area. Total floor area for both dwellings shall not exceed 40 percent of lot area. For example, the maximum floor area (excluding garage space) allowed on an 8,000-square-foot lot is 3,200 square feet.*
- 2. Driveway Access. On corner lots, each dwelling shall strive to have its primary entrance and garage opening, if any, oriented to a different street, meeting public works intersection distance standards. Where vehicular access cannot be taken from two different streets, the approval body may require a shared driveway providing access to both dwellings. On interior lots, shared driveways are preferred and may be required by the review body.*
- 3. Maximum Number of Units. Up to 20 percent of new lots created in new subdivisions are permitted for duplex use and shall be identified as duplex lots on the final plat, with any percent larger than 20 percent requiring conditional use approval. Duplexes are permitted on one new lot in new partitions and shall be identified as a duplex lot on the final plat.*

Findings: The applicant is proposing on lot in the partition to be a duplex lot, which is permitted by code. Section 2 of the duplex standards indicates that each dwelling shall strive to have vehicle access taken from separate streets. Requiring an access on the eastern and southern frontage of the parcel would require the removal of some of the large conifers. The southeastern corner of the lot has lower value trees and would be an ideal location for a shared driveway to serve the duplex due to sight distance.

Article 3 – Community Design Standards

Section 3.1.200 Vehicular Access and Circulation

This Section implements the access management policies of the City of Silverton Transportation System Plan. The intent of this Section is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system.

Findings: The site is a corner lot that has frontage on Schemmel Lane. Schemmel Lane is a local street under Silverton jurisdiction. Current right-of-way width is between 40' and 45'. The applicant shall dedicate an additional 15' of Right-of-Way along the eastern

frontage of Schemmel Lane and an addition 5' of Right-of-Way along the southern frontage of Schemmel Lane as part of the final plat (**Condition 5**).

In accordance with SMC 13.70.110 this development is subject to Transportation SDC charges. Therefore any new dwellings will be required to pay a transportation SDC charge at the time when a building permit is issued (**Condition 6**). The standard is met.

Section 3.2.200 Landscape Conservation

Findings: Significant vegetation (including vegetation on private property) shall be retained to the extent practicable to protect environmental values and to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the city may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Significant vegetation means street trees and plants that have a caliper of six inches or larger at four feet above grade.

The applicant is proposing to retain the significant conifers along the eastern frontage. Staff is recommending a waiver be obtained to defer roadway improvements in order to retain the trees on the eastern and southern frontage. The Planning Commission reviewed the potential options and recommends the roadway improvements be constructed as part of the development. The Planning Commission notes that having the developer construct the improvements now precludes any future uncertainty on if or who would have to pay for said improvements and when maintains consistency that frontage improvements be constructed at the time of development. One of the trees along the eastern frontage is lifting the street and is problematic. ~~The applicant shall coordinate with the Public Works Department to remove the problematic tree along parcel two, which will then be the location of the driveway to parcel 2~~ (**Condition 7**). The standard is met.

Section 3.2.300 Landscaping

Residential, Single-Family. All front yards (exclusive of access ways and other permitted intrusions) are required to be landscaped with one tree at least six feet in height (two-inch minimum caliper) and two five-gallon shrubs or accent plants per 1,000 square feet of required yard area with the remaining area to be treated with an attractive ground cover

Findings: Front yard landscaping meeting development code standards shall be provided for the new dwellings within 6 months of occupancy (**Condition 8**).

Section 3.2.400 Street Trees

Street trees shall be planted in all new subdivisions and any project classified as a major project.

Findings: Street trees exist along the sites frontage with Schemmel Land and are proposed to be retained. The Planning Commission is recommending the trees be removed. If the

trees are removed new street trees will be added at the time of new home construction as required by the SDC.

Section 3.3.300 Automobile Parking Standards

Single Family Dwelling, 2 spaces per dwelling unit provided on-street parking is available. If on-street parking is not available, then each unit must provide 3 spaces.

Findings: On-street parking is available. Therefore, 2 off-street parking spaces shall be provided for each dwelling and 3 off-street parking spaces shall be provided to the duplex (**Condition 9**). As conditioned, the standard is met.

Section 3.4.100 Transportation Standards

A.1 All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street, except as specifically allowed through a Planned Development approval under Chapter 4.5 or as provided for flag lots under Chapter 4.3 Land Divisions

Findings: Schemmel Lane is a local street under City jurisdiction. Each lot has adequate frontage and has been conditioned construct roadway improvements. The standard is met.

Section 3.4.300 Sanitary Sewers, Water, Street Lights and Fire Protection.

Sanitary sewer system and water system improvements shall be installed with new development in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and Public Works Design Standards. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except where the Public Works Director finds that future extension is not practical due to topography or other constraints.

Development permits for sewer and water system improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.

Findings: Sanitary sewer exists along the sites frontage with Schemmel Lane. New dwellings shall connect to the sanitary sewer mainline in conformance with Public Works Design Standards (**Condition 10**).

Any new dwellings will have to pay all applicable sanitary sewer SDC fees when building permits are issued (**Condition 11**).

A water main exists along the sites frontage of Schemmel Lane. Water service connections can be made to this water line. New dwellings shall connect to the water mainline in conformance with Public Works Design Standards. Meter boxes shall be installed 1 foot off the property line in accordance with City standards (**Condition 12**). Applicant shall contact the Fire Department to verify fire flow conditions and meet all applicable Fire District standards (**Condition 13**)

Any new dwellings will have to pay all applicable water SDC fees when building permits are issued (**Condition 14**).

Section 3.4.400 Storm Drainage and Erosion Control

Findings: Storm Sewer exists within Schemmel Lane. The applicant shall extend the storm system to the west down Schemmel Lane in accordance with Public Works Design Standards (**Condition 15**). In accordance with SMC 13.70.110 this development is not exempt from storm SDC charges. Any new dwellings will be required to pay a stormwater SDC charge at the time when a building permit is issued (**Condition 16**). The standard is met.

Section 3.4.500 Sidewalks

Sidewalks shall be constructed on all public streets in the City by the owners of property next adjacent thereto.

Findings: Sidewalks have been conditioned to be constructed. The standard is met.

Section 3.4.600 Utilities

All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and similar facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high-capacity electric lines operating at 50,000 volts or above, subject to review and approval by the public works director.

Findings: All utilities to the project shall be underground services. No overhead crossings of public right of way shall be approved by the city (**Condition 17**). Exceptions to the undergrounding requirement may be granted by the public works director due to physical constraints, such as steep topography, sensitive lands or existing development conditions that make undergrounding impractical.

Section 3.4.700 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.

Findings: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements (**Condition 18**).

Section 3.4.800 Installation

Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

Findings: Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of

the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest **(Condition 19)**.

Section 3.4.900 Easements

The developer is responsible for making arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Findings: The applicant shall dedicate a 10' wide public utility easement along all street right-of-ways **(Condition 20)**.

- 2. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions already approved for adjoining property or to provide for logical extension to future properties as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

Findings: No new streets are proposed as part of this partition. The street system is already in place in the surrounding area. The standard met.

- 3. If any part of the site is located within an, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.*

Findings: The subject property is not location within an Overlay Zone. The standard is not applicable.

- 4. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*

Findings: No federal or State permits are required as part of this development. The standard is met.

- 5. Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Findings: All improvements and conditions required by the City have been determined to be feasible. Any improvements have been condition to be constructed to City Standards.

- 6. If applicable, all proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat and appropriate Covenants, Conditions and Restrictions (CC&Rs) are provided; and*

Findings: No common areas or improvements are proposed as part of this development.

B. Layout and Design of Streets, Blocks and Lots. *All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 2), and the standards of Section 3.4.100.G - Street Connectivity and Formation of Blocks.*

Findings: Section 3.4.100.G of the SDC is applicable only to subdivisions. Any development of the parcels will be required to meet all applicable setbacks. Considering the size of parcels it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on the sites. Criterion 1 is met because the proposed parcels meet lot area and dimensional requirements for the R-1 zone.

2. *Setbacks shall be as required by the applicable land use district (Article 2).*

Findings: As noted above all setbacks are met and it has been determined feasible that a single family home meeting all applicable setbacks can be constructed on both parcels.

3. *Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.*

Findings: The intent of Chapter 3.1 is to manage vehicular access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system. This standard was addressed earlier in the report.

As this is a single-family detached development, the pedestrian access and circulation standards are not applicable. Based on the above listed findings the proposal conforms to the applicable standards of Chapter 3.1 therefore meeting Criterion 3.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.*

Findings: The development has been conditioned to meet landscaping standards.

5. *In conformance with the International Fire Code, a 12-foot wide paved fire apparatus access drive within a 20-foot fire apparatus lane shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or other approved access drive. See also, Chapter 3.1- Access and Circulation.*

Findings: The development plan indicates all dwellings are to be located within 150' from a public right-of-way, therefore Criterion 5 is met.

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

Findings: No common drives are proposed.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

Findings: Any new development has been conditioned to install public utilities meeting City standards; this includes, but is not limited to, new water and sanitary sewer services.

- C. **Open Space and Park Dedication.** Requirements for open space and/or park dedication, as provided in Section 3.4.200 (Public Use Areas) and Section 4.3.110.J (Flood Plain, Park, and Open Space Dedication), are met.

Findings: Open space and/or park dedication or payment is required for new development that results in the creation of new residential dwelling units. Any new development will have to pay all applicable park SDC fees during the building permit process (**Condition 21**).

Section 4.3.170 Public Improvements Required

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180. Temporary public facilities will not be allowed.

Findings: The City will review the final plat as a Type I procedure and will not grant approval unless all require conditions are met. The final plat shall be submitted within three years of the approval of the preliminary plat (**Condition 22**).

Section 4.3.180 Performance Guarantee

On all projects where public improvements are required, the City shall require the developer or subdivider to provide bonding or other performance guarantees acceptable to the Public Works Director to ensure completion of required public improvements. The bond or other assurance (e.g. letter of irrevocable credit) shall be equal to 110% of the of the total construction cost estimate for all public infrastructure to be provided, as approved by the Public Works Director, or designee. In addition, the construction cost estimate must either be an engineer's estimate, in writing, or a copy of the contractor's price agreement having sufficient detail for the Public Works Director, or designee, to verify reasonable unit pricing.

Findings: A performance guarantee in accordance with section 4.3.180 will be required prior to issuance of any Public Works permits (**Condition 23**).

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed annexation, lot line adjustment, and partition may meet applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission held a public hearing to evaluate the proposed annexation, lot line adjustment, and partition and recommends the City Council approve the application.

Once the City Council receives Planning Commission's recommendation on the annexation, lot line adjustment, and partition, the Council will review the findings and the recommendation in a public hearing.

Staff and the Planning Commission finds the application, as presented, meets, or can meet the applicable City codes and requirements.

City Council Options:

The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

ATTACHMENT E: TESTIMONY

None Received.

1 **4.1 AN-17-03 & PA 17-04 & LA-17-03**

2
3 **1. Case: Annexation application with concurrent property line adjustment application and partition**
4 **application**

5 **Filed by:** Tim Punzel

6 **Planning Department File No.:** AN-17-01& PA-17-04 & LA-17-03

7
8 Chairman Flowers opened the Public Hearing for AN-17-03 & PA-17-04 & LA-17-03 at 7:05 p.m. and
9 asked if any members of the Commission wish to abstain or declare conflicts of interest or ex parte
10 contacts. After hearing no comments, he asked if any members of the public wish to challenge any
11 Commission members for bias and reviewed the Public Hearing procedures.

12
13 Community Development Director Jason Gottgetreu presented the staff report and said the application is
14 a request to annex 685 Schemmel Lane and the adjacent tax lot 601W34BB 03600 into the City Limits
15 and zone the properties R-1, Single Family Residential. He said there is a concurrent Property Line
16 Adjustment request to shift the common property line to the south by 12' with a Partition application to
17 Partition Taxlot 061W34BB 03600 into three parcels with parcel one containing 9,028 square feet, parcel
18 two containing 8,800 square feet, and parcel three containing 10,356 square feet and be designated a
19 duplex lot. He reviewed the annexation criteria of the property. He referenced Resolution No. 17-09 which
20 allowed the City to place a hold on annexations subject to certain criteria, but the property is less than two
21 acres and not subject to the hold. He said there are large trees along the eastern/southern boundary of
22 the lane and indicated there are alternatives for the Planning Commission to consider in regards to curbs,
23 roadways and sidewalks:

- 24 1. Retain the trees and the roadway 'as is' and have the applicant sign a petition for a Waiver of
25 Remonstrance to guarantee the applicant will improve the roadway upon the natural decline or
26 death of the trees in the future
- 27 2. The City could allow sidewalks to be constructed on the west side of the trees, but some distance
28 away so to not impact the root system and could result in sidewalks being located on private
29 property
- 30 3. The City could require street improvements to include roadway widening, curb, and sidewalks,
31 which would require the removal of all of all the conifers

32
33 Community Development Director said at least one of the trees is buckling the roadway on parcel two and
34 the applicant indicated it would be removed for the location of the driveway. He said the area will meet city
35 standards for any public improvements and within the Urban Growth Boundary. He said the lot line would
36 be moved so the accessory structure will meet current setback requirements. He said utilities exist and
37 the lots are adequate.

38
39 The Commission asked whether the roadway can be developed to City standards without removing the
40 trees. Community Development Director Gottgetreu said no. Community Development Director
41 Gottgetreu stated there will be no additional parcel or lot created or removed by the lot line adjustment
42 and all lots and parcels will conform to the applicable lot standards. The Commission asked if installing
43 utilities would disrupt the trees. Community Development Director Gottgetreu said it potentially could.
44 Commissioner Mayou commented on the layout of the properties and indicated she would be ok with
45 removing the conifer trees and installing street trees. The Commission discussed the options of the
46 roadway.

1 **Applicant's testimony**

2 Applicant Tim Punzel addressed the Commission. He said he plans to upgrade the shop, remove the
3 single wide trailer, and clean up the property.

4
5 The Commission asked Mr. Punzel if he is ok with moving the pathway to the west of the trees. Mr.
6 Punzel said he would support a pathway there.

7
8 Chairman Flowers opened the floor for public comment.

9 There were no comments in favor or opposed to the applications.

10
11 Connie Yoder said she is not in favor or against the applications but said she would like to keep the trees
12 because they shade the homes and install a sidewalk at the end of Schemmel Lane. She indicated they
13 could get the rest of the neighbors to petition to keep the trees.

14
15 Randall Forquer said he feels the existing sidewalk would handle all the pedestrian traffic because there
16 is not a lot of pedestrian traffic on that street. He said he has never seen a problem with larger trucks
17 passing through with parked cars on the street. He encouraged the Commission to save at least some of
18 the trees if possible. Community Development Director Jason Gottgetreu reiterated the options to the
19 Commission.

20
21 Mr. Punzel provided a rebuttle and said he rarely sees the property owners at the very end of Schemmel
22 Lane. He said the sidewalk there services several of those neighbors. Chairman Flowers asked for
23 clarification of the drawing on page 10. Community Development Director Jason Gottgetreu indicated the
24 illustration represents option 2, the alternative to include a sidewalk to the west of the tree line.

25
26 Commissioner Mayou moved to close the Public Hearing. Vice Chair DeSantis seconded the motion and
27 it carried unanimously.

28
29 Chairman Flowers closed the Public Hearing at 8:04 p.m.

30
31 Commissioner Piaskowski indicated he supports the annexation and option 2 with permeable surface.
32 There was discussion in regards to what the threshold would be to determine when to enact the roadway
33 development, such as would one tree have to die would, 30%, etc. Chairman Flowers said there is a
34 potential future burden on the City if the trees were retained. A consensus of the Commission expressed
35 concern with delaying the roadway improvements because it could cost the City more than it would in the
36 near future. Community Development Director indicated the conditions of approval could be amended as
37 follows if the Commission recommended to the Council to require the roadway improvements:

- 38 a. Condition number 1 is amended to require the applicant to construct roadway improvements
39 including curbs and sidewalks along the site's frontage of Schemmel Lane and tree removal.
40 b. Omit condition number 7.

41
42 Vice Chair DeSantis moved to recommend to the City Council to approve the proposed annexation, lot
43 line adjustment, and partition application as it meets the review criteria with Attachment C, the conditions
44 of approval, as amended. Commissioner Jones seconded the motion and it carried unanimously.

**CITY OF SILVERTON
PLANNING COMMISSION**

RESOLUTION NO. PC-18-02

IN THE MATTER OF AN ANNEXATION APPLICATION REQUEST TO ANNEX 685 SCHEMME LANE AND THE ADJACENT TAXLOT 601W34BB 03600 INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL WITH A CONCURRENT PROPERTY LINE ADJUSTMENT TO SHIFT THE COMMON PROPERTY LINE TO THE SOUTH BY 12' AND TO PARTITION TAXLOT 061W34BB 03600 INTO THREE PARCELS. MARION COUNTY ASSESSOR'S MAP 061W34BB TAX LOTS 03500 & 03600.

WHEREAS, an annexation, lot line adjustment, and partition application (AN-17-03 & LA-17-03 & PA 17-04) was made by Tim Punzel PO Box 206 Silverton OR, 97381; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on February 13th, 2018 to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission after review of the an annexation, lot line adjustment, and partition application (AN-17-03 & LA-17-03 & PA 17-04), testimony, and evidence in the record, found that the application met the annexation, lot line adjustment, and partition criteria and recommend that the Silverton City Council approve the annexation, lot line adjustment, and partition; and

WHEREAS, the City Council will hold a public hearing on the annexation, lot line adjustment, and partition at a regularly scheduled meeting;

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: That based on evidence in the record and the Findings of Fact, identified as Exhibit "A" located within the above noted case files are incorporated by reference, and adopted in support of the recommendation that the City Council approve the annexation, lot line adjustment, and partition.

Section 2: That this resolution is and shall be effective after its passage by the Planning Commission.

Resolution adopted by the Planning Commission of the City of Silverton, this 13th day of February, 2018.



Silverton Planning Commission, Chairman

ATTEST:



City Manager, Christy S. Wurster

CITY OF SILVERTON
ORDINANCE
18-04

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 1.03 ACRES OF LAND LOCATED AT 685 SCHEMMEL LANE AND THE ADJACENT TAXLOT 601W34BB 03600 INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL WITH A CONCURRENT PROPERTY LINE ADJUSTMENT TO SHIFT THE COMMON PROPERTY LINE TO THE SOUTH BY 12' AND TO PARTITION TAXLOT 061W34BB 03600 INTO THREE PARCELS. MARION COUNTY ASSESSOR'S MAP 061W34BB TAX LOTS 03500 & 03600

WHEREAS, the City of Silverton has been petitioned for the annexation of 1.03 acres of land located at 685 Schemmel Lane and the adjacent Taxlot 601W34BB 03600 into the City Limits of the City of Silverton, Oregon and zoning the property R-1, Single Family Residential. Marion County Assessor's Map 061W34BB Tax Lots 03500 & 03600; and

WHEREAS, the area proposed for annexation is described as a tract of land situated in Section 34, T6S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a 5/8th iron rod with cap PLS 1167 Per PS 28715, said point being 420.59 feet south of the intersection of Pine Street and Schemmel Lane along the westerly edge of Schemmel Lane.

Thence South 81° 15' West 150.47 feet

Thence North 314.84 feet

Thence South 88° 08' East 148.81'

Thence South 286.7 feet to the point of beginning.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: **Legislative Annexation.** In accordance with ORS 222.120:

(1) The Silverton City Council cannot submit this proposal for annexation of territory to the electors of the city for their approval or rejection. A public hearing before the Council was held March 5, 2018, at which time the electors of the city had an opportunity to appear and be heard on the question of annexation.

(2) The area described above and as shown on Exhibit "B" is hereby annexed to the City of Silverton, effective April 4, 2018.

Section 2: **Consent to Annexation.** In accordance with ORS 222.125 the Council finds there is no need to hold an election in the city or in any contiguous territory proposed to be annexed as all of the owners of land in that territory, and not less than 50

percent of the electors, if any, residing in the territory, have consented in writing to the annexation of the land in the territory and statement of their consent is filed with the Council.

Section 3: **Timing of Consents.** The Council finds that only statements of consent to annexation which are filed within any one-year period prior to the hearing have been submitted and describes the 1.03 acres of real property, all located in Marion County, Oregon that shall be annexed to the City of Silverton upon recording with the Secretary of State.

Section 4: **Notice to Utilities.** In accordance with ORS 222.005 the City Recorder shall, no later than 10 working days after passage of this ordinance approving the proposed annexation, provide by certified mail to all public utilities, electric cooperatives and telecommunications utilities operating within the city, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's resolution or ordinance approving the proposed annexation.

Section 5: **Notice to County.** In accordance with ORS 222.010, the City Recorder shall report to the Marion County Clerk and County Assessor all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

Section 6: **Assessor Valuation.** In accordance with ORS 222.030 the Recorder shall request that the Assessor shall furnish within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

Section 7: **Notice to Secretary of State.** In accordance with ORS 222.177 the City Recorder shall transmit to the Secretary of State:

- (1) A copy of this ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum, if a referendum petition was filed, with respect to the ordinance adopted under ORS 222.120.

Section 8: **Effective date.** In accordance with ORS 222.180 the effective date of annexation shall be April 4, 2018.

Section 9: **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as “Exhibit A”, a map of the area being annexed as Exhibit “B”, and by this reference all incorporated herein.

Section 10: **Zone designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

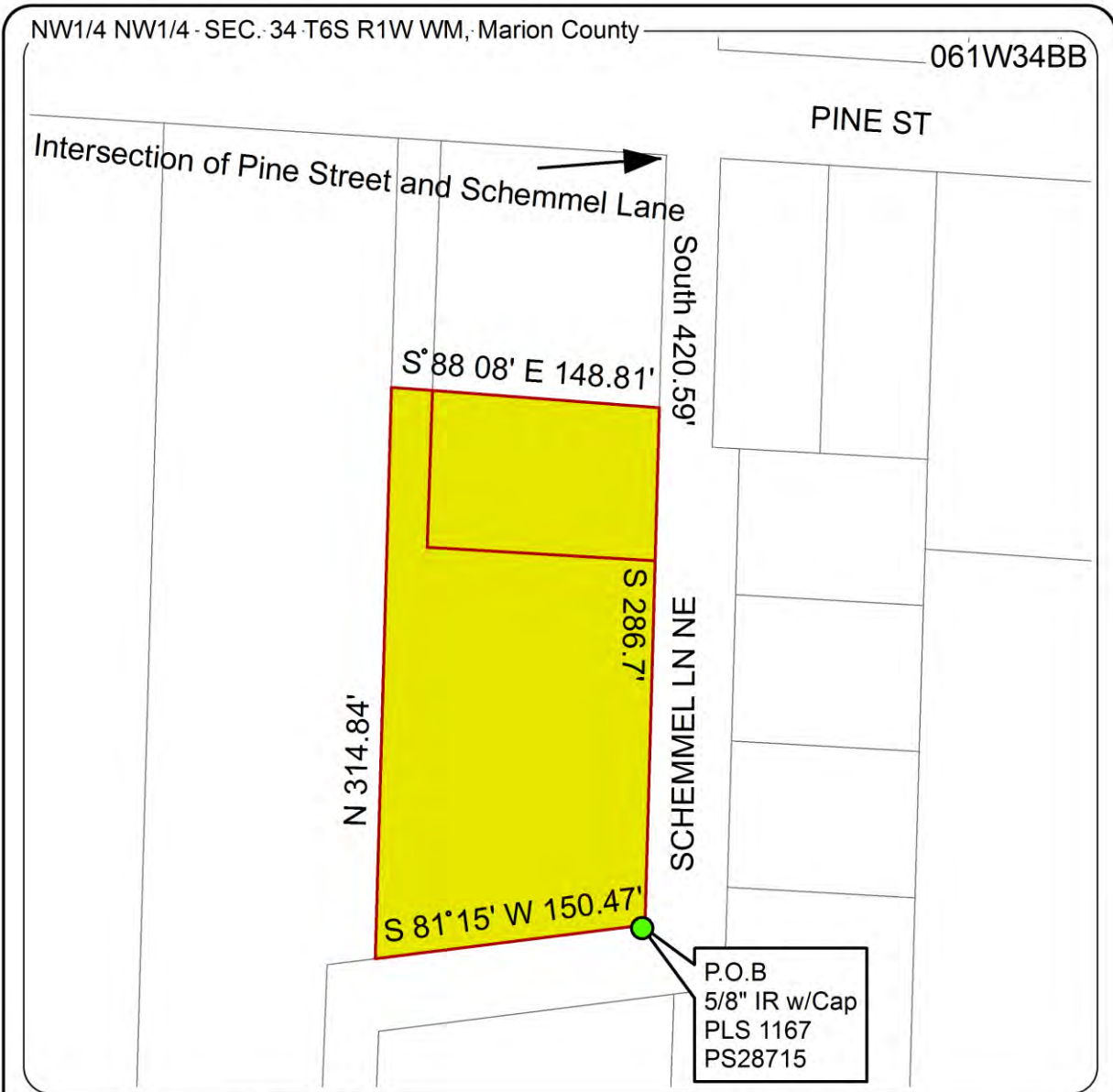
Ordinance adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

ATTEST

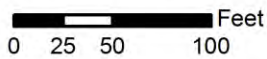
Mayor, City of Silverton
Kyle Palmer




City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit 'B'




Annexation Map
685 Schemmel Lane
06S-01W-34BB 03600



-  Property Lines
-  Subject Property
-  Subject Property

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.1	Authorize the City Manager to sign an Intergovernmental Agreement with Marion County for Slurry Sealing
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Christian Saxe	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion authorizing the City Manager to sign the Intergovernmental Agreement (IGA) with Marion County for emulsified asphalt slurry seal surfacing for FY 2018-19.

Background:

The proposed FY18/19 budget contains a project to slurry seal City streets and is funded by the Street Maintenance Fee and Fuels Tax. Slurry sealing is a preventive maintenance program applied to streets in good condition to extend the life at relatively low costs. Some prep is required including crack sealing and skin patching. Slurry sealing costs are about 10% of the cost to overlay a street.

The City will advertise for bids for both the crack sealing work and the skin patch prep work. Crack sealing and skin patch work is expected to be completed by the middle of July. Marion County will prepare a joint slurry sealing project including County roads, Keizer, Stayton and Silverton streets. Marion County's bid opening date is in early June and the County will in turn invoice the City of Silverton for our streets. The slurry sealing work should be completed by the end of August. The estimate for the slurry seal contract and the County's contract administration assistance is \$110,000. The IGA has been reviewed and approved by the City Attorney.

Budget Impact	Fiscal Year	Funding Source
\$110,000.00	2018-19	Street Fee and Fuels Tax

Attachments:

1. Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT
Between
MARION COUNTY and CITY OF SILVERTON
For
EMULSIFIED ASPHALT SLURRY SEAL SURFACING

1. PARTIES TO AGREEMENT

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

2. PURPOSE/STATEMENT OF WORK

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

3. TERM AND TERMINATION

3.1 This Agreement shall be effective from the date upon which the last signature is affixed through December 31, 2018 unless sooner terminated or extended as provided herein.

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

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

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

- a. If funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.
- b. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding proposed for payments authorized by this Agreement.

- c. If any license, certificate, or insurance required by law or regulation to be held by Agency to provide the services required by this Agreement is for any reason denied, revoked or not renewed.
- d. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
- e. If Agency fails to perform any of the provisions of this Agreement or so fails to pursue the work as to endanger the performance of this Agreement in accordance with its terms and after written notice from County, fails to correct such failure(s) within ten (10) days or such longer period as the County may authorize.

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

4. FUNDING AND BILLING

4.1 The total amount paid under this Agreement shall not exceed \$110,000.00, which includes all Contracted Services and County labor and services. County labor and services shall not exceed \$6,000.00. Payments under this contract shall be made on a cost reimbursement basis. Agency shall make payment within thirty (30) days of receipt of County's invoice for services provided. Costs charged Agency shall be billed at the County's time, equipment and material rates for the period in which services are provided, and at the actual price paid for Contracted Services.

4.2 Requests for payment shall be submitted to the Agency monthly to the attention of Christian Saxe, Public Works Director at the following address: City of Silverton, 306 S Water Street, Silverton, OR 97381. Final invoices are due no later than January 31, 2019.

5. OBLIGATIONS UNDER THE TERMS OF THIS AGREEMENT

5.1 UNDER THE TERMS OF THIS AGREEMENT, AGENCY SHALL:

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

5.2 UNDER THE TERMS OF THIS AGREEMENT, COUNTY SHALL:

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

6. COMPLIANCE WITH APPLICABLE LAWS

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

7. NONDISCRIMINATION

The parties agree to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations in the performance of this Agreement.

8. HOLD HARMLESS

Agency and County agree to indemnify and hold harmless each other for, from and against all claims, costs, expenses (including attorney fees), losses, damages, fines, charges, actions or other liabilities arising from their own intentional or negligent acts or those of their agents, contractors or employees and, to the extent applicable, the above indemnification is subject to and shall not exceed the limits of the Oregon Tort Claims Act (ORS 30.260 through 30.300) and the Oregon Constitution.

9. INSURANCE

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

10. MERGER CLAUSE

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

11. NOTICES

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

For Agency:
City of Silverton
Director of Public Works
306 S. Water Street
Silverton, OR 97381

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

SIGNATURES

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

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

**MARION COUNTY SIGNATURE
BOARD OF COMMISSIONERS:**

Chair Date

Commissioner Date

Commissioner Date

Authorized Signature: _____
Department Director or designee Date

Authorized Signature: _____
Chief Administrative Officer Date

Reviewed by Signature: _____
Marion County Legal Counsel Date


Reviewed by Signature: _____
Marion County Contracts & Procurement Date

City of Silverton

Authorized Signature: _____ Date: _____

Title: _____

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.2	Authorize the City Manager to sign a Professional Services Agreement for the Pre-design of the Screw Press Dewatering System
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Christian Saxe	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion authorizing the City Manager to sign the Professional Services Agreement with Keller Associates for the pre-design of the screw press dewatering system.

Background:

As a part of the Silverton Wastewater Treatment Plant Upgrades the City contracted with Keller Associates in 2016 to conduct a Bio-Solids Dewatering Evaluation. This Evaluation was presented to Council on July 17th, 2017. Following the recommendation of the Evaluation, and the direction of the City Council, staff intends to procure and install dewatering equipment (Project). As part of this Project, staff met with, and received approval from, the Department of Environmental Quality (DEQ) to proceed with the procurement and installation with a limited amount of outside engineering services. Because the consultant that conducted the Evaluation has the most significant knowledge of the Project, the Public Works Department is seeking approval of a direct award to Keller Associates for the required engineering services. Per Section 1.10.090 of the City’s Purchasing Policy, the City Manager has the authority to approve an award of up to \$50,000. The Keller Associates proposal is \$32,920 and staff recommends an additional 15% contingency for unforeseen modification as is requesting an approval of a not to exceed amount of \$38,000. This project is included in the 2017/18 approved budget, however the appropriation for engineering services will exceed the appropriation of this portion of the project and needs approval by Council.

Budget Impact	Fiscal Year	Funding Source
\$38,000	2017-18	WWTP Digester Fund

Attachments:

1. Keller Associates Task Order

ATTACHMENT A – SCOPE OF SERVICES

Effective Date: December 1, 2017

Project Name: Sludge Dewatering Predesign and Procurement Support

City: City of Silverton

Consultant: Keller Associates, Inc.

Consultant Project Manager: Peter Olsen, (503) 364-2002

PROJECT DESCRIPTION

The Consultant provided an updated Wastewater Treatment Plant Solids Dewatering Evaluation (dated December 6, 2016), as a final component of the Wastewater Treatment Plant Supernatant Pumpstation Project. The Evaluation was presented to the Silverton City Council for approval on July 17, 2017. Following the recommendation of the Evaluation, and the direction of the City Council, the Owner intends to procure dewatering equipment; hereinafter referred to as the "Project"; now therefore, the Owner and Consultant agree to the following Project support scope, schedule, and compensation.

SCOPE

Consultant's services under this Agreement are generally identified as follows:

- Provide Pre-Design Services
 - Review record drawings for solids handling hydraulics and summarize Basis of Design and User Requirement Specifications
 - Check regulatory and local standards
 - Prepare design assumptions and review with City staff
 - Prepare Pre-Design drawings
 - Prepare dewatering facility pre-design report per DEQ requirements to document design approach and selection of process components. The pre-design report will include the following components.
 - Design criteria
 - Plant layout including filtrate recycling pipeline alignment from stormwater pump station to EQ basin.
 - Process components: Sludge Pump, Polymer System, and Screw Press including Controls
 - Electrical requirements
 - Document HVAC / building assumptions
 - No survey, geotechnical investigation, or environmental review will be completed for this pre-design process.
 - The Owner will provide basis of design narratives to be included in the pre-design report. These narratives will cover filtrate recycling, on-site dewatered solids handling and storage, and land application plan for dewatered material.
- The Owner will provide City's requirements for the project and available data. The Owner will also provide any relevant survey and geotechnical information. Consultant will rely on Owner provided information in completing the pre-design.
- The Owner will provide information on any City permitting requirements. The Owner will also provide details on installation procurement for cost estimating purposes.
- The Owner will create procurement documents for the screw press dewatering equipment using the basis of design and user requirement specifications created by the pre-design services. Consultant will perform

one review of the procurement documents and provide review comments/questions based on the analysis previously completed for the Owner's consideration. No new analysis is included in this scope. The Owner will handle correspondence with manufacturers and manufacturer's representatives and respond to questions, including addenda. Consultant will perform one review of up to three addenda.

- Consultant will review proposals and provide comments for the Owner's consideration. Services will include a comparison review of the proposals and the procurement documents, but will not include a detailed analysis or recommendation for contract award. It is anticipated that the Owner will incorporate or use this information in their own review and recommendation to City Council. For budgeting purposes, one review was assumed.
- DEQ approval of the pre-design drawings and pre-design report is required prior to start of construction. The submittal of the completed documents and payment of the DEQ plan review fee will be a responsibility of the Owner. The scope includes one revision of drawings and report to incorporate DEQ required modifications, and one DEQ meeting, if needed.
- Procurement submittal reviews, survey, geotechnical services, environmental review, final design, additional agency coordination, and construction services, if requested, will be completed as part of a future task order.

TIME OF COMPLETION


The Agreement shall commence on the above written date. Consultant shall deliver the pre-design report for city staff review within 60 days of notice to proceed.

COMPENSATION SCHEDULE

Basic Services. As compensation for services to be performed by Consultant, the Owner will pay Consultant on a lump sum basis with an estimated fee of \$32,920 (thirty-two thousand, nine hundred and twenty dollars).

Additional Services. Compensation for performing Additional Services will be pursuant to a mutually agreed upon Addendum to this Task Order.

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.3	Resolution No. 18-08 – A Resolution to Adopt Capital Improvement Plan Update for Water, Sewer, Stormwater, and Street Improvements
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
John Cramer	Christian Saxe	Christy S. Wurster

Recommendation:

Staff recommends the approval of Resolution No. 18-08 to adopt the updated Capital Improvement Plan for water, sewer, stormwater, and street improvements as presented in the attachments.

Background:

The 5-year Capital Improvement Plan (CIP) was recently updated to reflect the highest priority projects to be completed within the next 5 years, including master plan updates for storm, water, and sanitary. Updates to the transportation master plan are currently underway and will be incorporated with the Pavement Condition Index update to be completed this spring.

The City’s current Capital Improvement Plans (Stormwater, Sewer and Transportation) do not include any priority projects on McClaine Street. McClaine Street and all associated underground public utilities were inspected and evaluated by the Public Works staff in 2017 to determine their overall conditions. The results of this review revealed that, in addition to the failed pavement, there is inadequate sewer capacity and no existing stormwater conveyance system. The proposed CIP re-prioritizes several capital plans that are critical to the reconstruction of McClaine Street and that will better serve the City and its rate payers.

Budget Impact	Fiscal Year	Funding Source
NONE	2017-18	Not Applicable

Attachments:

1. Resolution No. 18-08
2. Updated Capital Improvement Plans

CITY OF SILVERTON
RESOLUTION
18-08

A RESOLUTION OF THE SILVERTON CITY COUNCIL ADOPTING AN UPDATED CAPITAL IMPROVEMENT PLAN FOR WATER, SEWER, STORMWATER AND STREET IMPROVEMENTS

WHEREAS, the City's adopted Capital Improvement Plan (CIP) did not include water, sewer, or stormwater improvements to McClaine Street; and

WHEREAS, the listing of McClaine Street on the Transportation CIP was not a high priority project; and

WHEREAS, the City desires to begin design of the McClaine Street Improvement Project as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: The Water Capital Improvement Plan is updated by adding Water improvements on McClaine Street, Master Plan update, and rearranged Priority 1 Improvements as shown in Exhibit A.

Section 2: The Sewer Capital Improvement Plan is updated by adding Sewer improvements on McClaine Street, Master Plan update, WWTP Process Control Upgrades, and Differed and Operational Improvements as shown in Exhibit B.

Section 3: The Stormwater Capital Improvement Plan is updated by adding Stormwater improvements on McClaine Street, Master Plan update, and yearly maintenance and replacement improvements as shown in Exhibit C.

Section 4: The Transportation Capital Improvement Plan is updated by designating McClaine Street as a high priority project, and rearranged high priority improvements as shown Exhibit D.

Section 5: This resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

ATTEST

Mayor, City of Silverton
Kyle Palmer

City Manager/Recorder, City of Silverton
Christy S. Wurster

EXHIBIT A

1-5 Year Water Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible
Priority 1 Improvements								
A1.1	McClaine Street	Replace water services and fire hydrants from Main to C Stret	High	2019	2019	0%	\$ 100,000.00	\$ -
A1.2	WTP #1 Trident	Replace WTP #1 with new Trident packaged system.	High			?	\$ 4,000,000.00	\$ -
A1.3	Silver Creek Raw Water Intake New 2 MG Storage Tank and	New Intake Pump Station, 1750lf of 18" DI	High			56%	\$ 2,500,000.00	\$ 1,400,000.00
1A.4	Booster Pump (not including year 6-20 costs \$2,065,000	Emergency and operational storage for west side of city	High			80%	\$ 3,500,000	\$ 2,800,000.00
1A.5	Master Plan Update	WTP, pump stations, ARV, distribution system, and reservoirs.	High			100%	\$ 35,000	\$ 35,000.00
						Subtotal	\$ 10,135,000	\$ 4,235,000
						1-5 Yr Grand Total%	\$ 10,135,000	\$ 4,235,000
						Water CIP Costs	\$ 10,135,000	
						Total SDC Funding		\$ 4,235,000
						Total Other Funding	\$ 5,900,000	

6-20 Year Water Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible	
Priority 1 Improvements									
1B	Transmission to West Plateau Service Area	Eliminate supply vulnerability of west upeer service area. Provides higher fire flows.		TBD		30%	\$ 715,000	\$ 214,500	
1C	Silver Creek Plaza Area Improvements	Improved fire flow, transmission, and hydrant coverage.		TBD		0%	\$ 626,000	\$ -	
1D	Western Avenue Improvements	Secondary supply source to High School. Improved fire flow, transmission, and hydrant coverage.		TBD		0%	\$ 260,000	\$ -	
1E	Breyonna Way Loop	Closes loop in WTP PRV zone. Improved fire flow transmission, and redundancy.		TBD		0%	\$ 44,000	\$ -	
1F	N 3rd Street Improvements	Improved fire flow and hydrant coverage in commercially zoned areas.		TBD		0%	\$ 201,000	\$ -	
1H	Kent Street and Sweden Circle	Improved fire flow and system looping for WTP PRV zone.		TBD		0%	\$ 47,000	\$ -	
1I	Woodland Dr. NE and Oregon Garden/Relocate BF Valve on Oregon Garden	Eliminates vulnerability of single line feet to Oregon Garden. Relocation of backflow prevention on Garden line addresses fire flow issues.		TBD		0%	\$ 258,000	\$ -	
1J	Hobart Road Improvements from N. 2nd to Hwy 214.	Improved fire flow, transmission, and hydrant coverage.		TBD		23%	\$ 270,000	\$ 62,100	
1K	New High Level Pumphouse	Energy savings, increased pump capacity, upgrade old equipment, provide backup power.		TBD		60%	\$ 841,000	\$ 504,600	
							Subtotal	\$ 3,262,000	\$ 781,200

6-20 Year Water Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible
Priority 2 Improvements								
2A	N 2nd Street Improvements	Hobart to TJ Lane - Improved fire flow, future transmission corridor, replaces asbestos line.		TBD		13%	\$ 391,000	\$ 50,830
2B	Barger, Madison, & Cowing Improvements	Cowing to Smith - Improved fire flow, transmission, and hydrant coverage. Replaces undersized lines.		TBD		0%	\$ 535,000	\$ -
2C	Fiske Street Improvements	Main to Coolidge - Improved fir flow and hydrant coverage. Replaces undersized lines.		TBD		0%	\$ 260,000	\$ -
2D	Industry Way Improvements	Loop though City Shops - Improved fire flow, pressure and circulation at City Shops Reserve to Crestview - Improved fire flow, pressure, circulation and future transmission.		TBD		0%	\$ 324,000	\$ -
2E	Pioneer and Evans Valley Improvements	Eliminates vulnerabilitof single feed to WTP PRV Zones.		TBD		26%	\$ 104,000	\$ 27,040
2F	Oak Street Improvements	Norway to Monitor Rd. - Improved transmission in the clearwell zone. Improves pressure for connections in the WTP PRV zone. Improved fire flow.		TBD		40%	\$ 523,000	\$ 209,200
2G	Industrial Area Improvements	Hobart to Monitor Rd. - Loop connection. Improved fire flow and future transmission.		TBD		23%	\$ 443,000	\$ 101,890
2H	Main, 5th, Kent, and Rock Improvements	Oak to Reserve - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		0%	\$ 569,000	\$ -

2I	Well and Orchard Improvements	Improved fire flow, pressure, circulation, and hydrant coverage.		TBD	0%	\$ 267,000	\$ -	
2J	Extend service to future park	Hawk Drive - Future water service to park.		TBD	0%	\$ 35,000	\$ -	
2K	Future 2MG Tank	WTP Site - Provide for future storage needs.		TBD	45%	\$ 3,843,000	\$ 1,729,350	
2L	Lewis Street Improvements	Water to 3rd - Improved fire flow, pressure, and circulation.		TBD	0%	\$ 348,000	\$ -	
2M	Water Street Improvements	Ike Mooney to City Limits - Improved fire flow, pressure, circulation and future transmission.		TBD	14%	\$ 1,038,000	\$ 145,320	
2N	Pine Street Improvements	James to Brown - Improved fire flow, circulation, transmission, and hydrant coverage.		TBD	15%	\$ 162,000	\$ 24,300	
2O	Keene, Ash, and Edgwood Improvements	Ross to Weiby - Improved fire flow, pressure, circulation and hydrant coverage.		TBD	0%	\$ 465,000	\$ -	
2P	High Level Tank Improvements	High Level Site - New improvements and maintenance.		TBD	0%	\$ 323,000	\$ -	
2Q	WTP Upgrades	Replacement of plant #1		TBD	9%	\$ 11,900,000	\$ 1,071,000	
						Subtotal	\$ 21,530,000	\$ 3,358,930

6-20 Year Water Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	Project SDC %	Project Cost (2018 \$)	SDC Eligible
Priority 3 Improvements								
3A	Setnes St. Quarry Ave. and Lanham Lane	Improved fire flow, pressure, circulation, and hydrant coverage	Low	TBD		7%	\$ 1,267,000	\$ 88,690
3B	Meridian Road NE	Improved fire flow, pressure, circulation, and hydrant coverage	Low	TBD		100%	\$ 5,000	\$ 5,000
3C	Commerce Court and Industrial Way	Improved fire flow, pressure, circulation, and hydrant coverage	Low	TBD		100%	\$ -	\$ -
3D	N. 1st Street	Jefferson to Hobart - Improved fire flow, pressure, circulation, and hydrant coverage.	Low	TBD		14%	\$ 300,000	\$ 42,000
3E	Northwest 12" Loop	Hobart to Pine - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		100%	\$ 189,000	\$ 189,000
3F	Pine Street	April Lane to Airport Road - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		15%	\$ 661,000	\$ 99,150
3G	West 12"	Pine Street to Silverton Road - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		100%	\$ 89,000	\$ 89,000
3H	Clearwell Pressure Zone Loop	Westfield to Railway Avenue - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		100%	\$ 75,000	\$ 75,000
3I	10" Connection	Safeway to Fire Dept. - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		14%	\$ 61,000	\$ 8,540
3J	Transmission	New PRV to Anderson - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		14%	\$ 1,711,000	\$ 239,540
3K	Cherry Street	Phelps to Welch Street - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		0%	\$ 66,000	\$ -
3L	James Street	Wester to Pine - Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		13%	\$ 395,000	\$ 51,350
3M	Loop Line around Schlador Campus	Improved fire flow, pressure, circulation, and hydrant coverage.		TBD		100%	\$ -	\$ -

3N	N 2nd Street	C Street tp TJ Lane - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD		5%	\$	562,000	\$	28,100
3O	N. 1st street and Front Street	A to C - Improved fire flow, pressure, circulation, and hydrant coverage	High	2015	2020	0%	\$	180,000	\$ -
3P	N 2nd Street	Main to B Street - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	262,000	\$ -
3Q	Water Street & Brown	Peach to Brown and Webb to Schlador Street - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			16%	\$	1,677,000	\$ 268,320
3R	Anderson PRV Loop	Westfield/Center to Westfield/Main - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	94,000	\$ 94,000
3S	Pioneer Drive	Crestview to Oak - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	86,000	\$ 86,000
3T	Pioneer Drive	Shookum/Eastview to Evans Valley Road - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	66,000	\$ 66,000
3U	Eastview Lane	Tillicum to Reservoir - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	337,000	\$ -
3V	Booster and extension.	Eastview to Booster area - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	110,000	\$ 110,000
3W	Hawk Dr. and Ike Mooney Road	Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	14,000	\$ 14,000
3X	Extension to Silverton Mobile Estates	Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	282,000	\$ -
3Y	Sunset Lane	Victor Point to Edison - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			100%	\$	-	\$ -
3Z	Mobile Home Loop	High School to Pine Street - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	189,000	\$ -
3AA	Roinson Street and Church Street	Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	214,000	\$ -
3BB	Norway Street	Chadwick to Oak - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	131,000	\$ -
3CC	Kent Street	E Park to N Ames - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	112,000	\$ -
3DD	Maple Street	Grant to Water - Improved fire flow, pressure, circulation, and hydrant coverage.	TBD			0%	\$	150,000	\$ -
							Subtotal	\$ 9,285,000	\$ 1,553,690
						6-20 Year Grand Total	\$ 34,077,000	\$ 5,693,820	
							Water CIP Costs	\$ 34,077,000	
							Total SDC Funding	\$ 5,693,820	
							Total Other Funding	\$ 28,383,180	

EXHIBIT B

1-5 Year Sanitary Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible	
Collection System Improvements									
IMP-1	McClaine Street Sewer	Replace sewer main from W. Main to Westfield. Upsize 1800lf of 8" to 12" and upsize 560lf of 12" to 18" (look at option of CIPP)		2019		0%	\$ 421,120.00	\$ -	
IMP-2	Master Plan Update	WWTP, Pump Stations, & Collection System		2020		100%	\$ 100,000	\$ 100,000	
IMP-3	S James Street Capacity	Upsize 570lf of 12" to 18" McClaine to Brooks		2021		80%	\$ 257,000	\$ 205,600	
IMP-4	Sherman Street Capacity	Upsize 175lf of 12" to 18" Maple St. to N. Water		2022		80%	\$ 75,000	\$ 60,000	
IMP-5	Adams Ave. Condition Assessment	Upsize 880lf of 8" to 12" MH28 to MH824		2023		80%	\$ 200,000	\$ 160,000	
CA-01	Program	CCTV Sewer Mains.		Yearly		0%	\$ 7,000	\$ -	
SR-01	Rehab Projects	Replacement of aging pipelines		Yearly		0%	\$ 339,000	\$ -	
							Subtotal	\$ 1,399,120	\$ 425,600
WWTP Process Control Upgrades, Process Optimization, Solids Processing, and Effluent Management Improvements									
WWD-1	Laboratory/Admin Facility Schematic Design					0%	\$ 41,000	\$ -	
WWTP-2	Phase 2 Biosolids handling. Lab and admin.								
WWTP-2	Phase 2a - Primary Sludge Pump Station & Bldg.					0%	\$ 472,000	\$ -	
WWTP-2	Phase 2b - Engr., Admin., & legal (30%)					0%	\$ 142,000	\$ -	
WWTP-3	Phase 3 Aeration System Upgrade								
WWTP-3	New Laboratory/Locker Rooms					0%	\$ 337,000	\$ -	
							Subtotal	\$ 992,000	\$ -
Differed Maintenance, Operational Improvements, and Old CIP									
DMS-01	WWTP Improvements	Bar Rack Inspect, Tune-up, & Training		2014		0%	\$ 3,500	\$ -	
DMS-02	WWTP Improvements	UV Inspect, Tune-up, & Training		2014		0%	\$ 3,500	\$ -	
DMS-03	WWTP Improvements	Security fencing repairs		2014		0%	\$ 12,000	\$ -	
DMS-04	WWTP Improvements	Bank Stabilization		2014		0%	\$ 25,000	\$ -	
DMS-05	WWTP Improvements	Parking lot & access Road Overlay		2016		0%	\$ 76,000	\$ -	
DMS-06	WWTP Improvements	RAS/WAS Building HVAC		2014		0%	\$ 31,000	\$ -	
DMS-07	WWTP Improvements	Yard lighting improvements		2015		0%	\$ 15,000	\$ -	
DMS-08	Silver Avenue Lift Station	Wetwell Vault Access		2015		0%	\$ 36,000	\$ -	
DMS-09	Main Street Lift Station	Pump #1 Replacement		2015		0%	\$ 12,000	\$ -	
DMS-10	WWTP Improvements	Biosolids Screwpress		2015		100%	\$ 510,000	\$ 510,000	
DMS-11	WWTP Improvements	Effluent Pumpstation Cover		2014		0%	\$ 41,000	\$ -	
							Subtotal	\$ 765,000	\$ 510,000
							1-5 Yr Grand Total	\$ 3,156,120	\$ 935,600
							Sanitary CIP Costs	\$ 3,156,120	
							Total SDC Funding	\$ -	\$ 935,600
							Total Other Funding	\$ 2,220,520	

6-20 Year Sanitary Sewer Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2013 \$)	SDC Eligible
Collection System Improvements								
IMP-6	Oregon Garden Lift Station Capacity (current est. 83% capacity)	Install two 400 GPM pumps with one standby pump.		TBD		0%	\$ 26,000	\$ -
IMP-7	Oregon Garden Lift Station Capacity	Upsize forcemain 4" to 6"		TBD		80%	\$ 253,000	\$ 202,400
CA-01	Condition Assessment Program	Condition of clay, unknown, concrete, ductile iron, PVC pipes.		Yearly		0%	\$ 7,000	\$ -
SR-01	Rehab Projects	Replacement of aging pipelines		Yearly		0%	\$ 339,000	\$ -
Subtotal							\$ 625,000	\$ 202,400
Additional Pump Station Improvements								
PMP-2	Pine Street	New pump station and forcemain		TBD		80%	\$ 224,000	\$ 179,200
PMP-3	Setness Lane	New pump station and 6" forcemain and 8" collection pipes.		TBD		80%	\$ 1,437,000	\$ 1,149,600
Subtotal							\$ 1,661,000	\$ 1,328,800
WWTP Process Control Upgrades, Process Optimization, Solids processing, and Effluent Management Improvements								
ST-1	Phase 1 Study - Thermodynamic Model Update			TBD		20%	\$ 48,000	\$ 9,600
ST-2	Phase 1 Study - Wetland Optimization Study			TBD		20%	\$ 35,000	\$ 7,000
WWTP -1	Phase 1 Biosolids Expansion							\$ -
WWTP -1	Phase 1a - Thickened Sludge Blend Tanks.			TBD		65%	\$ 517,000	\$ 336,050
WWTP -1	Phase 1a - Dewatering and lime Stabilization Facility			TBD		65%	\$ 3,300,000	\$ 2,145,000
WWTP -1	Phase 1a - Covered Lined Biosolids Storage			TBD		65%	\$ 473,000	\$ 307,450
WWTP -1	Phase 1a - 3-stage Chemical Scrubber Odor Control			TBD		65%	\$ 864,000	\$ 561,600
WWTP -1	Phase 1a - Engr., Admin., & Legal (30%)			TBD		65%	\$ 1,626,000	\$ 1,056,900
WWTP-2	Phase 2 Biosolids Handling, Lab & Admin.							\$ -
WWTP-2	Phase 2a - Primary Sludge Pump Station			TBD		0%	\$ 581,000	\$ -
WWTP-2	Phase 2a - Engr., Admin & Legal (30%)			TBD		0%	\$ 142,000	\$ -
WWTP-2	Phase 2b - Aeration System Upgrade	Additional diffusers, headers, and blowers.		TBD		80%	\$ 281,000	\$ 224,800
Subtotal							\$ 7,867,000	\$ 4,648,400
Differed Maintenance, Operational Improvements, and Old CIP								
DMS-12	WWTP Improvements	3rd Anerobic Digester		TBD		33%	\$ 2,038,000	\$ 672,540
Subtotal							\$ 2,038,000	\$ 672,540

6-20 Yr Grand Total	\$ 12,191,000	\$ 6,852,140
Sanitary CIP Costs	\$ 12,191,000	
Total SDC Funding	\$ -	\$ 6,852,140
Total Other Funding	\$ 5,338,860	

EXHIBIT C

1-5 Year Storm Sewer Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible	
Priority 1 Improvements									
1A	McClaine Street Improvements	Install 1600 LF of 12" and 198 LF of 15" pipe		2019		5%	\$ 380,000	\$ 19,000	
1B	N. 2nd Street & Mills Addition Improvements (Not including year 6-20 costs \$441,000)	Install 5344 LF of 15", 275 LF of 18", 308 LF of 21", and 278 LF of 24".		2023		20%	\$ 1,807,000	\$ 361,400	
1C	Master Plan Update	Update Storm Master Plan		2020		100%	\$ 50,000	\$ 50,000	
							Subtotal	\$ 2,237,000	\$ 430,400
Yearly Maintenance, Yearly Replacement Improvements, and Old CIP									
OP1	Yearly Maintenance	Line and Inlet Cleaning		Yearly		0%	\$ 152,000	\$ -	
R1	System Replacement Program			Yearly		0%	\$ 436,000	\$ -	
							Subtotal	\$ 588,000	\$ -

1-5 Yr Grand Total	\$ 2,825,000	\$ 430,400
Storm Sewer CIP Costs	\$ 2,825,000	
Total SDC Funding	\$ -	\$ 430,400
Total Other Funding	\$ 2,394,600	

6-20 Year Storm Sewer Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2018 \$)	SDC Eligible
Priority 1 Improvements								
1B	N. 2nd Street & Mills Addition Improvements	Install 5344 LF of 15", 275 LF of 18", 308 LF of 21", & 278 LF of 24" Pipe.		2023		20%	\$ 441,000	\$ 88,200
1C	W. Main, Welch, and Cherry Street Stormwater	Install 1273 LF of 12", 561 LF of 15", 271 LF of 18".		2024		10%	\$ 760,000	\$ 76,000
1D	Hight Street To E. Main Street Stormwater	Install 781 LF of 12", 251 LF of 15", 386 LF of 24", & 1394 LF of 30" Pipe.		2025		5%	\$ 1,210,000	\$ 60,500
1E	Jersey Street Stormwater	Install 1003 LF of 30" Pipe		2026		5%	\$ 541,000	\$ 27,050
						Subtotal	\$ 2,952,000	\$ 251,750
Priority 2 Improvements								
2B	N. James Street and Pine Street Improvements	Install 916 LF of 12" pipe		TBD		0%	\$ 284,000	\$ -
2C	Sheridan Street and Pine Street Improvements	Install 60 LF of 12", 65 LF of 15" & 70 LF of 18" pipe		TBD		10%	\$ 344,000	\$ 34,400
2D	Rock Street to S. 3rd Street Connection	Install 1,570 LF of 12" pipe		TBD		10%	\$ 260,000	\$ 26,000
2F	Koons Street Improvements	Install 211 LF of 12", and 734 LF of 18" pipe.		TBD		0%	\$ 316,000	\$ -
2G	James Street Improvements	Install 544 LF of 18", and 180 LF of 24" pipe.		TBD		5%	\$ 221,000	\$ 11,050
						Subtotal	\$ 1,425,000	\$ 71,450
Priority 3 Improvements								
3A	Oak Street Improvements	Install 606 LF of 24" pipe		TBD		35%	\$ 235,000	\$ 82,250
3B	Hwy 214 Detention Facility	Sub-regional detention and water quality facility with bore under the RR tracks.		TBD		10%	\$ 1,267,000	\$ 126,700
3C	Monson Rd. Improvements	Install 444 LF of 30" pipe		TBD		40%	\$ 192,000	\$ 76,800
3D	Grant Street Improvements	Install 545 LF of 15" pipe		TBD		10%	\$ 153,000	\$ 15,300
3E	W McClaine Street Improvements	Install 309 LF of 18" pipe		TBD		0%	\$ 112,000	\$ -
3F	Monitor Rd. Improvements	Install 291 LF of 21" pipe		TBD		55%	\$ 73,000	\$ 40,150
	Steelhammer Road	Jaysie Drive to Evans Valey Road		TBD			\$ 560,000	\$ -
						Subtotal	\$ 2,592,000	\$ 341,200
Yearly Maintenance, Yearly Replacement Improvements, and Old CIP								
OP1	Yearly Maintenance	Line and inlet cleaning		Yearly		0%	\$ 152,000	\$ -
R1	System Maintenance Program			Yearly		0%	\$ 436,000	\$ -
						Subtotal	\$ 588,000	\$ -
						6-20 Yr Grand Total	\$ 7,557,000	\$ 664,400
						Storm Sewer CIP Costs	\$ 7,557,000	
						Total SDC Funding	\$ -	\$ 664,400
						Total Other Funding	\$ 6,892,600	

EXHIBIT D

1-5 Year Transportation Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	Project SDC %	Project Cost (2018 \$)	SDC Eligible
Intersection Improvements (I), Studies (S), Connector Roadway ©								
S-01	SDC Methodology Update	Transportation SDC Methodology Update. Need to complete the new Transportation Master Plan first.	High	2015	2018	100%	\$ 30,000	\$ 30,000.00
Subtotal							\$ 30,000	\$ 30,000
Roadway Reconstruction (RR)								
RR-01	McClaine Street	Westfield Street to W Main Street. 34' curb to curb. Includes PS-05 & BL-17			2019		\$ 1,750,000.00	
RR-02	Steelhammer Rd. (not including year 6-20 costs \$1,000,000)	Jaysie Dr. to Evans Valley Rd. Funded by City and LID	High	2022	2020	0%	\$ 223,000	\$ -
RR-03	N 2nd Street	Railroad to N. City Limits		TBD		0%	\$ 985,000	\$ -
Subtotal							\$ 1,973,000	\$ -
Bicycle Lanes (BL)								
BL-04	S. Water Street	Lane St. to Pioneer Dr. (both sides) Funded by ODOT grant	High	2015	2021	30%	\$ 562,000	\$ 168,600
Subtotal							\$ 562,000	\$ 168,600
Pedestrian Sidewalk (PS), Pedestrian Pathway (PP), Pedestrian Crossings (PC), and Audits (A)								
PS-03	S. Water Street	Smith St. south to city limits (both). Funded by ODOT grant.	High	2015	2021	30%	\$ 1,063,000	\$ 318,900
PS-08	James St.	C St. to Brook St. (west) (Revised - Added \$45k for RR X-ing)	High	2015	TBD	30%	\$ 63,000	\$ 18,900
Subtotal							\$ 1,126,000	\$ 337,800
1-5 Yr Grand Total							\$ 3,691,000	\$ 536,400
Transportation CIP Costs							\$ 3,691,000	
Total SDC Funding							\$ -	\$ 536,400
Total Other Funding							\$ 3,154,600	

6-20 Year Transportation Project Summary									
Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2013 \$)	SDC Eligible	
Intersection Improvements (I), Studies (S), Connector Roadway (C)									
I-01	McClaine Street/Main Street	Signal and WBRTL		TBD		100%	\$ 600,000	\$ 600,000	
I-02	Main Street/Water Street	Signal		TBD		100%	\$ 281,000	\$ 281,000	
I-03	Oak Street/1st Street	Signal		TBD		100%	\$ 281,000	\$ 281,000	
I-04	Main Street/1st Street	Signal		TBD		100%	\$ 281,000	\$ 281,000	
I-05	C Street/McClaine Street	SBRTL		TBD		100%	\$ 472,000	\$ 472,000	
I-06	Oak Street/Water Street	Signal		TBD		100%	\$ 281,000	\$ 281,000	
I-Pine	Pine Street/James Street	Signal w/NB & SB RTL		TBD		100%	\$ 966,000	\$ 966,000	
C-01	Eastside North-south Collector #4 (Phase 1)	Pioneer Drive to Evans Valley Road. Dev. Driven		TBD		12%	\$ 7,550,000	\$ 906,000	
C-02	Eastside North-south Collector #4 (Phase 2)	Evans Valley Road to Oak Street. Dev. Driven		TBD		12%	\$ 5,950,000	\$ 714,000	
C-Brown	Brown Street Realignment	Pine and Brown St. from James to N. Water		TBD		12%	\$ 2,200,000	\$ 264,000	
							Subtotal	\$ 18,862,000	\$ 5,046,000


6-20 Year Transportation Project Summary									
Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2013 \$)	SDC Eligible	
Roadway Reconstruction									
RR-02	Steelhammer Road	Oak Street to Evans Valley Road	Med.	2016	2020	0%	\$ 1,000,000	\$ -	
	Lincoln Street	Widen Lincoln St. from Mill St. to N. 2nd St.		TBD					
RR-03	N. 2nd Street	D Street to Roths		TBD		0%	\$ 190,000	\$ -	
RR-04	E. Main Street	5th Street to Steelhammer Majority is County Road		TBD		0%	\$ 1,695,000	\$ -	
RR-10	Eureka Avenue	W. Main Street to Edison Road County Road		TBD		0%	\$ 1,745,000	\$ -	
RR-14	Elm Street	Whittier Street to Lincoln Street		TBD		0%	\$ 315,000	\$ -	
RR-15	Mead Street	N. Water Street to Pine Street		TBD		0%	\$ 90,000	\$ -	
RR-16	Ord Street	N. Water Street to Pine Street		TBD		0%	\$ 90,000	\$ -	
RR-17	Park Street	2nd Street to 3rd Street		TBD		0%	\$ 80,000	\$ -	
RR-19	Johnson Street	West end to Madison Street		TBD		0%	\$ 110,000	\$ -	
RR-20	Orchard Street	Well Street to Florida		TBD		0%	\$ 190,000	\$ -	
RR-21	Rock Street	E. Main Street to Kent Street		TBD		0%	\$ 105,000	\$ -	
RR-22	Brooks Street	Alder Street to Wilson Street		TBD		0%	\$ 135,000	\$ -	
RR-23	Short Street	Fossholm Road to Wilson Street		TBD		0%	\$ 105,000	\$ -	
RR-24	Wilson Street	Short Street to Brook Street		TBD		0%	\$ 175,000	\$ -	
RR-25	N. 3rd Street	Oak Street to B Street		TBD		0%	\$ 270,000	\$ -	
RR-26	Hill Street	Oak Street to Mill Street		TBD		0%	\$ 180,000	\$ -	
RR-27	Maple Street & Sherman Street	N. Water to South end		TBD		0%	\$ 165,000	\$ -	
RR-28	Wall Street & Bartlett Street	Norway Street to South end		TBD		0%	\$ 175,000	\$ -	
							Subtotal	\$ 6,815,000	\$ -

6-20 Year Transportation Project Summary								
Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2013 \$)	SDC Eligible
Bicycle Lanes (BL)								
BL-01	1st Street	Hobart Road to B Street (both) ODOT Road		TBD		30%	\$ 76,000	\$ 22,800
BL-02	Oak Street	Steelhammer Road to East City Limits (both) ODOT Road	High	TBD		30%	\$ 287,000	\$ 86,100
BL-03	N. Water Street (revised)	James Street to C Street (both) West City Limits to James Street (both) 60% of Pine St. is a County Road		TBD		30%	\$ 131,000	\$ 39,300
BL-05	Pine Street	West City Limits to Existing Section (both)		TBD		30%	\$ 388,000	\$ 116,400
BL-06	Silverton Road	Bow Tie Lane to Oak Street (both) Need to reconstruct this road. Add big bucks.		TBD		30%	\$ 5,624	\$ 1,687
BL-07	2nd Street	Norway Street to Steelhammer Road (both) ODOT Road		TBD		30%	\$ 16,000	\$ 4,800
BL-08	Oak Street							

6-20 Year Transportation Project Summary

Project Number	Project Name	Project Description	Priority	Project Start	Project Finish	SDC %	Project Cost (2013 \$)	SDC Eligible
Pedestrian Sidewalk (PS), Pedestrian Pathway (PP), Pedestrian Crossings (PC), Audits (A)								
PS-01	Oak Street	Steelhammer Road to east City Limits (both)	High	TBD		30%	\$ 400,000	\$ 120,000
PS-02	Pine Street (gap infill)	Grant Street to west City Limits (south)	High	TBD		30%	\$ 165,000	\$ 49,500
PS-04	C Street	McClaine Street to James Street (both)	High	TBD		30%	\$ 175,000	\$ 52,500
PS-05	Steelhammer Road	Oak Street to Evans Valley Road (both)	High	2016	2020	30%	\$ 305,000	\$ 91,500
PS-06	C Street	1st Street to 2nd Street (south) (revised)	High	TBD		30%	\$ 20,000	\$ 6,000
PS-07	James Street	C Street to N. Water Street (east)	High	TBD		30%	\$ 60,000	\$ 18,000
PS-09	Westfield Street	Main Street to South Street (east) (revised)	High	TBD		30%	\$ 35,000	\$ 10,500
PS-10	E. Main Street	3rd Street to Steelhammer Road (both)	High	TBD		30%	\$ 640,000	\$ 192,000
PS-11	Oak Street	Mill Street to Steelhammer Road (south)	Med.	TBD		30%	\$ 320,000	\$ 96,000
PS-12	N. Water Street	James Street to C Street (south)	Med.	TBD		30%	\$ 60,000	\$ 18,000
PS-14	C Street	James Street to N. Water Street (both)	Med.	TBD		30%	\$ 220,000	\$ 66,000
PS-15	James Street	Florida Street to City Limits (both) (revised)	Med.	TBD		30%	\$ 280,000	\$ 84,000
PS-16	Westfield Street	South Street to McClaine Street (east) (revised)	Med.	TBD		30%	\$ 190,000	\$ 57,000
PS-17	B Street	1st Street to Mill Street (south) (revised)	Med.	TBD		30%	\$ 60,000	\$ 18,000
PS-18	1st Street	Hobart Road to RR Tracks (both) More than 50% of project is in the UGB, and 100% in ODOT ROW.	Med.	TBD		30%	\$ 540,000	\$ 162,000
PS-19	Jefferson Street	2nd Street to James Street (both) (Revised) Add \$45K for RR X-ing. Entire project in UGB and County ROW	Med.	TBD		30%	\$ 235,000	\$ 70,500
PS-20	W. Main Street	Westfield Street to City Limits (north) (revised) County Road	Med.	TBD		30%	\$ 150,000	\$ 45,000
PS-21	Keene Avenue	Eureka Ave. to Anderson Drive (both) (revised)	Med.	TBD		30%	\$ 350,000	\$ 105,000
PS-22	Ike Mooney Road	Existing Section to City Limits (both) Development Driven	Med.	TBD		30%	\$ 260,000	\$ 78,000
PS-23	2nd Street	Whittier Street/RR Tracks to Hobart Road (both) (revised) Need to address storm sewer before sidewalks can go in. Was budgeted at \$543K	Med.	TBD		30%	\$ 400,000	\$ 120,000
PS-25	Fiske Street	Main Street to Charles Street (both) (revised) Narrow ROW and creek will make it very difficult and likely require a retaining wall along the creek bank.	Low	TBD		30%	\$ 160,000	\$ 48,000
PS-26	2nd Street (gap infill)	Roths to D Street (east) (revised) Stared at Roths Vs Whittier. Cost is much lower than previously estimated	Low	TBD		30%	\$ 45,000	\$ 13,500
PS-27a	Eureka Ave.	Main Street to Keene Avenue (west)	Low	TBD		30%	\$ 95,000	\$ 28,500
PS-27b	Eureka Ave.	Keene Avenue to S City limits (both)	Low	TBD		30%	\$ 475,000	\$ 142,500
PS-28	Monitor Road	Hobart Road to Oak Street (west)	Low	TBD		30%	\$ 250,000	\$ 75,000
PS-29	Hobart Road	1st Street to Monitor Road (north)	Low	TBD		30%	\$ 650,000	\$ 195,000
PS-30	Hobart Road	1st Street east to Existing Section (south) (Revised) Storm Improvements need to go first. Will need to add a storm project to the 6-20yr storm master plan	Low	TBD		30%	\$ 85,000	\$ 25,500
PC-02	N Water Street/A Street	Crossing Enhancement (north)		TBD		0%	\$ 11,000	\$ -
PC-03	Water Street/Lewis Street	Refuge Median		TBD		0%	\$ 28,000	\$ -
PC-04	Water Street-Eugene Field	Crossing Enhancement (mid-block)	Complete	TBD		0%	\$ 9,000	\$ -
PC-05	Steelhammer Road	Crossing Enhancement (mid-block)		TBD		0%	\$ 11,000	\$ -
PC-07	1st Street	Bow Tie Lane (mid-block)		TBD		0%	\$ 13,000	\$ -
PC-08	Water Street/Wesley Street	Crossing Enhancement (south)	complete	TBD		0%	\$ 9,000	\$ -
PC-09	1st Street/Lewis Street	Crossing Enhancement (west)	Complete	TBD		0%	\$ 6,000	\$ -
PC-10	1st Street/B Street	Crossing Enhancement (south)		TBD		0%	\$ 11,000	\$ -
A-01	ADA Safety Audit and Annual Improvement Program			TBD		100%	\$ 370,000	\$ 370,000
						Subtotal	\$ 7,093,000	\$ 2,357,500
						6-20 Yr Grand Total	\$ 37,908,624	\$ 6,972,987
						Transportation CIP Costs	\$ 37,908,624	
						Total SDC Funding	\$ -	\$ 6,972,987
						Total Other Funding	\$ 30,935,637	

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.4	Approval of rental of the Oregon Garden to the Oregon Garden Resort from June 15, 2018 through June 18, 2018 for Brewfest
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Dianne Hunt	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion to approve the rental of the Oregon Garden to the Oregon Garden Resort from June 15, 2018 through June 18, 2018 for camping during the Brewfest.

Background:

The Oregon Garden Foundation has traditionally hosted Brewfest events through its contracted management company, Moonstone Garden Management. For 2018, the Oregon Garden Foundation has consented to the Oregon Garden Resort renting the garden from June 15, 2018 through June 18, 2018 for camping during Brewfest events.

Budget Impact	Fiscal Year	Funding Source
None	2017-2018	N/A

Attachments:

1. February 22, 2018 Correspondence – Christine Diacetis
2. Oregon Garden map

February 22, 2018

Prepared for City Council Meeting, March 5th, 2018

As you may recall from meetings in early 2017, the legal description of The Oregon Garden in the existing management agreement between the City of Silverton, Marion County, Oregon Garden Foundation and Moonstone Garden Management does not align with what all parties have considered Garden property and the areas the Moonstone Garden Management has been actively managing since entering into the agreement.

Until this error is corrected, we believe it's best practice to make Council aware of any exceptional use of the area as we did last year when we started the camping initiative for Brewfest and Eclipse. The area in question is the lower parking lot areas closest to Cascade Highway at the entrance to the Garden. We intend to host camping in again in these areas in conjunction with Brewfest, with guests arriving June 15, 2018 and departing on June 17th and 18th.

We are using the same layouts as we did last year, designed and approved by local fire and law enforcement. There are 96 spots, with an estimated 288 people. TOT is assessed on camping, and could generate up to \$1,098 just in this area pending occupancy. A separate insurance policy is acquired to cover camping specifically, on which the City will be named an additional insured. In your packet you will find copies of the camping maps and guidelines. Our insurance company has reviewed and approved these guidelines.

Thank you so much for your consideration. The inclusion of this area for camping is key to the continued success of the event.

Sincerely-

Christine Diacetis
Regional Manager
Moonstone Hotel Properties




OREGON GARDEN BREW CAMP
 CRAFT BEER | MUSIC | FUN STUFF
 Silverton, Oregon

- Food
- Smoking Area
- Meadow Stage
- Garden Access for Campers
- The Hub
- Campfire Circle
- Restrooms
- Drinking Fountain
- Picnic Area
- Campground

ENTRANCE



**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.5	Authorize the City Manager to approve additional costs associated with the McClaine Street Sewer CCTV work
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Christian Saxe	Christy S. Wurster	Christy S. Wurster

Recommendation:


Motion authorizing the City Manager to approve additional costs associated with the McClaine Street Sewer CCTV work.

Background:

As part of the initial utility assessment of McClaine Street, the Public Works Department awarded a \$9,722.00 contract to Pipeline Video Inspection, LLC. During the prosecution of the work the contractor encountered heavy debris and was forced to perform additional cleaning to complete the video work. This added work resulted in \$2,140.76 of additional costs, above the initial contract award.

Budget Impact	Fiscal Year	Funding Source
\$2,140.76	2017-18	Sewer Maintenance Fund

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.1	Public Comment on the demolition/deconstruction of the former Eugene Field School
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Christy S. Wurster	Christy S. Wurster	Christy S. Wurster

Recommendation:

Receive public comments on the demolition/deconstruction of the former Eugene Field School. No additional action is requested at this meeting.

Background:

The City Council held a work session to discuss how to engage the public regarding the former Eugene Field School property on Monday, February 26, 2018. The City Council reviewed the Facility Evaluation dated January 14, 2014 performed by ZCS Engineering, Inc. outlining the condition of the former Eugene Field Elementary School.

The general discussion and sentiment was that the city purchased the property for the site of a future Police Station/City Hall/Civic Center. The City Council will receive public input in two separate meetings on the demolition/deconstruction of the former Eugene Field School at their meetings on Monday, March 5, 2018 and Monday, April 2, 2018. Following public comment at the April 2, 2018 meeting the City Council will provide staff with direction on moving forward in fiscal year 2018-2019.

Budget Impact	Fiscal Year	Funding Source
None.	2017-2018	N/A

Attachments:

1. 01/14/2014 Facility Evaluation – ZCS Engineering, Inc.



Silver Falls School District

Eugene Field Elementary School - Facility Evaluation

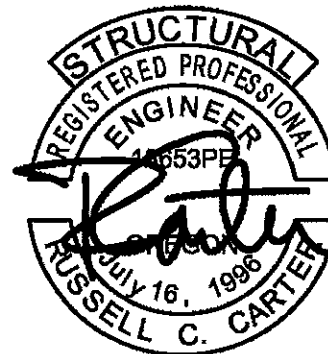
January 14, 2014



Prepared for:
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Tel: 503.873.5303
Fax: 503.873.2936



Prepared By:
ZCS Engineering, Inc.
524 Main Street, Suite 2
Oregon City, OR 97045
Tel: 503.659.2205
Fax: 503.659.2433



EXPIRES: 12-31-15

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Appendix D: Cost Budgeting Models	
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1.0 Executive Summary

The Silver Falls School District (District) is centrally located in Silverton, Oregon in Marion County, approximately 14 miles east of Salem, Oregon. The District operates thirteen schools located within the community including the property of interest, Eugene Field Elementary School. The District has retained ZCS Engineering, Inc. (ZCS) to perform a facility evaluation at Eugene Field Elementary School that provides the District with an objective, comprehensive analysis of the condition of the existing facilities on site.

Eugene Field Elementary School is located at 410 Water Street in Silverton, Oregon (Figure 1 – Vicinity Map). The campus houses several structures constructed between 1921 and 1973. They include the original 1921 school building and gymnasium, a classroom addition, a 1973 play structure, and a 1953 stand-alone boiler room. Additionally, three modular buildings are present on the site. For a large portion of the school's life major maintenance and capital improvements have been deferred so many of the original building systems are still in service.

The evaluation of the school indicates that substantial upgrades to the structure itself and interior and exterior building systems would be required to support long-term continued use of Eugene Field as a warm, safe, and dry learning environment. Current shortcomings at the existing campus include, but are not limited to:

- Deficient structural systems that would result in unsafe structural performance during a code seismic event
- Limited capacity for growth
- Lack of on-site parking and circulation
- Considerably less playground area than what is typically programmed for elementary schools of similar capacity
- Deterioration of exterior building envelope features
- Heavily worn residential grade restroom and kitchen fixtures
- Many building features do not comply with current accessibility regulations
- Lack of an air circulation system
- Insufficient power outlets considering current demand for technology in the classroom

The balance of the report provides specific details regarding the construction of the school and a system-by-system review of the school's current condition.

Cost budgeting models were prepared for the following options;

- Renovate Eugene Field to provide a safe, warm and dry environment that would satisfy the current facility needs of the District
Planning Level Estimate: \$10.9 million
- Replace Eugene Field with a new, but comparable facility
Planning Level Estimate \$12.4 million
- Replace Eugene Field with state-of-the art facility designed based on contemporary trends in teaching and learning space
Planning Level Estimate: \$14.7 million

While the cost of the major renovation is less than the cost of the two replacement options, the District would still be left with a school that was built in 1921, and the functional limitations that go along with it, for approximately 88% of the cost of a new school. Thoughtful consideration must be given by all stakeholders to the financial, logistical, and educational factors in planning for the future of this facility.

2.0 Project Introduction

Silver Falls School District (District) is centrally located in Silverton, Oregon in Marion County, approximately 14 miles east of Salem, Oregon. Eugene Field Elementary School is located at 410 Water Street in Silverton, Oregon (Figure 1 – Vicinity Map).

The District has retained ZCS Engineering, Inc. (ZCS) to perform a facility evaluation at Eugene Field Elementary School. The purpose of the evaluation is provide the District with an objective, comprehensive analysis of the condition of the existing facilities on site. This work was conducted at the request of Andy Bellando, Superintendent, under an engineering services contract between the District and ZCS.

2.1 Scope of Work

The scope of work for this project consists of the following tasks:

- Coordinate and attend kick-off meeting with District to determine facility needs
- Review original building construction drawings and perform facilities tour to visually evaluate building systems
- Perform code analysis (i.e. ADA, fire and life safety, etc.) and identify deficiencies
- Evaluate existing building envelope package (energy efficiencies, roofing, windows etc.) and identify deficiencies
- Evaluate existing building structural elements for adequacy (i.e. dead load, snow load, live load, wind/seismic loads, etc.) and identify deficiencies
- Perform cursory evaluation of mechanical, electrical, plumbing systems with building operations and maintenance staff and identify deficiencies
- Evaluate existing school functionality with respect to contemporary learning environments
- Review results of District supplied 'Thoughtstream' information and incorporate the perceived community values into the recommendations for Eugene Field
- Prepare three cost budgeting models for modifications and replacement
- Review cost budgeting models with a licensed contractor to develop final budgeting recommendations
- Provide final facilities evaluation and recommendations report for facility planning use by the District.

3.0 Structural Evaluation

3.1 Introduction

As a portion of the overall building evaluation, ZCS Engineering, Inc. (ZCS) was tasked with evaluating the lateral force resisting systems in the facility. The structures reviewed in our analysis include the original 1921 elementary school, the attached classroom addition, and the covered play structure that was built around 1973. The year the classroom addition was constructed is unknown.

Additional structures on site include three modular buildings and a stand-alone boiler room. The modular buildings have not been included in this portion of the report because modern modular structures are structurally independent, redundant in nature, and generally constructed in accordance with the intent of current building codes. The boiler room is a structurally independent building constructed using cast-in-place concrete for all structural elements. The boiler room structure was not included in the scope of this evaluation as it is not accessible to students.

3.2 Inspection Process

The following sections detail the inspection process:

- Compile all relevant information from District personnel for facility evaluation
- Review available as-constructed building information prior to site visit
- Compile relevant seismic checklists
- Organize site visit and inspection
- Arrive on-site and execute pre-inspection phase in order to understand facility layout and identify possible deficiencies
- Perform site inspection through each structurally independent portion of the building in order to obtain relevant information and note obvious deficiencies
- Photograph deficiencies and facility interior layout during site inspection
- Document structural framing methods used for each building during site inspection
- Perform facility exterior walk-around in order to obtain complete exterior photographic documentation
- Perform a seismic evaluation of the existing facility and determine deficiencies.

3.3 Building Summaries

The main structure consists of three separate systems of construction that were built at different times and/or were constructed using different materials and systems. For that reason, we have separated each portion of the building for our analysis. A fourth building, an outside covered play structure, was also evaluated and is a stand-alone building. The following section outlines each of the existing facilities, or portions thereof, based on their independent structural systems. The descriptions below were gathered from site observations on November 11, 2013 and the review of existing construction documents provided.

The current building known as Eugene Field Elementary School was originally constructed around 1921. The original facility consists of a main classroom wing with an approximate footprint of 17,770 square feet and a gymnasium with an approximate footprint of 7,230

square feet. This facility underwent one major classroom wing addition at an unknown time with an approximate footprint of 9,990 square feet, and a structurally independent play structure was added adjacent to the gymnasium around 1973 with an approximate footprint of 9,380 square feet (Figure 2 – Aerial Image).

Information provided during the pre-inspection phase suggested that needed maintenance and improvements were not performed for a substantial portion of the life of each building. The lack of maintenance has yielded an aging facility that is now in need of attention.

3.3.1 Original Classroom Wing – Building A (1921 Elementary School)

The classroom wing of the original structure is a single story building with an approximate footprint of 17,770 square feet (Figure 3 – Classroom Wing Front Elevation). The building currently houses classrooms, the school office, principal's office, storage, and restrooms.

The building is constructed with 8-inch thick unreinforced clay tile (URM) walls. The roof framing consists of dimensional lumber rafters and straight sheathing (Figure 4 – Typical Classroom Framing). The mansard roof framing is supported by a combination of URM exterior bearing walls, wood framed interior bearing walls, and posts to ceiling joists below. The majority of the exterior walls contain windows that run from approximately 3-feet above finished floor to the underside of the roof structure. These windows are present along the majority of the exterior wall lines.

The structure's gravity load elements bear on a cast-in-place concrete foundation around the perimeter and a post and beam system with dimensional lumber floor joists and concrete footings between bearing lines within the building footprint.

Two additional classrooms, which are not depicted in the original construction documents, are present at the end of the structure. Typical evidence of building addition efforts were not observed suggesting that the floor plan may have been expanded during construction and not formally documented upon completion.

3.3.2 Original Gymnasium – Building B (1921 Elementary School)

The gymnasium was built during the same period of time with similar construction materials and methods as the immediately adjacent classroom wing (Figure 5 – Gymnasium). The structure is approximately 7,230 square feet and has a mezzanine along the full length of two of the perimeter walls. On the ground floor, the gym can be accessed from the adjacent classroom building or from the outside play area. A stage is located at the south end of the structure, and has its own access into the adjacent classroom building. There is a partial basement located beneath the stage, which houses storage and the custodial office. The walls in the gymnasium are substantially taller than the roofs of the adjacent buildings.

The roof of the gymnasium consists of built-up dimensional lumber girder trusses. The built-up trusses clear span the width of the gym and support dimensional lumber purlins and straight sheathed decking (Figure 6 – Gymnasium Framing). The roof framing at

the stage consists of a similar system but with a tighter truss spacing and a slightly different truss design. The perimeter walls consist of 16-inch thick URM walls and the roof trusses are individually supported by URM pilasters along the east and west walls. Window openings exist between the pilasters. The east wall window bays have been in-filled with light timber framing, while the western window bays have not.

The floor framing consists of dimensional lumber floor joists with diagonal sheathing. The floor joists are supported by a post and beam system. Concrete stemwalls with continuous concrete footings are present along the perimeter. The mezzanine floor is framed with dimensional lumber and also forms the ceiling for the classroom wing corridor. Along the north side of the gymnasium, the mezzanine is suspended over the gymnasium floor; this portion of mezzanine is supported by one of the roof trusses above.

3.3.3 Classroom Wing Addition – Building C (Date Unknown)

The addition to the school is located the north side of the original classroom building and gymnasium (Figure 7 – Classroom Wing Addition). The addition consists of approximately 9,990 square feet of classrooms, restrooms, storage, library, and connecting hallways. This addition houses a partial basement of approximately 4,340 square feet, which consists of a learning area, offices, special education resource room, and kitchen space. The basement can be accessed via an interior stairwell or from an exterior covered ramp that is located near the outside playground.

The roof is constructed in a manner similar to that of the original classroom portion of the school. Roof framing members are made up of dimensional lumber rafters and straight sheathing and are supported by cast-in-place concrete bearing walls (Figure 8 – Classroom Wing Addition Framing). The concrete bearing walls are approximately 14-foot tall and 10-inches thick. The new addition attempts to match the window pattern present on the original school which has large window bays along the exterior wall lines.

The foundation consists of concrete footings, stemwalls, and at the basement, concrete retaining walls. The basement floor is slab-on-grade, while the upper story and remainder of the addition are constructed with a post and beam system and dimensional lumber floor joists similar to the original building.

As part of the original design of the addition, the northeastern-most wall was constructed out of timber in order to accommodate a future extension of the building that was never constructed.

3.3.4 Play Structure (1973 Addition) – Building D

The covered play structure is approximately 9,380 square feet in area and is located roughly 12-feet northeast of the gymnasium (Figure 9 – Covered Play Area). One corner of the play structure is in-filled with wood studs between post bays, creating a storage shed.

Roof framing members consist of a built-up 2x dimensional lumber beam and truss hybrid system, along with 2x roof purlins supporting straight sheathed decking. The built-up roof beam-truss system bears on posts below (Figure 10 – Covered Play Area Framing). Additional diagonal braces have been added in an attempt to strengthen the lateral system and reduce the stresses in the beams and truss bottom chords.

The structure has an exterior pavement floor surface and is supported below grade with concrete footings.

3.4 Structural Evaluation

The following outlines an evaluation of the existing structural components of the building. The evaluation includes site observations of the existing structural elements and follows the guidelines outlined in the American Society of Civil Engineer's "Seismic Evaluation of Existing Buildings – ASCE 31-03". This manual is accepted by the Oregon Structural Specialty Code (OSSC) as an evaluation tool for existing buildings per section 3401.5 - Alternative Compliance and Statewide Alternate Method No. OSSC 08-05. Per ASCE 31-03 a Tier 1 evaluation has been performed. The purpose of a Tier 1 evaluation is to provide "Quick Checks" to properly evaluate a building and determine deficiencies related to the lateral resisting elements.

It is the intent of the District, as part of this study, to determine the structural deficiencies of the building as compared to current prescribed loading and detailing requirements for lateral (wind/seismic) loading. Section 3.4.1 outlines the existing lateral structural systems and is followed by Section 3.4.2, which outlines the structural deficiencies found during the evaluation.

Lateral resisting systems work in conjunction with gravity framing systems. As such, the existing gravity framing system was also evaluated for structural deficiencies. Section 3.4.3 outlines the existing gravity system and its structural deficiencies found during the evaluation.

3.4.1 Lateral Resisting Systems

As described in Section 3.3, the structures on the site have been broken into four buildings for the purpose of analysis. In addition to the main elementary school building, the covered play structure has been evaluated. The following outlines the structural lateral resisting systems for each portion of the facility.

Building A

The lateral resisting system for the classroom portion of the original building consists of unreinforced clay tile (URM) perimeter shearwalls supporting dimensional lumber roof rafters and straight sheathing. The URM perimeter walls contain a substantial amount of windows, leaving narrow shear piers to resist the lateral forces. The roof diaphragm consists of straight sheathed 1x decking. Interior wood framed corridor and classroom separation walls also provide lateral resistance. Attachments of the roof framing to the perimeter walls, which prevents the walls from separating from the roof framing and transfer in-plane forces into the walls, are not present.

Building B

The lateral load resisting system for the gymnasium consists of unreinforced clay tile (URM) shear walls and light timber roof and floor diaphragms. The roof diaphragm consists of straight sheathed 1x decking supported by purlins and site-built girder trusses. The attachment of the roof framing to the perimeter URM walls that prevents the walls from separating from the roof framing is present at the attachment of the truss connection points but is not present continuously along the diaphragm boundaries. Additionally, no in-plane connections are present to transfer diaphragm forces into the URM walls. The floor diaphragm consists of 3/4-inch diagonal sheathing. Attachment of the diaphragm to the perimeter bearing walls could not be verified through visual inspection or through review of the as-constructed documents.

Building C

The lateral load resisting system for the majority of the classroom addition consists of cast-in-place concrete walls in the north-south direction. In one location along the east wall an exterior, wood-framed plywood shearwall is present. Interior wood-framed shearwalls also provide lateral resistance. All shear walls support a timber roof diaphragm. The roof diaphragm consists of straight sheathed 1x decking. The connection between the roof diaphragm and the top of wall plate to resist in-plane loading was not observable and was not noted in the as-constructed plans; however, a direct in-plane attachment from the wall top plate to the top of wall was observed and also noted in the drawings. At the connection to the existing gymnasium a wood ledger bolted to the gym wall provides attachment of the diaphragm. Out-of-plane attachment of the roof framing to the perimeter walls, which prevents the walls from separating from the roof framing, is not present.

Building D

The lateral load resisting system for the covered play structure consists of knee braced posts that have been strengthened with plywood gusset plates. The roof diaphragm consists of 1x6 straight sheathing nailed perpendicularly to 2x8 rafters. The roof diaphragm is attached to roof beams and laterally braced posts. It appears that this system was intended to resist lateral forces. However, there does not appear to be an adequate connection between the knee braces and gravity framing elements.

3.4.2 Lateral Resisting Element Deficiencies

The following lateral resisting element deficiencies are based on visual observations of the existing structural elements and the structural analysis performed during the Tier 1 check of the ASCE 31-03. The Tier 1 checklists are attached in Appendix B. The following outlines the deficiencies for each portion of the facility.

Building A

The building is located directly adjacent to the gymnasium (Building B), which is taller but was constructed similarly. This will result in the two buildings moving independently of one another, and in different magnitudes, during a seismic event. This typically results in damage from building impact along the marriage line. The taller building will have a higher story drift than the shorter building, which will cause the walls of the taller

building to collide with the roof structure of the lower building. The walls, as currently constructed, are not detailed to resist this action, which can result in structural collapse.

The URM walls do not provide adequate strength to resist seismic forces. The exterior walls have a large number of window bays increasing the necessary shear resistance in the wall panels present. URM walls are extremely limited in the amount of shear stress that they can resist. As such, this building is not within code allowable limits for shear resistance as shown in the Tier 1 checklist. As a result, the original building does not possess a reliable lateral force resisting system. Additionally, the URM walls show signs of distress along the southeast exterior wall.

The URM wall's height- to-thickness ratios do not fall within the allowable proportional limits for non-slender walls. Allowable proportional limits are set to indicate if a wall is slender or non-slender. Slender URM walls are particularly susceptible to out-of-plane collapse, thus not permitted by code.

The roof framing is not properly anchored to the URM walls to resist out-of-plane shaking forces which could result in the walls separating from the roof framing and partial roof collapse.

Direct in-plane connection of the shear walls to the diaphragm was not able to be verified through the construction drawings, nor verified in the field. A code event could result in the walls and diaphragm moving independently of one another, resulting in a partial roof collapse.

The roof diaphragm does not have continuous cross ties between diaphragm chords in either direction due to the mansard construction and stepped ceiling heights. The roof rafters are not continuous across the width of the building and strapping at splice locations is not present. There is no blocking perpendicular to the roof rafters.

The straight sheathed roof diaphragm does not meet the prescribed span requirements to provide a reliable lateral resisting system. The roof may deflect more than intended which could result in serious wall damage.

There is observable water damage to portions of the roof, resulting in deterioration of roof diaphragm components.

The exterior longitudinal URM walls are supported using timber shear walls. For walls greater than 12-feet this is not an acceptable practice. The timber shear walls do not provide adequate support to resist the loading induced by the heavy URM walls.

Interior shearwalls in the transverse direction are not supported by an adequate foundation, forcing the floor diaphragm to carry the shear loads. The floor diaphragm cannot support these loads at its current span, resulting in partial structural collapse.

Building B

This building is located directly adjacent to Building A and Building C. The gymnasium is taller than both adjacent buildings and was constructed in a different manner than Building C. The differences in height and construction will result in the buildings moving independently of one another, and in different magnitudes, during a seismic event. This will cause the walls of the gymnasium to collide with the lower roofs. The walls, as

currently constructed, are not detailed to resist this action which can result in structural collapse.

The URM wall's height-to-thickness ratios do not fall within the allowable proportional limits for non-slender walls. Allowable proportional limits are set to indicate if a wall is slender or non-slender. Slender URM walls are particularly susceptible to out-of-plane buckling and collapse, and thus are not permitted by code.

Large corridor and door openings along the perimeter of the structure have resulted in the presence of very narrow wall sections adversely affecting the structure's ability to resist lateral loads.

The main floor has a significant number of windows around the perimeter, preventing the building from meeting allowable Tier 1 shear stress requirements. Lack of shear stress resistance will cause the brittle URM walls to crack and fail during a lateral event.

The roof framing is not properly anchored to the URM walls to resist out-of-plane shaking forces which could result in the walls separating from the roof framing, resulting in structural collapse.

Direct in-plane connection of the shear walls to the diaphragm was not able to be verified outside of the truss connections through the construction drawings or through observation. A code event could result in the walls and diaphragm moving independently of one another, resulting in roof collapse.

The straight sheathed roof diaphragm does not meet the prescribed span requirements, nor does it meet the prescribed length-to-width ratio required in order to provide a reliable lateral resisting system. The roof may deflect more than intended which could result in serious wall damage.

Water infiltration was observed at the roof diaphragm decking, which may result in damage to the roof diaphragm if left unrepaired.

Deterioration of URM wall units was observed, which may result in lower performance levels during a seismic event. The mortar between units is easily scraped away in locations adjacent to windows, which indicates that the bond strength between units is weakening.

The interior mezzanine is not laterally braced, nor is it properly attached to the URM walls of the gymnasium. This will result in potential structural collapse of the mezzanine during a seismic event. Note that collapse would block the main corridor at the entry of the school that provides one of the primary egress routes.

Building C

The building is located directly adjacent to Building A and Building B. Both Buildings A and B were constructed using different materials than Building C. Building B is also taller. This will result in the buildings moving independently of one another, and in different magnitudes, during a seismic event. This can result in damage from building impact, or pounding, along the marriage line. The walls, as currently constructed, are not detailed to resist this action which can result in structural collapse.

The roof and floor framing are not properly attached to the cast-in-place concrete walls to resist out-of-plane shaking forces, which could result in the walls separating from the roof and floor framing resulting in structural collapse.

The straight sheathed roof diaphragm does not meet the prescribed span requirements to provide a reliable lateral resisting system. The roof may deflect more than intended which could result in serious wall damage.

The connection between the roof diaphragm and the top of wall plate to resist in-plane loading was not observable and was not noted in the as-constructed plans. A code event could result in the walls and diaphragm moving independently of one another, resulting in partial roof collapse.

The roof diaphragm does not have continuous cross ties between diaphragm chords in either direction due to the mansard construction and stepped ceiling heights. The roof rafters are not continuous across the width of the building and strapping at splice locations is not present. There is no blocking present perpendicular to the roof rafters.

A lateral resistance system in the transverse direction along the marriage line between the addition and the gymnasium is not present. This will result in additional forces migrating to the gymnasium walls and potentially overloading them. Additionally, the diaphragm is not properly attached to Building A or B to accommodate out-of-plane forces.

The cast-in-place concrete walls of the addition are supported along the northeast wall line using timber shear walls. For walls greater than 12-feet this is not an acceptable practice due to the flexible nature of timber shear walls which do not provide adequate support to resist the loading induced by heavy concrete walls.

Interior shearwalls in the transverse direction are not supported by an adequate foundation, forcing the floor diaphragm to carry the shear loads. The floor diaphragm cannot support these loads at its current span resulting in partial structural collapse.

The basement has two main points of egress. The exit that discharges directly to the exterior ramp has had a cover constructed along its length to protect occupants from weather. The cover is constructed out of dimensional timber studs and rafters, and straight sheathed decking has been applied to the roof. The egress cover is not braced laterally and is not attached to the existing walls of Building C adequately. There also appears to be splitting in some of the roof framing members. In the event of a code seismic event, this cover will likely collapse and block a point of egress.

Building D

The lateral load resisting system does not have an adequate load path to the foundation. This could result in the roof framing system moving independently of the post and beam system below causing structural collapse during a seismic event.

There is observable deterioration of wood at the base of some of the posts which will compromise the lateral system if induced with lateral loading.

Direct in-plane attachment between the diagonal braces and post and beam system is inadequate. A code event could result in the posts and beams moving independently of each other.

3.4.3 Gravity Resisting Systems and General Observations

The following gravity resisting deficiencies are based on visual observations of the existing structural elements. No formal structural analysis was performed during this evaluation of the gravity resisting elements. However, preliminary quick checks were performed on suspect elements.

On-site observations and as-constructed documents suggest that Building A and Building C both have similar framing systems as detailed in Section 3.3. Preliminary evaluation of the roof and floor systems show that the roof rafters and corridor stud walls are only marginally overstressed, whereas the ceiling joists, floor beams and interior spread footings are significantly overstressed. While these elements have shown no observable signs of cracking, splitting, or other signs of distress, a seismic event could potentially overstress these elements to the point of failure and structural collapse.

Building A has observable signs of water infiltration to areas of roof decking and framing members along all perimeter, sloped sections of the mansard roof. Roof rafters that frame into one of the attic fire walls also display signs of deterioration where they attach (Figure 11 – Water Infiltration).

Limited crawlspace clearances in Building A and Building B indicate that the floor framing is in close proximity to the ground. These conditions can encourage deterioration if left unchecked. Reports of standing water in the crawl space and poor drainage away from the building elevate the potential for decay.

Building B has observable signs of water infiltration to areas of roof decking and framing members in one corner of the building (Figure 11 – Water Infiltration).

Building B is framed with built-up dimensional lumber roof trusses that are suspect. These roof trusses have long spans, carry heavy loads, and their connections appear to be inadequate.

Building C has experienced water intrusion into portions of the basement (Figure 11 – Water Infiltration). It is likely that appropriate foundation drainage elements are not present to move groundwater away from the retaining walls.

Building D has observable deflection in the beam-truss framing system. The observable deflections indicate that the roof framing system is overstressed.

4.0 Building Systems Evaluation

In order to provide the District with the most useful information, ZCS retained BLRB Architects (BLRB) to assist in the evaluation of the school from a non-structural building systems standpoint. BLRB is an architecture firm specialized in educational architecture, historic building assessment, documentation, and preservation and restoration. BLRB's unique skill set was an appropriate match for this project as their extensive history in working with older school facilities helped to provide special insight into the comprehensive evaluation of Eugene Field Elementary.

The full BLRB report covering the following topics is attached for reference in Appendix C:

- Architectural Overview covering building size, enrollment, and capacity
- Site Condition
- Exterior Building Condition
- Interior Building Condition
- Safety/Building Code
- Accessibility Provisions
- Mechanical System Condition
- Electrical System condition
- Low Voltage System Condition
- Instructional Adequacy
- Contemporary Learning Environments

5.0 Cost Budgeting

Based on the information provided in this report, ZCS and BLRB have developed three cost budgeting models for use in evaluating the most appropriate course of action. The information is based on historic educational facility construction costs. Each of the cost budget models is located in Appendix D. In addition to construction costs, the budget models address development costs which include consultant fees, permit fees, and contingencies. Following generation of the budget models they were reviewed with an Adroit Construction (Adroit) representative who has participated in similar construction projects. Adroit is a commercial contractor that has worked on multiple educational facilities and performed seismic retrofits to existing structures. Adroit reviewed the values presented in the cost budget models and provided insight into current construction costs from a contractor's perspective.

The first model reflects a complete renovation including seismic retrofits and interior and exterior improvements that would allow the continued use of Eugene Field as currently utilized. In this model, the deficiencies in building systems are addressed, but items that are not deficient will not be replaced. For example, the current radiant heat system is not included as an item to be replaced but a mechanical ventilation system is included to provide air movement through the building. For the purposes of this model, the gymnasium is recommended to be replaced. The retrofit to the existing structure would be very invasive and result in significant costs for structural work alone. Additional dollars would be required on top of that to address the other non-structural building systems. This model reflects a total estimated project cost on the order of \$10.9 million.

The second cost budget model reflects direct replacement of Eugene Field on the same site and serving the same functionality as the current school. This does not address items such as limited space on the current site, potential capacity issues, or the lack of on-site circulation. This model reflects a total estimated project cost on the order of \$12.4 million.

The last cost budget model is similar to the second, but reflects the replacement of Eugene Field configured based on current recommended educational standards. This would result in an increase of approximately 7,000 square feet and a total estimated project cost on the order of \$14.7 million.

While these budgeting models are based on historic values and preliminary information, they provide a basis for comparison of the three available alternatives. To perform a complete renovation of Eugene Field as needed to provide students with a warm, safe, and dry learning environment would cost approximately 88% of a reconstructed school.

6.0 Conclusion and Recommendations

The intent of the information presented in this report is to provide the District with adequate information to properly consider the future of Eugene Field Elementary School. While the condition of the school as presented above may seem overwhelming, it should be noted that the building functions daily in its current state. The structural deficiencies outlined in Section 3.0 are serious, but outside of code events the school is generally safe to occupy and there were no obvious signs of imminent structural failure. The construction present in each of the buildings on the campus and the deficiencies noted are characteristic of the era during which they were constructed.

The condition of the school is not compliant with the intent of current educational facility standards. The lack of a mechanical ventilation system affects the student's ability to focus in the classroom and increases the likelihood of illness spreading among the occupants. The limitations on the electrical system prohibit teachers from utilizing technology available to their peers. The limited accessibility features throughout the school expose the District to ADA violation liability. The likelihood of collapse is very high when considering exposure to a code prescribed seismic event. It is the opinion of the evaluation team that the school is due for significant renovation in order to provide the teachers and students with an environment that meets their current needs and expectations. At a minimum, funding for seismic retrofit of the existing structure should be pursued if renovation or replacement is not planned. Schematic seismic retrofit drawings have been prepared and are attached in Appendix E for use in potential grant applications.

Through discussions with the Task Force and review of the District supplied "Thoughtstream" results it is clear that Eugene Field Elementary School is an important part of Silverton and consideration should be given in regards to its service to the community. Costs for renovation of the structure to current building codes and construction standards are very close to costs for complete reconstruction of a new school on the existing site. Should the District elect to renovate, functional issues associated with space limitations, modular classroom usage, use of the gymnasium as a cafeteria, and daily logistical challenges such as the need to transport food from the kitchen in the basement to the gymnasium at meal times would likely still exist and continue to impact school operations. However, the demolition and replacement of Eugene Field Elementary may not necessarily be the best course of action if community sentiment towards the existing facility is a significant factor. Options such as replacement of the school while preserving the existing facades on Water Street and Park Street may be a feasible alternative that could satisfy a community desire to retain the presence of the original facility within the District. It should be understood that optimum efficiency in construction and flexibility in building functionality design can only be achieved through complete replacement of the school.

APPENDIX - A

Figures

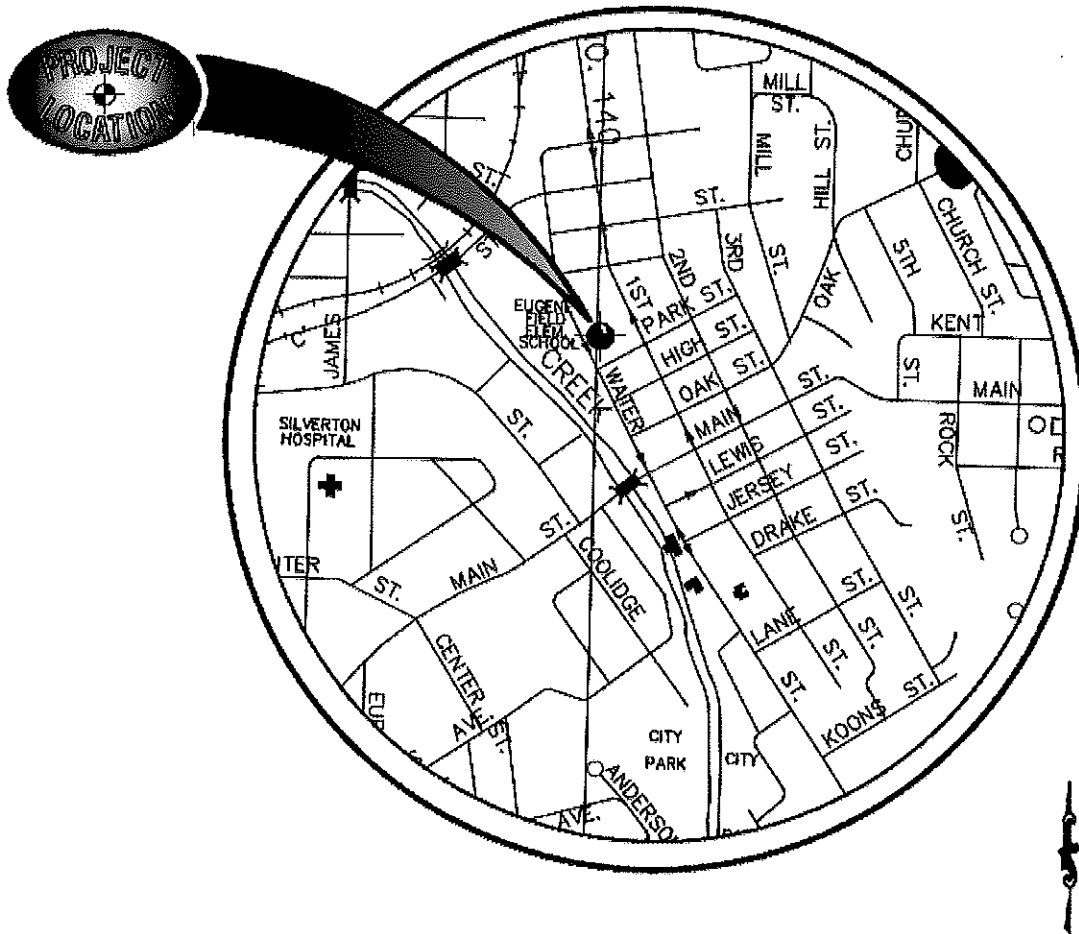


Figure 1: Vicinity Map

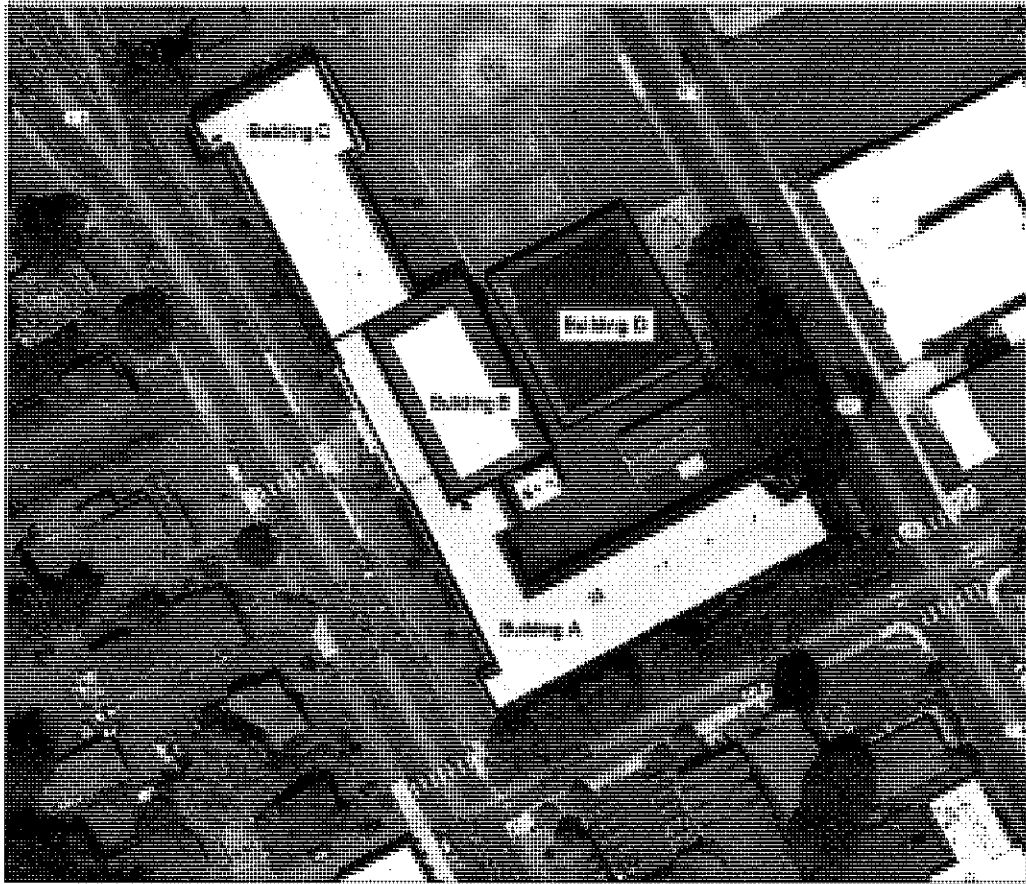


Figure 2: Aerial Image

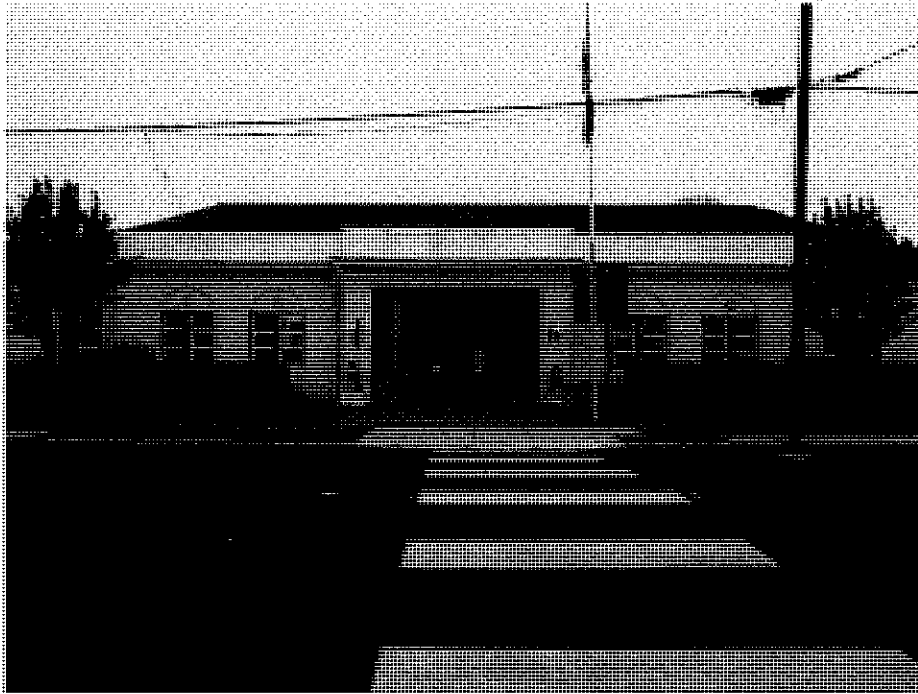


Figure 3: Classroom Wing Front Elevation



Figure 4: Typical Classroom Framing



Figure 5: Gymnasium

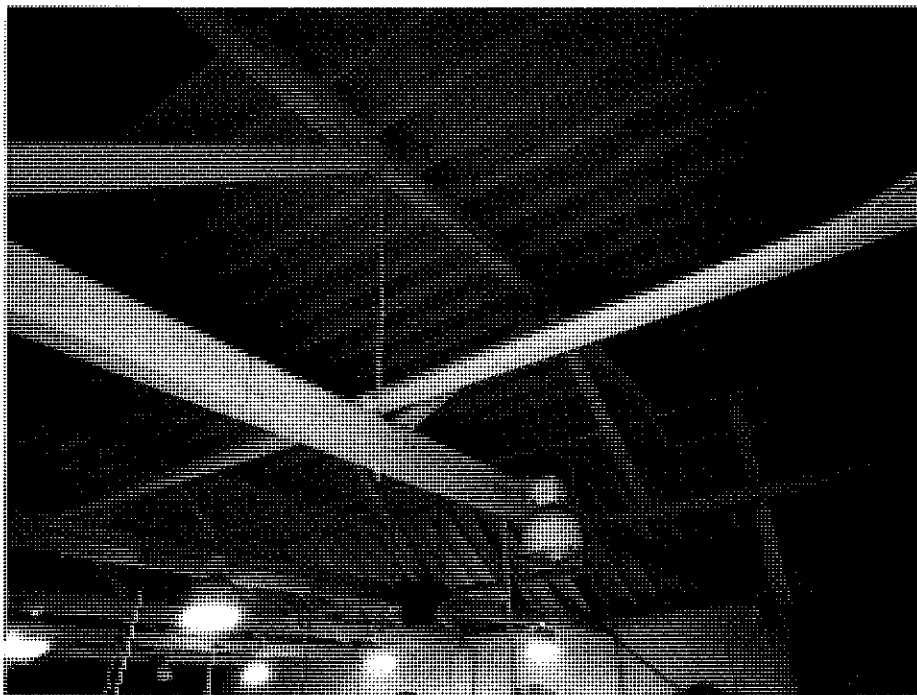


Figure 6: Gymnasium Framing



Figure 7: Classroom Wing Addition

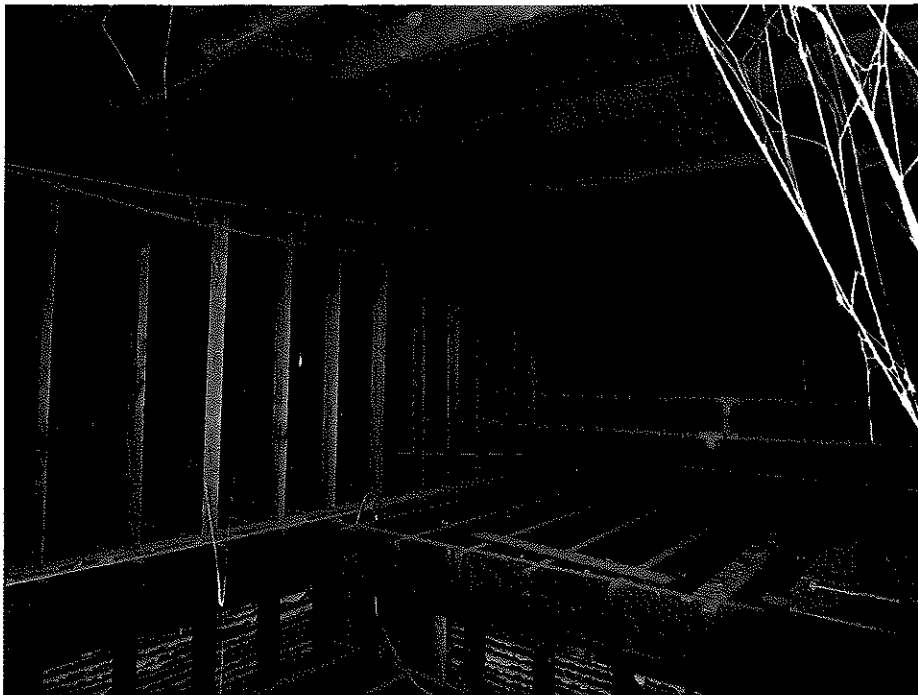


Figure 8: Classroom Wing Addition Framing



Figure 9: Covered Play Area



Figure 10: Covered Play Area Framing

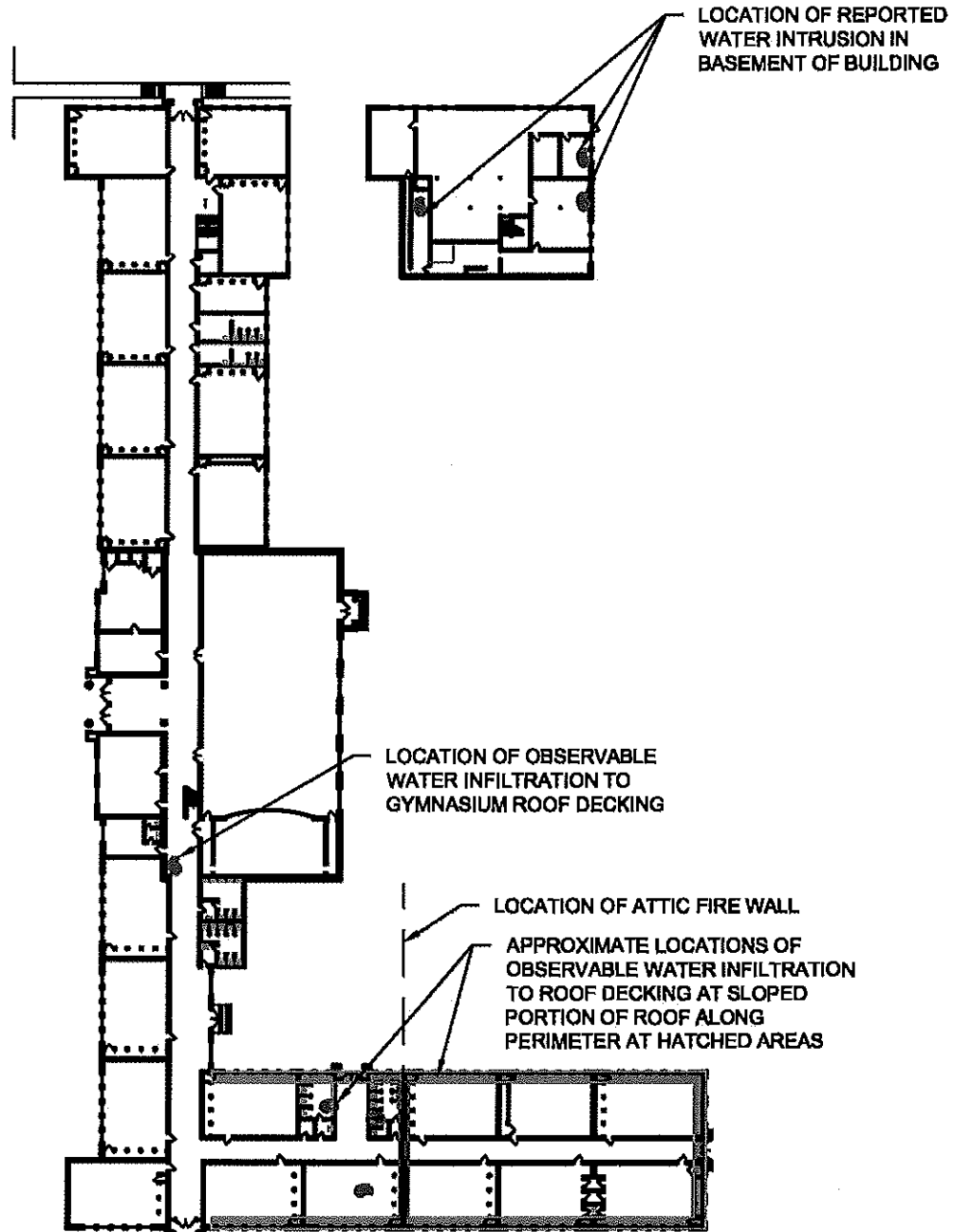


Figure 11: Water Infiltration

APPENDIX - B

Structural Tier 1 Check Sheets

3.7.15 Basic Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms

This Basic Structural Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the Tier 2 Special Procedure for Unreinforced Masonry or the Tier 3 Evaluation Procedure.

C3.7.15 Basic Structural Checklist for Building Type URM

These buildings have bearing walls that consist of unreinforced (or lightly reinforced) brick, stone, or concrete block masonry. Wood floor and roof framing consists of wood joists, glulam beams, and wood posts or small steel columns. Steel floor and roof framing consists of steel beams or open web joists, steel girders, and steel columns. Lateral forces are resisted by the brick or concrete block masonry shear walls. Diaphragms consist of straight or diagonal lumber sheathing, structural wood panels, or untopped metal deck, and are flexible relative to the walls. Foundations consist of brick or concrete spread footings or deep foundations.

Building System

- (C) NC N/A **LOAD PATH:** The structure shall contain a minimum of one complete load path for Life Safety and Immediate Occupancy for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Tier 2: Sec. 4.3.1.1)
- (C) NC N/A **ADJACENT BUILDINGS:** The clear distance between the building being evaluated and any adjacent building shall be greater than 4 percent of the height of the shorter building for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.1.2)
- C NC (N/A) **MEZZANINES:** Interior mezzanine levels shall be braced independently from the main structure, or shall be anchored to the lateral-force-resisting elements of the main structure. (Tier 2: Sec. 4.3.1.3)
- C NC (N/A) **WEAK STORY:** The strength of the lateral-force-resisting system in any story shall not be less than 80 percent of the strength in an adjacent story, above or below, for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.1)
- C NC (N/A) **SOFT STORY:** The stiffness of the lateral-force-resisting system in any story shall not be less than 70 percent of the lateral-force-resisting system stiffness in an adjacent story above or below, or less than 80 percent of the average lateral-force-resisting system stiffness of the three stories above or below for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.2)
- (C) NC N/A **GEOMETRY:** There shall be no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to adjacent stories for Life Safety and Immediate Occupancy, excluding one-story penthouses and mezzanines. (Tier 2: Sec. 4.3.2.3)
- (C) NC N/A **VERTICAL DISCONTINUITIES:** All vertical elements in the lateral-force-resisting system shall be continuous to the foundation. (Tier 2: Sec. 4.3.2.4)

Screening Phase (Tier 1)

- C NC (N/A) MASS: There shall be no change in effective mass more than 50 percent from one story to the next for Life Safety and Immediate Occupancy. Light roofs, penthouses, and mezzanines need not be considered. (Tier 2: Sec. 4.3.2.5)
- C (NC) N/A DETERIORATION OF WOOD: There shall be no signs of decay, shrinkage, splitting, fire damage, or sagging in any of the wood members, and none of the metal connection hardware shall be deteriorated, broken, or loose. (Tier 2: Sec. 4.3.3.1)
- (C) NC N/A MASONRY UNITS: There shall be no visible deterioration of masonry units. (Tier 2: Sec. 4.3.3.7)
- (C) NC N/A MASONRY JOINTS: The mortar shall not be easily scraped away from the joints by hand with a metal tool, and there shall be no areas of eroded mortar. (Tier 2: Sec. 4.3.3.8)
- C (NC) N/A UNREINFORCED MASONRY WALL CRACKS: There shall be no existing diagonal cracks in the wall elements greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, or out-of-plane offsets in the bed joint greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, and shall not form an X pattern. (Tier 2: Sec. 4.3.3.11)

Lateral-Force-Resisting System

- (C) NC N/A REDUNDANCY: The number of lines of shear walls in each principal direction shall be greater than or equal to 2 for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.1.1)
- C (NC) N/A SHEAR STRESS CHECK: The shear stress in the unreinforced masonry shear walls, calculated using the Quick Check procedure of Section 3.5.3.3, shall be less than 30 psi for clay units and 70 psi for concrete units for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.5.1)

Connections

- C NC (N/A) WALL ANCHORAGE: Exterior concrete or masonry walls that are dependent on the diaphragm for lateral support shall be anchored for out-of-plane forces at each diaphragm level with steel anchors, reinforcing dowels, or straps that are developed into the diaphragm. Connections shall have adequate strength to resist the connection force calculated in the Quick Check procedure of Section 3.5.3.7. (Tier 2: Sec. 4.6.1.1)
- (C) NC N/A WOOD LEDGERS: The connection between the wall panels and the diaphragm shall not induce cross-grain bending or tension in the wood ledgers. (Tier 2: Sec. 4.6.1.2)
- C (NC) N/A TRANSFER TO SHEAR WALLS: Diaphragms shall be connected for transfer of loads to the shear walls for Life Safety and the connections shall be able to develop the lesser of the shear strength of the walls or diaphragms for Immediate Occupancy. (Tier 2 Sec. 4.6.2.1)
- C NC (N/A) GIRDER/COLUMN CONNECTION: There shall be a positive connection utilizing plates, connection hardware, or straps between the girder and the column support. (Tier 2: Sec. 4.6.4.1)

Screening Phase (Tier 1)

3.7.15S Supplemental Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms

This Supplemental Structural Checklist shall be completed where required by Table 3-2. The Basic Structural Checklist shall be completed prior to completing this Supplemental Structural Checklist.

Lateral-Force-Resisting System

- C (NC) N/A PROPORTIONS: The height-to-thickness ratio of the shear walls at each story shall be less than the following for Life Safety and Immediate Occupancy (Tier 2; Sec. 4.4.2.5.2):

Top story of multi-story building	9
First story of multi-story building	15
All other conditions	13

- C NC (N/A) MASONRY LAY-UP: Filled collar joints of multi-wythe masonry walls shall have negligible voids. (Tier 2; Sec. 4.4.2.5.3)

Diaphragms

- C (NC) N/A CROSS TIES: There shall be continuous cross ties between diaphragm chords. (Tier 2; Sec. 4.5.1.2)

- C NC (N/A) OPENINGS AT SHEAR WALLS: Diaphragm openings immediately adjacent to the shear walls shall be less than 25 percent of the wall length for Life Safety and 15 percent of the wall length for Immediate Occupancy. (Tier 2; Sec. 4.5.1.4)

- C NC (N/A) OPENINGS AT EXTERIOR MASONRY SHEAR WALLS: Diaphragm openings immediately adjacent to exterior masonry shear walls shall not be greater than 8 feet long for Life Safety and 4 feet long for Immediate Occupancy. (Tier 2; Sec. 4.5.1.6)

- C NC (N/A) PLAN IRREGULARITIES: There shall be tensile capacity to develop the strength of the diaphragm at re-entrant corners or other locations of plan irregularities. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.1.7)

- C NC (N/A) DIAPHRAGM REINFORCEMENT AT OPENINGS: There shall be reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.1.8)

- (C) NC N/A STRAIGHT SHEATHING: All straight sheathed diaphragms shall have aspect ratios less than 2-to-1 for Life Safety and 1-to-1 for Immediate Occupancy in the direction being considered. (Tier 2; Sec. 4.5.2.1)

- C (NC) N/A SPANS: All wood diaphragms with spans greater than 24 feet for Life Safety and 12 feet for Immediate Occupancy shall consist of wood structural panels or diagonal sheathing (Tier 2; Sec. 4.5.2.2)

- C NC (N/A) UNBLOCKED DIAPHRAGMS: All diagonally sheathed or unblocked wood structural panel diaphragms shall have horizontal spans less than 40 feet for Life Safety and 30 feet for Immediate Occupancy and shall have aspect ratios less than or equal to 4-to-1 for Life Safety and 3-to-1 for Immediate Occupancy. (Tier 2; Sec. 4.5.2.3)

- C NC (N/A) NON-CONCRETE FILLED DIAPHRAGMS: Untopped metal deck diaphragms or metal deck diaphragms with fill other than concrete shall consist of horizontal spans of less than 40 feet and shall have span/depth ratios less than 4-to-1. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.3.1)

Screening Phase (Tier 1)

(C) NC N/A OTHER DIAPHRAGMS: The diaphragm shall not consist of a system other than wood, metal deck, concrete, or horizontal bracing. (Tier 2: Sec. 4.5.7.1)

Connections

C NC (N/A) STIFFNESS OF WALL ANCHORS: Anchors of concrete or masonry walls to wood structural elements shall be installed taut and shall be stiff enough to limit the relative movement between the wall and the diaphragm to no greater than 1/8 inch prior to engagement of the anchors. (Tier 2: Sec. 4.6.1.4)

(C) NC N/A BEAM, GIRDER, AND TRUSS SUPPORTS: Beams, girders, and trusses supported by unreinforced masonry walls or pilasters shall have independent secondary columns for support of vertical loads. (Tier 2: Sec. 4.6.4.5)

3.7.15 Basic Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms

This Basic Structural Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the Tier 2 Special Procedure for Unreinforced Masonry or the Tier 3 Evaluation Procedure.

C3.7.15 Basic Structural Checklist for Building Type URM

These buildings have bearing walls that consist of unreinforced (or lightly reinforced) brick, stone, or concrete block masonry. Wood floor and roof framing consists of wood joists, glulam beams, and wood posts or small steel columns. Steel floor and roof framing consists of steel beams or open web joists, steel girders, and steel columns. Lateral forces are resisted by the brick or concrete block masonry shear walls. Diaphragms consist of straight or diagonal lumber sheathing, structural wood panels, or untopped metal deck, and are flexible relative to the walls. Foundations consist of brick or concrete spread footings or deep foundations.

Building System

- C (NC) N/A **LOAD PATH:** The structure shall contain a minimum of one complete load path for Life Safety and Immediate Occupancy for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Tier 2: Sec. 4.3.1.1)
- (C) NC N/A **ADJACENT BUILDINGS:** The clear distance between the building being evaluated and any adjacent building shall be greater than 4 percent of the height of the shorter building for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.1.2)
- C NC (N/A) **MEZZANINES:** Interior mezzanine levels shall be braced independently from the main structure, or shall be anchored to the lateral-force-resisting elements of the main structure. (Tier 2: Sec. 4.3.1.3)
- (C) NC N/A **WEAK STORY:** The strength of the lateral-force-resisting system in any story shall not be less than 80 percent of the strength in an adjacent story, above or below, for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.1)
- (C) NC N/A **SOFT STORY:** The stiffness of the lateral-force-resisting system in any story shall not be less than 70 percent of the lateral-force-resisting system stiffness in an adjacent story above or below, or less than 80 percent of the average lateral-force-resisting system stiffness of the three stories above or below for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.2)
- (C) NC N/A **GEOMETRY:** There shall be no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to adjacent stories for Life Safety and Immediate Occupancy, excluding one-story penthouses and mezzanines. (Tier 2: Sec. 4.3.2.3)
- (C) NC N/A **VERTICAL DISCONTINUITIES:** All vertical elements in the lateral-force-resisting system shall be continuous to the foundation. (Tier 2: Sec. 4.3.2.4)

Screening Phase (Tier 1)

- (C) NC N/A MASS: There shall be no change in effective mass more than 50 percent from one story to the next for Life Safety and Immediate Occupancy. Light roofs, penthouses, and mezzanines need not be considered. (Tier 2: Sec. 4.3.2.5)
- C (NC) N/A DETERIORATION OF WOOD: There shall be no signs of decay, shrinkage, splitting, fire damage, or sagging in any of the wood members, and none of the metal connection hardware shall be deteriorated, broken, or loose. (Tier 2: Sec. 4.3.3.1)
- C (NC) N/A MASONRY UNITS: There shall be no visible deterioration of masonry units. (Tier 2: Sec. 4.3.3.7)
- C (NC) N/A MASONRY JOINTS: The mortar shall not be easily scraped away from the joints by hand with a metal tool, and there shall be no areas of eroded mortar. (Tier 2: Sec. 4.3.3.8)
- (C) NC N/A UNREINFORCED MASONRY WALL CRACKS: There shall be no existing diagonal cracks in the wall elements greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, or out-of-plane offsets in the bed joint greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, and shall not form an X pattern. (Tier 2: Sec. 4.3.3.11)

Lateral-Force-Resisting System

- (C) NC N/A REDUNDANCY: The number of lines of shear walls in each principal direction shall be greater than or equal to 2 for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.1.1)
- C (NC) N/A SHEAR STRESS CHECK: The shear stress in the unreinforced masonry shear walls, calculated using the Quick Check procedure of Section 3.5.3.3, shall be less than 30 psi for clay units and 70 psi for concrete units for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.5.1)

Connections

- C (NC) N/A WALL ANCHORAGE: Exterior concrete or masonry walls that are dependent on the diaphragm for lateral support shall be anchored for out-of-plane forces at each diaphragm level with steel anchors, reinforcing dowels, or straps that are developed into the diaphragm. Connections shall have adequate strength to resist the connection force calculated in the Quick Check procedure of Section 3.5.3.7. (Tier 2: Sec. 4.6.1.1)
- (C) NC N/A WOOD LEDGERS: The connection between the wall panels and the diaphragm shall not induce cross-grain bending or tension in the wood ledgers. (Tier 2: Sec. 4.6.1.2)
- C (NC) N/A TRANSFER TO SHEAR WALLS: Diaphragms shall be connected for transfer of loads to the shear walls for Life Safety and the connections shall be able to develop the lesser of the shear strength of the walls or diaphragms for Immediate Occupancy. (Tier 2 Sec. 4.6.2.1)
- (C) NC N/A GIRDER/COLUMN CONNECTION: There shall be a positive connection utilizing plates, connection hardware, or straps between the girder and the column support. (Tier 2: Sec. 4.6.4.1)

Screening Phase (Tier 1)

3.7.15S Supplemental Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms

This Supplemental Structural Checklist shall be completed where required by Table 3-2. The Basic Structural Checklist shall be completed prior to completing this Supplemental Structural Checklist.

Lateral-Force-Resisting System

- C (NC) N/A PROPORTIONS: The height-to-thickness ratio of the shear walls at each story shall be less than the following for Life Safety and Immediate Occupancy (Tier 2; Sec. 4.4.2.5.2):
- | | |
|-------------------------------------|----|
| Top story of multi-story building | 9 |
| First story of multi-story building | 15 |
| All other conditions | 13 |
- C NC (N/A) MASONRY LAY-UP: Filled collar joints of multiwythe masonry walls shall have negligible voids. (Tier 2; Sec. 4.4.2.5.3)

Diaphragms

- (C) NC N/A CROSS TIES: There shall be continuous cross ties between diaphragm chords. (Tier 2; Sec. 4.5.1.2)
- C NC (N/A) OPENINGS AT SHEAR WALLS: Diaphragm openings immediately adjacent to the shear walls shall be less than 25 percent of the wall length for Life Safety and 15 percent of the wall length for Immediate Occupancy. (Tier 2; Sec. 4.5.1.4)
- C NC (N/A) OPENINGS AT EXTERIOR MASONRY SHEAR WALLS: Diaphragm openings immediately adjacent to exterior masonry shear walls shall not be greater than 8 feet long for Life Safety and 4 feet long for Immediate Occupancy. (Tier 2; Sec. 4.5.1.6)
- C NC (N/A) PLAN IRREGULARITIES: There shall be tensile capacity to develop the strength of the diaphragm at re-entrant corners or other locations of plan irregularities. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.1.7)
- C NC (N/A) DIAPHRAGM REINFORCEMENT AT OPENINGS: There shall be reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.1.8)
- C (NC) N/A STRAIGHT SHEATHING: All straight sheathed diaphragms shall have aspect ratios less than 2-to-1 for Life Safety and 1-to-1 for Immediate Occupancy in the direction being considered. (Tier 2; Sec. 4.5.2.1)
- (C) NC N/A SPANS: All wood diaphragms with spans greater than 24 feet for Life Safety and 12 feet for Immediate Occupancy shall consist of wood structural panels or diagonal sheathing (Tier 2; Sec. 4.5.2.2)
- C NC (N/A) UNBLOCKED DIAPHRAGMS: All diagonally sheathed or unblocked wood structural panel diaphragms shall have horizontal spans less than 40 feet for Life Safety and 30 feet for Immediate Occupancy and shall have aspect ratios less than or equal to 4-to-1 for Life Safety and 3-to-1 for Immediate Occupancy. (Tier 2; Sec. 4.5.2.3)
- C NC (N/A) NON-CONCRETE FILLED DIAPHRAGMS: Untopped metal deck diaphragms or metal deck diaphragms with fill other than concrete shall consist of horizontal spans of less than 40 feet and shall have span/depth ratios less than 4-to-1. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2; Sec. 4.5.3.1)

Screening Phase (Tier 1)

- (C) NC N/A OTHER DIAPHRAGMS: The diaphragm shall not consist of a system other than wood, metal deck, concrete, or horizontal bracing. (Tier 2: Sec. 4.5.7.1)

Connections

- C (NC) N/A STIFFNESS OF WALL ANCHORS: Anchors of concrete or masonry walls to wood structural elements shall be installed taut and shall be stiff enough to limit the relative movement between the wall and the diaphragm to no greater than 1/8 inch prior to engagement of the anchors. (Tier 2: Sec. 4.6.1.4)
- (C) NC N/A BEAM, GIRDER, AND TRUSS SUPPORTS: Beams, girders, and trusses supported by unreinforced masonry walls or pilasters shall have independent secondary columns for support of vertical loads. (Tier 2: Sec. 4.6.4.5)

3.7.9A Basic Structural Checklist for Building Type C2A: Concrete Shear Walls with Flexible Diaphragms

This Basic Structural Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the corresponding Tier 2 Evaluation procedure; corresponding section numbers are in parentheses following each evaluation statement.

3.7.9A Basic Structural Checklist for Building Type C2A

These buildings have floor and roof framing that consists of wood sheathing on wood framing and concrete beams. Floors are supported on concrete columns or bearing walls. Lateral forces are resisted by cast-in-place concrete shear walls. In older construction, shear walls are lightly reinforced but often extend throughout the building. In more recent construction, shear walls occur in isolated locations and are more heavily reinforced with boundary elements and closely spaced ties to provide ductile performance. The diaphragms consist of wood sheathing or have large aspect ratios and are flexible relative to the walls. Foundations consist of concrete spread footings or deep pile foundations.

Building System

- C NC N/A **LOAD PATH:** The structure shall contain a minimum of one complete load path for Life Safety and Immediate Occupancy for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Tier 2: Sec. 4.3.1.1)
- C NC N/A **ADJACENT BUILDINGS:** The clear distance between the building being evaluated and any adjacent building shall be greater than 4 percent of the height of the shorter building for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.1.2)
- C NC N/A **MEZZANINES:** Interior mezzanine levels shall be braced independently from the main structure, or shall be anchored to the lateral-force-resisting elements of the main structure. (Tier 2: Sec. 4.3.1.3)
- C NC N/A **WEAK STORY:** The strength of the lateral-force-resisting system in any story shall not be less than 80 percent of the strength in an adjacent story, above or below, for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.1)
- C NC N/A **SOFT STORY:** The stiffness of the lateral-force-resisting system in any story shall not be less than 70 percent of the lateral-force-resisting system stiffness in an adjacent story above or below, or less than 80 percent of the average lateral-force-resisting system stiffness of the three stories above or below for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.2)
- C NC N/A **GEOMETRY:** There shall be no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to adjacent stories for Life Safety and Immediate Occupancy, excluding one-story penthouses and mezzanines. (Tier 2: Sec. 4.3.2.3)
- C NC N/A **VERTICAL DISCONTINUITIES:** All vertical elements in the lateral-force-resisting system shall be continuous to the foundation. (Tier 2: Sec. 4.3.2.4)

Screening Phase (Tier 1)

- C NC (N/A) MASS: There shall be no change in effective mass more than 50 percent from one story to the next for Life Safety and Immediate Occupancy. Light roofs, penthouses, and mezzanines need not be considered. (Tier 2: Sec. 4.3.2.5)
- C (NC) N/A DETERIORATION OF WOOD: There shall be no signs of decay, shrinkage, splitting, fire damage, or sagging in any of the wood members, and none of the metal connection hardware shall be deteriorated, broken, or loose. (Tier 2: Sec. 4.3.3.1)
- (C) NC N/A DETERIORATION OF CONCRETE: There shall be no visible deterioration of concrete or reinforcing steel in any of the vertical- or lateral-force-resisting elements. (Tier 2: Sec. 4.3.3.4)
- C NC (N/A) POST-TENSIONING ANCHORS: There shall be no evidence of corrosion or spalling in the vicinity of post-tensioning or end fittings. Coil anchors shall not have been used. (Tier 2: Sec. 4.3.3.5)
- (C) NC N/A CONCRETE WALL CRACKS: All existing diagonal cracks in wall elements shall be less than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, shall not be concentrated in one location, and shall not form an X pattern. (Tier 2: Sec. 4.3.3.9)

Lateral-Force-Resisting System

- (C) NC N/A REDUNDANCY: The number of lines of shear walls in each principal direction shall be greater than or equal to 2 for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.1.1)
- (C) NC N/A SHEAR STRESS CHECK: The shear stress in the concrete shear walls, calculated using the Quick Check procedure of Section 3.5.3.3, shall be less than the greater of 100 psi or $2\sqrt{f'_c}$ for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.2.1)
- C NC (N/A) REINFORCING STEEL: The ratio of reinforcing steel area to gross concrete area shall be not less than 0.0015 in the vertical direction and 0.0025 in the horizontal direction for Life Safety and Immediate Occupancy. The spacing of reinforcing steel shall be equal to or less than 18 inches for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.2.2)

Connections

- C (NC) N/A WALL ANCHORAGE: Exterior concrete or masonry walls that are dependent on the diaphragm for lateral support shall be anchored for out-of-plane forces at each diaphragm level with steel anchors, reinforcing dowels, or straps that are developed into the diaphragm. Connections shall have adequate strength to resist the connection force calculated in the Quick Check procedure of Section 3.5.3.7. (Tier 2: Sec. 4.6.1.1)
- C (NC) N/A TRANSFER TO SHEAR WALLS: Diaphragms shall be connected for transfer of loads to the shear walls for Life Safety and the connections shall be able to develop the lesser of the shear strength of the walls or diaphragms for Immediate Occupancy. (Tier 2 Sec. 4.6.2.1)
- C NC (N/A) FOUNDATION DOWELS: Wall reinforcement shall be doweled into the foundation for Life Safety, and the dowels shall be able to develop the lesser of the strength of the walls or the uplift capacity of the foundation for Immediate Occupancy. (Tier 2: Sec. 4.6.3.5)

Screening Phase (Tier 1)

3.7.9AS Supplemental Structural Checklist for Building Type C2A: Concrete Shear Walls with Flexible Diaphragms

This Supplemental Structural Checklist shall be completed where required by Table 3-2. The Basic Structural Checklist shall be completed prior to completing this Supplemental Structural Checklist.

Lateral-Force-Resisting System

- C NC (N/A) COUPLING BEAMS: The stirrups in coupling beams over means of egress shall be spaced at or less than $d/2$ and shall be anchored into the confined core of the beam with hooks of 135° or more for Life Safety. All coupling beams shall comply with the requirements above and shall have the capacity in shear to develop the uplift capacity of the adjacent wall for Immediate Occupancy. (Tier 2: Sec. 4.4.2.2.3)
- C NC (N/A) OVERTURNING: All shear walls shall have aspect ratios less than 4-to-1. Wall piers need not be considered. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.4.2.2.4)
- C NC (N/A) CONFINEMENT REINFORCING: For shear walls with aspect ratios greater than 2-to-1, the boundary elements shall be confined with spirals or ties with spacing less than $8d_b$. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.4.2.2.5)
- C NC (N/A) REINFORCING AT OPENINGS: There shall be added trim reinforcement around all wall openings with a dimension greater than three times the thickness of the wall. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.4.2.2.6)
- C NC (N/A) WALL THICKNESS: Thickness of bearing walls shall not be less than $1/25$ the unsupported height or length, whichever is shorter, nor less than 4 inches. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.4.2.2.7)

Diaphragms

- (C) NC N/A DIAPHRAGM CONTINUITY: The diaphragms shall not be composed of split-level floors and shall not have expansion joints. (Tier 2: Sec. 4.5.1.1)
- C (NC) N/A CROSS TIES: There shall be continuous cross ties between diaphragm chords. (Tier 2: Sec. 4.5.1.2)
- C NC (N/A) OPENINGS AT SHEAR WALLS: Diaphragm openings immediately adjacent to the shear walls shall be less than 25 percent of the wall length for Life Safety and 15 percent of the wall length for Immediate Occupancy. (Tier 2: Sec. 4.5.1.4)
- C NC (N/A) PLAN IRREGULARITIES: There shall be tensile capacity to develop the strength of the diaphragm at re-entrant corners or other locations of plan irregularities. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.7)
- C NC (N/A) DIAPHRAGM REINFORCEMENT AT OPENINGS: There shall be reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.8)
- (C) NC N/A STRAIGHT SHEATHING: All straight sheathed diaphragms shall have aspect ratios less than 2-to-1 for Life Safety and 1-to-1 for Immediate Occupancy in the direction being considered. (Tier 2: Sec. 4.5.2.1)

Screening Phase (Tier 1)

- C (NC) N/A SPANS: All wood diaphragms with spans greater than 24 feet for Life Safety and 12 feet for Immediate Occupancy shall consist of wood structural panels or diagonal sheathing. (Tier 2: Sec. 4.5.2.2)
- C NC (N/A) UNBLOCKED DIAPHRAGMS: All diagonally sheathed or unblocked wood structural panel diaphragms shall have horizontal spans less than 40 feet for Life Safety and 30 feet for Immediate Occupancy and shall have aspect ratios less than or equal to 4-to-1 for Life Safety and 3-to-1 for Immediate Occupancy. (Tier 2: Sec. 4.5.2.3)
- C NC (N/A) NON-CONCRETE FILLED DIAPHRAGMS: Untopped metal deck diaphragms or metal deck diaphragms with fill other than concrete shall consist of horizontal spans of less than 40 feet and shall have span/depth ratios less than 4-to-1. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.3.1)
- (C) NC N/A OTHER DIAPHRAGMS: The diaphragm shall not consist of a system other than wood, metal deck, concrete, or horizontal bracing. (Tier 2: Sec. 4.5.7.1)

Connections

- C NC (N/A) UPLIFT AT PILE CAPS: Pile caps shall have top reinforcement and piles shall be anchored to the pile caps for Life Safety, and the pile cap reinforcement and pile anchorage shall be able to develop the tensile capacity of the piles for Immediate Occupancy. (Tier 2: Sec. 4.6.3.10)

3.7.2 Basic Structural Checklist for Building Type W2: Wood Frames, Commercial and Industrial

This Basic Structural Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the corresponding Tier 2 Evaluation procedure; corresponding section numbers are in parentheses following each evaluation statement.

C3.7.2 Basic Structural Checklist for Building Type W2

These buildings are commercial or industrial buildings with a floor area of 5,000 square feet or more. There are few, if any, interior walls. The floor and roof framing consists of wood or steel trusses, glulam or steel beams, and wood posts or steel columns. Lateral forces are resisted by wood diaphragms and exterior stud walls sheathed with plywood, oriented strand board, stucco, plaster, straight or diagonal wood sheathing, or braced with rod bracing. Wall openings for storefronts and garages, where present, are framed by post-and-beam framing.

Building System

- C (NC) N/A LOAD PATH: The structure shall contain a minimum of one complete load path for Life Safety and Immediate Occupancy for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Tier 2: Sec. 4.3.1.1)
- C NC (N/A) MEZZANINES: Interior mezzanine levels shall be braced independently from the main structure, or shall be anchored to the lateral-force-resisting elements of the main structure. (Tier 2: Sec. 4.3.1.3)
- C NC (N/A) WEAK STORY: The strength of the lateral-force-resisting system in any story shall not be less than 80 percent of the strength in an adjacent story, above or below, for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.1)
- C NC (N/A) SOFT STORY: The stiffness of the lateral-force-resisting system in any story shall not be less than 70 percent of the lateral-force-resisting system stiffness in an adjacent story above or below, or less than 80 percent of the average lateral-force-resisting system stiffness of the three stories above or below for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.2)
- C NC (N/A) GEOMETRY: There shall be no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to adjacent stories for Life Safety and Immediate Occupancy, excluding one-story penthouses and mezzanines. (Tier 2: Sec. 4.3.2.3)
- (C) NC N/A VERTICAL DISCONTINUITIES: All vertical elements in the lateral-force-resisting system shall be continuous to the foundation. (Tier 2: Sec. 4.3.2.4)
- C NC (N/A) MASS: There shall be no change in effective mass more than 50 percent from one story to the next for Life Safety and Immediate Occupancy. Light roofs, penthouses, and mezzanines need not be considered. (Tier 2: Sec. 4.3.2.5)

Screening Phase (Tier 1)

C (NC) N/A DETERIORATION OF WOOD: There shall be no signs of decay, shrinkage, splitting, fire damage, or sagging in any of the wood members, and none of the metal connection hardware shall be deteriorated, broken, or loose. (Tier 2: Sec. 4.3.3.1)

C NC (N/A) WOOD STRUCTURAL PANEL SHEAR WALL FASTENERS: There shall be no more than 15 percent of inadequate fastening such as overdriven fasteners, omitted blocking, excessive fastening spacing, or inadequate edge distance. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.3.3.2)

Lateral-Force-Resisting System

(C) NC N/A REDUNDANCY: The number of lines of shear walls in each principal direction shall be greater than or equal to 2 for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.1.1)

C NC (N/A) SHEAR STRESS CHECK: The shear stress in the shear walls, calculated using the Quick Check procedure of Section 3.5.3.3, shall be less than the following values for Life Safety and Immediate Occupancy (Tier 2: Sec. 4.4.2.7.1):

Structural panel sheathing	1,000 plf
Diagonal sheathing	700 plf
Straight sheathing	100 plf
All other conditions	100 plf

(C) NC N/A STUCCO (EXTERIOR PLASTER) SHEAR WALLS: Multi-story buildings shall not rely on exterior stucco walls as the primary lateral-force-resisting system. (Tier 2: Sec. 4.4.2.7.2)

C NC (N/A) GYPSUM WALLBOARD OR PLASTER SHEAR WALLS: Interior plaster or gypsum wallboard shall not be used as shear walls on buildings over one story in height with the exception of the uppermost level of a multi-story building. (Tier 2: Sec. 4.4.2.7.3)

C NC (N/A) NARROW WOOD SHEAR WALLS: Narrow wood shear walls with an aspect ratio greater than 2-to-1 for Life Safety and 1.5-to-1 for Immediate Occupancy shall not be used to resist lateral forces developed in the building in levels of moderate and high seismicity. Narrow wood shear walls with an aspect ratio greater than 2-to-1 for Immediate Occupancy shall not be used to resist lateral forces developed in the building in levels of low seismicity. (Tier 2: Sec. 4.4.2.7.4)

C NC (N/A) WALLS CONNECTED THROUGH FLOORS: Shear walls shall have interconnection between stories to transfer overturning and shear forces through the floor. (Tier 2: Sec. 4.4.2.7.5)

C NC (N/A) HILLSIDE SITE: For structures that are taller on at least one side by more than one-half story due to a sloping site, all shear walls on the downhill slope shall have an aspect ratio less than 1-to-1 for Life Safety and 1-to-2 for Immediate Occupancy. (Tier 2: Sec. 4.4.2.7.6)

C NC (N/A) CRIPPLE WALLS: Cripple walls below first-floor-level shear walls shall be braced to the foundation with wood structural panels. (Tier 2: Sec. 4.4.2.7.7)

(C) NC N/A OPENINGS: Walls with openings greater than 80 percent of the length shall be braced with wood structural panel shear walls with aspect ratios of not more than 1.5-to-1 or shall be supported by adjacent construction through positive ties capable of transferring the lateral forces. (Tier 2: Sec. 4.4.2.7.8)

Connections

(C) NC N/A WOOD POSTS: There shall be a positive connection of wood posts to the foundation. (Tier 2: Sec. 4.6.3.3)

C NC (N/A) WOOD SILLS: All wood sills shall be bolted to the foundation. (Tier 2: Sec. 4.6.3.4)

(C) NC N/A GIRDER/COLUMN CONNECTION: There shall be a positive connection utilizing plates, connection hardware, or straps between the girder and the column support. (Tier 2: Sec. 4.6.4.1)

Screening Phase (Tier 1)

3.7.2S Supplemental Structural Checklist for Building Type W2: Wood Frames, Commercial and Industrial

This Supplemental Structural Checklist shall be completed where required by Table 3-2. The Basic Structural Checklist shall be completed prior to completing this Supplemental Structural Checklist.

Lateral-Force-Resisting System

- C NC (N/A) HOLD-DOWN ANCHORS: All shear walls shall have hold-down anchors constructed per acceptable construction practices, attached to the end studs. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.4.2.7.9)

Diaphragms

- (C) NC N/A DIAPHRAGM CONTINUITY: The diaphragms shall not be composed of split-level floors and shall not have expansion joints. (Tier 2: Sec. 4.5.1.1)
- (C) NC N/A ROOF CHORD CONTINUITY: All chord elements shall be continuous, regardless of changes in roof elevation. (Tier 2: Sec. 4.5.1.3)
- C NC (N/A) PLAN IRREGULARITIES: There shall be tensile capacity to develop the strength of the diaphragm at re-entrant corners or other locations of plan irregularities. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.7)
- C NC (N/A) DIAPHRAGM REINFORCEMENT AT OPENINGS: There shall be reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.8)
- (C) NC N/A STRAIGHT SHEATHING: All straight sheathed diaphragms shall have aspect ratios less than 2-to-1 for Life Safety and 1-to-1 for Immediate Occupancy in the direction being considered. (Tier 2: Sec. 4.5.2.1)
- (C) NC N/A SPANS: All wood diaphragms with spans greater than 24 feet for Life Safety and 12 feet for Immediate Occupancy shall consist of wood structural panels or diagonal sheathing. Wood commercial and industrial buildings may have rod-braced systems. (Tier 2: Sec. 4.5.2.2)
- C NC (N/A) UNBLOCKED DIAPHRAGMS: All diagonally sheathed or unblocked wood structural panel diaphragms shall have horizontal spans less than 40 feet for Life Safety and 30 feet for Immediate Occupancy and shall have aspect ratios less than or equal to 4-to-1 for Life Safety and 3-to-1 for Immediate Occupancy. (Tier 2: Sec. 4.5.2.3)
- (C) NC N/A OTHER DIAPHRAGMS: The diaphragm shall not consist of a system other than wood, metal deck, concrete, or horizontal bracing. (Tier 2: Sec. 4.5.7.1)

Connections

- C NC (N/A) WOOD SILL BOLTS: Sill bolts shall be spaced at 6 feet or less for Life Safety and 4 feet or less for Immediate Occupancy, with proper edge and end distance provided for wood and concrete. (Tier 2: Sec. 4.6.3.9)

APPENDIX - C

BLRB Architects Facilities Assessment

ARCHITECTURAL

1.1 Overview

The intent of this Facility Assessment is provide an objective opinion of the school existing condition and make recommendation on how the school might be improved to meet current codes and be commensurate, contemporary learning environments in the State of Oregon. An exhaustive review or destructive testing of existing conditions was not included in the scope of the assessment. Capacity calculations are based upon methodologies used by school design professional and states that provide public funding for capital improvements.

Location: 410 N. Water Street

Site Area: Main Building site 2.73 Ac
Play area across A Street 0.73 Ac
Total 3.46 Ac

Building Area: Main building 39, 324 square feet
Modular buildings 3,020 square feet (3 modular buildings)
Total 42,344 square feet

Building Summary:

Current enrollment: Grades 1st-3rd 333 students
Kindergarten 95 students
Special Needs 25 students (self-contained classrooms)
Total 454 students

over 65 students receive partial assistance (25+65 = 90 in special ed.)

Student Capacity:

Method One (calculated on the number of general classrooms)

Main Building 15 classrooms
Modular Buildings 3 classrooms + 1 music
Total 21 classrooms

Kindergarten students (20/clrm) = 100 students (5 clrms)
1st – 3rd grade students (25/clrm) = 375 students (15 clrms)
Special Needs students (9 to 16/clrm) = 25 students (2 clrms)
500 students

casework/cabinetry is nearing the end of its useful life and much of the classroom equipment is limited and worn, thus impacting instructional adequacy. Substantial modernization to the classrooms should be considered to accommodate 21st Century learning environments.

The site's small size and being bounded by public streets creates several less than desirable conditions. The mixing of buses, parent drop-off./pick-up and public street traffic is not a safe environment. The public street that is closed during school hours is a workable situation; but, not ideal. The school's close proximity to street noise and emissions at times of the year when windows are open most likely is an area of concern. The school building's close proximity to public streets as already generated an operational protocol for truck idling on adjacent streets.

1.4 Main Building

1.4.1 Building Type

- Original 1921 building – Type V B unreinforced masonry exterior walls & combustible roof framing
- Addition – Type V B cast-in-place concrete exterior walls & combustible roof framing

1.4.2 Site

- The school building site is significantly smaller than recommended for urban (5-8 Ac.) or suburban site (10 Ac.).
- Site access, bus drop-off/pick-up, and circulation is limited to public streets which places students in uncontrolled areas of vehicular traffic.
- Playground paving is showing sign of deterioration along assumed paths of vehicular travel and cold joints between old and newer paving.
- Other areas of asphalt paving are "alligating" and cracking of the wear surface.
- Site lighting is very limited and dependent upon adjacent street lighting.
- Surface inlets at the base of the building are easily clogged and susceptible to the growth of mold; especially where roof downspouts discharge at grade.

1.4.3 Exterior Building

- Original wood sash windows have been replaced with insulated vinyl units; however the wood jambs, sill and head were reused. Several wood window frames have deteriorated. Windows should be removed, sashes replaced and windows reinstalled or replaced.
- Gutters and downspouts are in fair to poor condition. The downspouts connect to underground drainage system or "day-lighted" at grade. In some instances, at grade drains have pipe extension to discharge water away from the foundation. The gutter of the roof that covers the ramp to the kitchen is in particularly poor condition. The school crawl space should be checked for water intrusion.

- The Wood fascia and mansard roofing is showing sign of deterioration and exposure to weather. The wood fascia and rake trim are showing rust streaking as a result of water contact with metal fasteners or other ferrous metals.
- Black and green mold has developed at base of walls where roof drainage is discharged on to hard pavement (i.e. playground).
- Exterior plaster stucco appears in good condition with few cracks or spawling.
- Evidence of chronic leaking at the main entry to the building is evident. The flat roof area and historic frieze/cornice above the fascia has been wrapped with a roofing membrane.
- The remainder of the roof has a low slope middle area with a pitched roof (6:12) at the perimeter. The low slope areas have been re-roofed with the same membrane roofing.
- Once water-damaged wood trim is replaced, the entire building should be repainted.
- The covered play area is adequately sized; however, a seismic analysis of the structure should be conducted.

1.4.4 Interior Building

- Classroom and corridor carpet is in good condition. Parents of students enrolled at this school who have severe nut allergies have concerns about conventional cleaning processes that are unable to remove all nut residue.
- Interior doors, frames, hinges and hardware are from the original era. See Accessibility
- Boys and Girls restrooms have original privacy screens and fixtures. Some sink bases and other 'off the shelf' cabinetry has been added to original sinks. See Accessibility
- Sinks in Boys and Girls restrooms are original; the porcelain enamel finish has worn off. These should be replaced.
- Most drinking fountains are from the original era and should be replaced. At least 1 has been replaced with an accessible unit. See Accessibility
- Cabinetry in classrooms and resources spaces is original, removed or added from 'off the shelf' residential units.
- The kitchen (prep only) in the lower level is outdated. Some equipment is new commercial grade equipment (dishwashing, broiler oven); however, other equipment (stove, cabinet freezer) is residential grade. The dry goods storage is a hallway. Floor and wall finishes most likely do not meet current health department regulation (impervious surface).

1.4.5 Safety/Building Codes

- The school does not have an automatic sprinkler system per Oregon Structural Specialty Code (OSSC) 903.2.3 Group E.
- Per OSSC 717.4.3 Other groups. *Exception: Draftstopping is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1*

- The Stage curtain should be verified to current meet flame spread rating and resistance.
- All handrails are non-compliant with current code.
- The fire alarm system does not meet current code.
- The building exit signage is not illuminated and non-compliant with current code.

1.4.6 Accessibility

- All of the door hardware is non-compliant with current code
- All drinking fountains (except for 1) are non-compliant with current code.
- All sink hardware is non-compliant with current code.
- Most service counter and work surfaces are non-compliant with current code.
- Restroom fixtures, mounting heights, assistive devices and clearances are non-compliant with current codes.
- Replace ramp northwest end of school.
- Accessibility to the lower level requires the student to travel outside from the main parts of the building.

1.4.7 Mechanical

- The radiant heat system does not deliver uniform heating temperatures to classrooms.
- The school has no air circulation system; floor fans and open windows are utilized to induce fresh air movement.
- The school policy of opening windows to improve indoor air quality can cause extreme variation of temperatures in the classroom.
- Some classrooms are provided with recirculation ceilings fans which help to stratify the indoor air or mix outside air when windows are open.
- An exhaust fan in the lower level counseling space indicates that radon had been detected and a window exhaust fan was installed to exhaust the potentially harmful gas.
- Hot water piping for radiant heat has been replaced; however, asbestos pipe wrap still exists in the attic space.
- Exhaust hood over kitchen cooking equipment is exhaust only and maybe in violation of fire code.
- Minimum Plumbing Fixtures (Table 29-A):
 - Students
 - Boys (255 students) = 9 w.c. (1/30 students), 8 sinks (1/35)
 - Girls (255 students) = 10 w.c. (1/25 students), 8 sinks (1/35)
 - Staff
 - Female (max 35 teachers and staff) = 2 w.c.(2/ 35), 1 sink (1/40)
 - Male (max 35 teachers and staff) = 2 w.c. (2/35), 1 sink (1/40)

1.4.8 Electrical

- Numerous plug-molds, power poles, extension cords and exposed electrical cords illustrates that the school has insufficient power outlets to serve the classroom equipment currently being used by teachers.
- Locating the teacher work stations at front of classroom requires power cords to be laid across the floor and could cause a trip hazard.
- The electrical equipment in the basement is old; but, useable fuse equipment (large disconnect). Fuses can be replaced at a lower cost.
- The distribution system is old; but, connections should be inspected (IR scan). The labeling needs to be redone.
- Potential Electrical Code Violations
 - The routing of mechanical over the electrical equipment.
 - Service disconnects in excess of 6
 - Clearances in front of electrical equipment

1.4.9 Low Voltage System

- The fire alarm system is a non-addressable system that is no longer manufactured. The current system is typically acceptable to the fire marshal as an existing condition. Maintenance of this equipment is limited by the availability of replacement parts; repair of the existing system may not be possible and replacement will be required. Current code requires an addressable system.
- A wired data distribution system has been distributed throughout the building. The server is located in a closet in the library. The server's only venting is a through-wall louver into the library.
- The school is equipped with a surveillance camera system.
- Clock, bell and PA systems are out-of-date.

1.4.10 Instructional Adequacy

- The playground area is considerably smaller than most elementary schools. Use of the additional play area across A Street would increase the area; however, it's across a street.
- Students accessing the music program by walking outside to the portable classroom is not ideal.
- The location of a special needs resource room in the basement area with no window to the outside (window to covered ramp) is not a good learning environment. Research shows that kids learn better with natural light and fresh air.
- The resource room in the basement has access to natural light; however, the indoor air quality with the kitchen next door is not ideal. The open learning area is not conducive to differentiated learning.

- The location of the kitchen separate from the gym/lunch area is a functional issue. Food service could as easily be prepared off-site as being prepared in the basement and being pushed up a ramp and across the playground.
- Bus loading, parent drop-off and pick-up is dependent upon surface streets around the school. Most schools have segregated bus and car areas to facilitate traffic flow and student safety.
- The balcony in the gymnasium is an under-utilized space due to the lack of safe exit or safety railing.
- State of Oregon requirements for providing physical education may be impacted by the dual use of the gymnasium as the cafeteria.
- Connectivity to information (Information Technology) is limited by access to power.
- The poor indoor air quality adversely impacts teaching and learning.
- Direct sunlight into the classroom's tall windows causes glare and legibility issues in the classroom. Provide day-light control interior, sunscreens.

1.4.11 Contemporary Learning Environments

Partnership for 21st Century Skills – 21st Century Learning Environments

- Contemporary schools "do more than meet academic needs; they function like miniature cities, providing food, facilities, health, security, transportation and recreation to their students."
- Schools are custom made buildings that meet of the community and today's multifaceted learning; they can inhibit or support and enhance learning.
- Effective learning environments align systems and synergies that:
 - Supports professional learning communities that share best practices, collaborate and integrates contemporary skills into the classroom
 - Create opportunities and spaces for project based learning or applied work skills.
 - Provides equitable access to quality tools, technologies and resources.
 - Provides spaces for group, team or individual learning.
- Contemporary learning spaces:
 - Must be flexible and adaptable to change. The agility to change to the class size or support the program they are delivering.
 - Convey friendliness, openness and accessibility.
 - Must have good indoor air quality, temperature control and adequate lighting
- Schools can support learning communities by:
 - Provide spaces available to the community to collaborate and share information.
 - Providing connection to the global community.
 - Providing performance and meeting spaces to the community
- The Library/Media Spaces could become the nerve center of the school where kids:
 - Get access to tools and infrastructure
 - Demonstrate Learning and create new knowledge

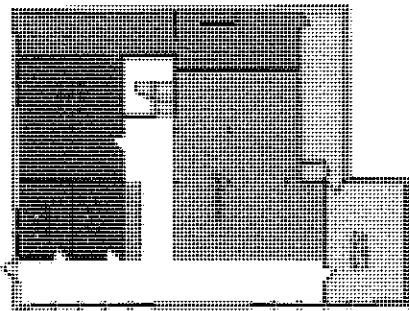
SILVER FALLS SCHOOL DISTRICT
2013 FACILITIES ASSESSMENT
December 20, 2013

EUGENE FIELD ELEMENTARY SCHOOL

BLRB architects

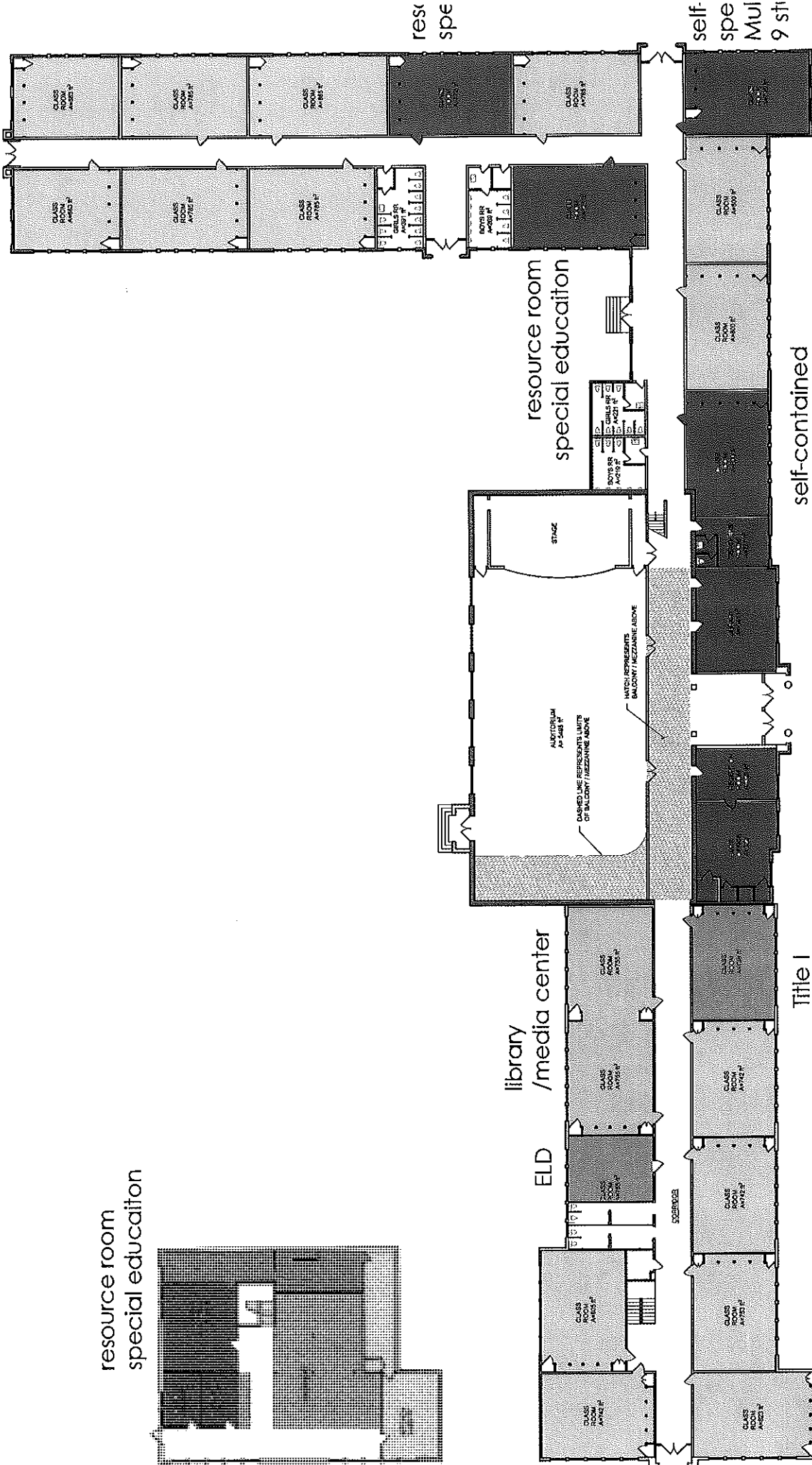
- Connects kids and adults to the wider world

resource room
special education



res
spe

self
spe
Mul
9 st



library
/media center

ELD

Title I

self-contained
special education
basic skills
16 students

PLAN OF FIRST FLOOR

rooms
cial Education
ent Resources
ary /Media Center
ool Office/Teacher space

APPENDIX - D

Cost Budgeting Models

Major Renovation of Eugene Field

Issue	Budget
Interior Modernization (33.4K SF)	\$1,699,000
Gym Replacement (5.9K SF)	\$1,804,000
Re-roof Main Building	\$670,000
Structural Upgrade	\$961,000
Rework window sashes	\$119,000
Replace inter. doors & hardware	\$212,000
Replace restroom fixtures & piping	\$540,000
Rework Kitchen Area	\$287,000
Fire suppression system	\$160,000
Replace Fire Alarm	\$66,000
Add ventilation air system	\$541,000
Electrical Upgrade	\$392,000
Replace Clock, bell & PA sys	\$51,000
Upgrade & repair playground	\$133,000
Upgrade exit and emergency	\$20,000
HazMat Abatement	\$278,000
Construction Budget	\$7,933,000
Inflation (2% per year)	\$166,000
Development costs (35-40%)	\$2,834,650
Project Budget	10,933,650

compared to cost of replacement 87%

Replacement of Eugene Field

Program Element	Total SF
5 Kindergarten CLRM	4,000
12 Grade 1-3 CLRM	9,600
1 Special Needs CLRM	1,000
1 School Office/Services	1,600
1 Library/Media Ctr	1,600
1 Gymnasium/Stage	6,000
1 Kitchen	1,200
2 Resource Room	2,400
Programmed Space	27,400
Net/Gross Factors (43.5%)	11,925
TOTAL Building Ares (SF)	39,325
Building (\$217.00 per SF)	\$8,533,525
Site (3.6Ac)	\$618,000
Construction Budget	\$9,151,525
Inflation (2% per year)	\$0
Development costs (35-40%)	\$3,203,034
Project Budget	\$12,354,559


Contemporary Eugene Field

Program Element	Total SF
5 Kindergarten CLRM	4,000
14 Grade 1-3 CLRM	11,200
1 Special Needs CLRM	1,000
3 Breakout space	2,400
1 School Office/Services	1,600
1 Library/Media Ctr	1,600
1 Gymnasium/Stage	6,000
1 Cafeteria	2,000
1 Kitchen	1,200
2 Resource Room	2,400
Programmed Space	33,400
Circulation	5,200
Mechanical/Electrical	2,000
Storage/Janitorial	1,500
Restrooms	1,700
Wall Thickness	2,600
Net/Gross Factors (38.75%)	13,000
TOTAL Building Area (SF)	46,400
Building (\$217.00 per SF)	\$10,079,000
Site (3.6Ac)	\$618,000
Construction Budget	\$10,697,000
Inflation (2% per year)	\$223,000
Development costs (35-40%)	\$3,822,000
Project Budget	\$14,742,000

APPENDIX - E

Schematic Seismic Retrofit Drawings

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.2	Ordinance No. 18-05 – An ordinance amending Silverton Municipal Code Title 12 to add Chapter 12.55 to regulate use of city property and rights of way
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Dianne Hunt	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends Council adopt Ordinance No. 18-05 amending Silverton Municipal Code Title 12 to add Chapter 12.55 to regulate use of city property and rights of way.

Background:

During the City Council Work Session on November 20, 2017, City Council directed staff to bring back the necessary documents to add a street closure fee, a banner hanging fee and to revise the Administrative Fee Schedule to increase the alcohol permit fee. Following direction from the City Council staff reviewed the changes with legal counsel. The City Attorney recommended revising the Silverton Municipal Code Title 12 to include a new Chapter 12.55 Special Events.

If the ordinance is adopted, staff recommends approval of Resolution No. 18-07 amending the City’s Administrative Fee Schedule.

Budget Impact	Fiscal Year	Funding Source
NONE	2017-2018	Not Applicable

Attachments:

1. Ordinance No.18-05
2. Title 12 Streets, Sidewalks and Public Places – Exhibit A

CITY OF SILVERTON
ORDINANCE
18-05

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE TITLE 12 TO ADD CHAPTER 12.55 TO REGULATE USE OF CITY PROPERTY AND RIGHTS OF WAY

WHEREAS, the City does not have a comprehensive special events ordinance that addresses the use of city property and city rights of way in a uniform manner; and

WHEREAS, there is one provision Silverton Municipal Code (Code) for use of City parks which does not set out the application process, another section of the Code addresses the use of City-owned facilities; and no section on use of City streets, sidewalks and other rights of way for special events; and

WHEREAS, the City desires to adopt a uniform manner to handle special event requests through a special event permit application process; and

WHEREAS, a streamlined process will allow city staff to apply the same procedure for all types of special events; and

WHEREAS, the City desires to revise the Code to adopt a special event permit process and to remove those other sections of the Code that are not compatible with the new process.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The Code is amended to add a new Chapter 12.55 in substantially the same form as the attached Exhibit A (Chapter 12.55).

Section 2: Chapter 12.16 of the Code is repealed in its entirety.

Section 3: Chapter 12.48.050 is amended in substantially the same form as the attached Exhibit B (Chapter 12.48)

Section 4: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

ATTEST

Mayor, City of Silverton
Kyle Palmer

City Manager/Recorder, City of Silverton
Christy S. Wurster

Chapter 12.55 Use of City Property for Special Events

12.55.010 Definitions.

As used in this chapter, the following definitions apply:

- A. “Applicant” means a person who files a written application for a special events permit.
- B. “City manager” means the Silverton city manager or designee.
- C. “Person” means an individual, firm, partnership, corporation, association, or other entity.
- D. “Plan” is a drawing detailing any closures and must include (at a minimum) streets to be closed, alternative streets to be used by vehicles and pedestrians to allow unrestricted access, fire hydrant locations, impacted residents along with addresses, visitor parking plan and any other information relevant to the street closure request.
- E. “Public Property” for the purposes of this Chapter means any City-owned park or facility including but not limited to public right of way.
- F. “Reimbursable costs” means those costs and expenses incurred by the city associated with the granting of a permit including, without limitation, the following:
 - (1) Utility services provided for the event including all costs of installation, maintenance, connection, and removal;
 - (2) Repair, maintenance, and removal of facilities in the event of a failure of the applicant to comply with the permit requirements;
 - (3) Repair of streets, alleys, sidewalks, parks, facilities, and other public property resulting from the event;
 - (4) Garbage cleanup and disposal resulting from the fault of applicant to clean up the area after the event;
 - (5) Other direct and indirect costs associated with issuance of the special event permit.
- G. “Special Event” means any temporary or ongoing activity that occurs on public property that affects the ordinary use of public property including but not limited to public streets, rights-of-way, sidewalks, city owned facilities, and other public property that is reasonably expected to cause or result in more than fifty (50) people gathering on public property; is reasonably expected to have an uncommon impact on such public property; and/or is reasonably expected to require the provision of public services.

H “Special Event Permit” means written approval from the city manager to hold a special event.

12.55.020 Special event permit required.

- A. A person desiring to hold a special event shall apply for a special event permit by filing a written application with the city manager upon a form available from the city for such purpose. It is unlawful for a person to hold or conduct a special event in the city for any purpose unless such person has obtained and has in full force and effect a permit to do so, issued by the city.
- B. The deadline for submittal of a Special Event Permit is no less than forty-five (45) calendar days prior to the proposed day of the special event. A special event application submitted less than forty-five (45) calendar days may be denied as untimely. The city manager has discretion as to whether an application deemed untimely shall be approved.
- C. There shall be a permit fee set by city council resolution.

12.55.030 Permit application.

In addition to the application requirements, the following requirements apply and control:

- A. City code requirements, including but not limited to noise and nuisance laws remain applicable at all times.
- B. An unobstructed access lane with a width of at least twelve (12) feet must be available for emergency vehicle access to any closed portions of streets at all times. Access may be restricted at city manager’s discretion.
- C. All affected public property and public rights of way including the roadway must be cleaned and left free of litter and debris immediately after the break-down times as set forth in the special event application.
- D. The applicant will be required to notify affected and adjoining residents in the area which will be impacted by the special event.

12.55.040 Issuance of permit.

- A. The city manager is not required to take final action on an incomplete or untimely special event permit application.
- B. The city manager is not required to process more than one application for a special event per organizer/applicant during any six month period.
- C. The issuance of a special event permit does not relieve any person involved in the special event from meeting any requirements or obligations imposed by other local, state or federal laws.

12.55.050 Special event insurance, indemnification, and liability.

- A. The applicant will also be responsible for providing required certificates of insurance and endorsements for general liability insurance naming the city, its elected officials, officers and employees as additional insureds and providing coverage in an amount necessary to cover any and all damage that may occur and to restore city property to its pre-event condition.
- B. Applicant shall agree to defend and hold harmless the city, its elected officials, officers and employees from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the event.
- C. This chapter shall not be construed as imposing upon the city, its elected officials, officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which a permit has been issued. The city and its elected officials, officers and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of right of way.

12.55.060 Criteria for issuance of permit

- A. Upon receipt of a completed application, the city manager or designee may forward a copy thereof to the fire marshal, police chief, community development, and public works departments (or any other impacted city department) for their review and comment. Those departments may recommend approval, approval with conditions or denial of the application.
- B. All permits issued under this chapter shall be issued by the city manager or designee. A permit may be denied by the city manager taking into account any of the following:
 - (1) The proposed special event must not intrude into or over any portion of a public right of way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians;
 - (2) Provision for adequate vehicle and pedestrian access and circulation shall be shown on the plan which shall be reviewed and approved by the city. The plan will show how the access requirements of the Americans with Disabilities Act (ADA) are to be met;
 - (3) In the case of special events such as fun runs, marathons, etc., or in the case of any street use which requires the closure of any public street or walkway, the proposed event must not require closure for a period longer than that established by the city manager;
 - (4) The proposed event must not unreasonably compound impacts of other activities such as events or construction on the date(s) requested;
 - (5) The proposed event location must not have been unreasonably impacted by the number of events in a one-year period;

(6) City personnel and resources must be available to assist with the special event as deemed necessary by the city manager;

(7) The proposed special event must not violate public health or safety regulations;

(8) The applicant must not have failed to comply with conditions of previously issued special event permits;

(9) The applicant must not have failed to submit all the necessary information as required for the special event permit application; or

(10) Such other conditions as the city manager deems necessary to reasonably ensure that the proposed special event does not in any way create a likelihood of endangering those who may participate or be spectators.

12.55.070 Permit exemptions.

A. The following activities that otherwise comply with city, state and federal laws are exempt from having to obtain a special event permit:

(1) Special events that are sponsored or conducted by the City of Silverton;

(2) Funeral procession by a licensed mortuary;

(3) Garage, estate, or yard sales, lemonade stands, and fundraising car washes; and

(4) Closure of streets as a result of construction or utility work which must be applied for through a separate city process under SMC 12.32.

12.25.080 Permit denial.

The city manager may deny an application if:

A. A permit has been granted for another event at or near the same place and at or near the same time;

B. The special event will occupy road(s) not under the sole jurisdiction of the city or will violate local, state, or federal law;

C. A street closure may disrupt the orderly flow of vehicular and other traffic and no reasonable alternative means of addressing the disruption is, in the opinion of the city manager, available;

D. Applicant fails to provide assurances satisfactory to the city manager that they will be able to provide for protection of participants, maintenance of public order, crowd security, and/or emergency vehicle access;

E. Applicant makes a false statement of material facts on an application;

F. Applicant fails to provide proof that they have obtained all applicable license(s) or permit(s) required for conduct of the event or activities associated therewith;

G. Applicant has had a special event permit revoked within the preceding 18 months or has failed to pay outstanding reimbursable costs to the city for prior event(s).

H. Applicant is unable to obtain indemnification and insurance consistent with SMC [12.55.050](#).

12.55.090 Permit revocation.

The city manager may revoke a permit if:

A. The applicant fails to comply with the terms of any condition(s) imposed on the permit including any applicable no parking/barricade requirements, the street closure is in violation of any provision of the Silverton Municipal Code, creates a hazardous condition, or any other applicable law;


B. The permit holder made a false statement of material fact on an application;

C. An unforeseen circumstance occurs prior to or during the special event that diminishes the safety and security of the proposed event. This could include, but is not limited to, inclement weather such as a snowstorm, flood, or windstorm, natural hazard, or a fire, public safety, public works or other event.

12.55.100 Appeal to city council.

A decision of the city manager made concerning the application, denial, or revocation of a special event permit may be appealed to the city council. An applicant may appeal by filing with the city clerk a written statement of appeal within five working days of the date of the decision or action being appealed. The city clerk shall schedule a hearing before the city council no later than the second regular session following the filing and shall notify the applicant of the date and time for the hearing. The council may take such action(s) as it deems appropriate concerning the appeal, consistent with the limitations imposed by this chapter for issuance of special event permits.

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.3	Resolution No. 18-07 – A Resolution amending the City’s Administrative Fee Schedule
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Dianne Hunt	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends Council approve Resolution No. 18-07 amending the City’s Administrative Fee Schedule.

Background:

At the November 20, 2017 Council Work Session, the City Council directed staff to bring back the necessary document to increase the Liquor Use Permit to \$50 and to add a Street Closure fee of \$75 and to add a Banner Hanging fee of \$50.

Resolution No. 14-35 approved on July 7, 2014 adjusted certain administrative fees. Staff is requesting the following changes to the fee schedule:

1. Change the fee of the “Liquor Use Permit” from \$25 to \$50.
2. Add a “Street Closure” fee in the amount of \$75
3. Add a “Banner Hanging” fee in the amount of \$50

Budget Impact	Fiscal Year	Funding Source
N/A	2017-2018	N/A

Attachments:

1. Resolution No. 18-07
2. City’s Administrative Fee Schedule – Exhibit A

CITY OF SILVERTON
RESOLUTION
18-07

A RESOLUTION OF THE SILVERTON CITY COUNCIL AMENDING THE CITY'S ADMINISTRATIVE FEE SCHEDULE

WHEREAS, staff has reviewed administrative fees charged for various services provided to citizens; and

WHEREAS, staff has recommended changed to the fee schedule; and

WHEREAS, the city wishes to adopt the revised schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON AS FOLLOWS:

Section 1: The City Council authorizes and adopts the attached schedule of fees marked "Exhibit A", and the amended schedule shall take effect upon the effective date of this resolution.

Section 2: That is resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

Mayor, City of Silverton
Kyle Palmer

ATTEST

City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit A – City’s Administrative Fee Schedule

**Administrative Fees
Effective March 5, 2018**


NAME	Fee Amount
Utility Deposit	75.00
Utility Payment Late Fee (Accounts not paid by 5:00 pm on the due date of the 16 th of each month)	5.00
Monthly Interest Charge (if account not paid by the last day of the month)	1.5%
Administrative Fee for Delinquent Accounts (Accounts not paid by 5:00 pm the day before shut-off day)	40.00
Processing Fee for utility customer services Exceptions: 1. Vacationers gone for more than one month.	10.00
Garden Meter Turn On	10.00
After Hours Fee	45.00
Leak Adjustment Service Fee (deducted from credit allowed per Ord 13.24.210)	10.00
Unexplained High Usage Adjust (Bill reduced to normal usage plus this fee)	10.00
Physical Verification of Reduction in number of business or living units.	20.00
Returned Check Fee	25.00
Photocopy Fee per Page for 8.5 X 11	.15
Fax Fee per Page	1.00
Election Filing Fee	50.00
City Code Book	30.00
Council / Planning Audio Tape	5.00
Budget Book	15.00
Annual Financial Report	15.00
Liquor License – New	50.00
Liquor License – Change	35.00
Liquor License – Renewal	25.00
	25.00
Liquor Use Permit (Alcohol Permit)	50.00
Zoning Review Fee	30.00
Street Closure Fee	75.00
Banner Hanging Fee	50.00

Exhibit A – City’s Administrative Fee Schedule

**Court and Other Fees
Effective March 5, 2018**

NAME	Fee Amount
Payment Agreement Fee of unpaid balance (Waived if account is paid within 30 days)	25.00
Suspension Fee	15.00
Court Collection Fee (maximum \$250.00)	25%
Reinstatement Fee	20.00
Fail to Appear Fee	25.00
Fail to Pay per Payment Agreement	35.00
Finger Print Fee	15.00
Toxicity Testing Fee	10.00
Septage Fee (minimum fee is \$50.00)	\$0.18/gallon

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.4	Ordinance No. 18-06 – Amending Silverton Municipal Code Chapter 3.12 Transient Occupancy Tax
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Kathleen Zaragoza	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends a motion to adopt Ordinance No. 18-06 amending Silverton Municipal Code Chapter 3.12.

Background:

The City of Silverton passed Ordinance No. 08-05 on September 8, 2008 to establish a transient occupancy tax. Since that time the City has been receiving the tax from hotel operators within the City of Silverton and using the funds as required by ORS 320.350(5).

During this fiscal year the City contacted the Oregon Garden Resort pursuant to SMC 3.12.200 to examine the records. When the City requested the information it is authorized to examine under the audit and pursuant to SMC 3.12.200, the Oregon Garden Resort requested that the review take place in Cambria, California where its primary office is located. There was some discussion between the Hotel Operator and the Tax Administrator (Finance Director) on where that review should take place as it is not specifically identified in the code. This ordinance will state that hotels must maintain records at the hotel location in the city and that the examination of the records will also take place at the hotel.

Budget Impact	Fiscal Year	Funding Source
None	2017-2018	None

Attachments:

1. Ordinance No. 18-06
2. Exhibit A Chapter 3.12 Transient Occupancy Tax

CITY OF SILVERTON
ORDINANCE
18-06

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE CHAPTER 3.12 (TRANSIENT OCCUPANCY TAX) TO RENAME THE CHAPTER, TO CLARIFY RECORDS MANAGEMENT AND THE LOCATION WHERE AN AUDIT WILL BE PERFORMED

WHEREAS, the term transient room tax is inconsistent with the terms used by staff and for grants; and

WHEREAS, the tax administrator (finance director) indicates it would be more accurate to rename the chapter Transient Occupancy Tax to ensure consistency; and

WHEREAS, the tax administrator recommends clarifying the location hotels shall maintain records and the location an audit will be performed; and

WHEREAS, the tax administrator believes this change will eliminate any issues or delays to perform an audit when an audit is requested.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A.

Section 2: This Ordinance shall be effective upon and from 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of March, 2018.

Mayor, City of Silverton
Kyle Palmer

ATTEST

City Manager/Recorder, City of Silverton
Christy S. Wurster

EXHIBIT A Amending Chapter 3.12 Transient Occupancy Tax

Chapter 3.12 TRANSIENT OCCUPANCY ROOM TAX

3.12.010 Title.

This chapter shall be known as the Transient Occupancy ~~room~~ Tax Ordinance of the city of Silverton. (~~Ord. 08-05 § 1, 2008~~)

3.12.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Accrual accounting" means the operator enters the rent due from a transient on the records when the rent is earned, whether or not it is paid.

B. "Cash accounting" means the operator does not enter the rent due from a transient on the records until rent is paid.

C. "Council" means the city council.

D. "Executive apartment" means a dwelling unit in an apartment complex that is typically rented to corporate executives, company employees or guests for 30 days or less.

E. "Hotel" means any structure, or any portion of any structure, which is occupied, intended or designed for temporary use for dwelling, lodging or sleeping purposes, regardless of whether it is used temporarily or permanently, and includes any hotel, inn, tourist home or house, motel, studio hotel, lodginghouse, roominghouse, executive apartment, public or private dormitory, fraternity, sorority, public or private club, space in a recreational vehicle park, or similar structure or space or portions thereof so occupied.

F. "Occupancy" means the use or possession, or the right to the use or possession, of any hotel for lodging or sleeping purposes.

G. "Operator" means the person who is proprietor of the hotel in any capacity. Where the operator performs the functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

H. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

I. "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

J. "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this chapter shall be the same charge made for rent when not a part of a package plan.

K. "Tax" means either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which the transient is required to report the collections.

L. "Tax administrator" means the finance director of the city.

M. "Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel. (Ord. 08-05 § 2, 2008)

3.12.030 Tax imposed.

A. For the privilege of occupancy in any hotel in the city, each transient shall pay a tax in the amount of nine percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on its records when rent is collected if the operator keeps its records on the cash accounting basis and when earned if the operator keeps its records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities.

B. The city shall dedicate net revenue from the transient room tax per the provisions of ORS 320.350(6).

C. The city council shall establish a process to award grants related to the promotion of tourism and to support tourism-related facilities in the city of Silverton. (Ord. 08-05 § 3, 2008)

3.12.040 Exemptions.

No tax imposed under this chapter shall be imposed upon:

A. Any occupant of a dwelling unit leased or otherwise occupied by the same person for more than 30 consecutive calendar days with respect to any rent imposed for the period commencing after the first 30 days of such consecutive occupancy;

B. Any occupant whose rent is of a value less than \$2.00 per day;

C. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people, or to a public institution owned and operated by a unit of the government. (Ord. 08-05 § 4, 2008)

3.12.050 Tax collected by operator – Enforcement.

A. Every operator renting rooms or space for lodging or sleeping purposes in the city, the occupancy of which is not exempted under the terms of this chapter, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city.

B. In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.

C. The tax administrator shall enforce provisions of this chapter and shall have the power to adopt rules and regulations not inconsistent with this chapter as may be necessary to aid in the enforcement.

D. For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

E. The operator shall be permitted to deduct as a personal collection expense five percent of the amount of taxes collected. (Ord. 08-05 § 5, 2008)

3.12.060 Operator – Duties and responsibilities.

Each operator shall collect the tax imposed by this chapter at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this chapter. (Ord. 08-05 § 6, 2008)

3.12.070 Payment – Returns – Due date.

A. The tax imposed by this chapter shall be paid by the transient to the operator at the time rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a no later than quarterly basis on the fifteenth day of the following month for the preceding month(s), and are delinquent on the last day of the month in which they are due. The tax administrator has authority to classify and/or district the operators for determination of applicable tax periods, and shall notify each operator of the due and delinquent dates for the operator's returns. The initial return under this chapter may be for less than the three months preceding the due date; thereafter, returns shall be made for the applicable monthly or quarterly period.

B. On or before the fifteenth day of the month following each collection period, a return for the preceding month's or quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every operator liable for payment of tax.

C. Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

D. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

E. For good cause, the tax administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the city council. Any operator to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this chapter.

F. The tax administrator, if deemed necessary in order to ensure payment or facilitate collection by the city of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods. (Ord. 08-05 § 7, 2008)

3.12.080 Delinquent returns – Penalties and interest.

A. Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this chapter prior to the delinquency shall pay a penalty of 10 percent of the amount of the tax due in addition to the amount of the tax.

B. Continued Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the tax and the 10 percent penalty first imposed. (Ord. 08-05 § 8, 2008)

3.12.090 Fraud.

If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in SMC 3.12.080. (Ord. 08-05 § 9, 2008)

3.12.100 Failure to report.

In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid. (Ord. 08-05 § 10, 2008)

3.12.110 Penalties merged with tax.

Every penalty imposed and such interest as accrues under the provisions of this section and SMC 3.12.080, 3.12.090, 3.12.100 and 3.12.120 shall be merged with and become a part of the tax required to be paid by this chapter. (Ord. 08-05 § 11, 2008)

3.12.120 Petition for waiver.

Any operator who fails to remit the tax levied in this chapter within the time stated in this chapter shall pay the penalties stated in this chapter; provided, however, the operator may petition the city council for waiver and refund of the penalty or any portion thereof and the city council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. (Ord. 08-05 § 12, 2008)

3.12.130 Deficiency determinations – Notification procedures.

If the tax administrator determines that the returns are incorrect, the tax administrator may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within the tax administrator's possession or that may come into the tax administrator's possession. One or more deficiency determinations may be made of the amount due for one, or more than one, period, and the amount so determined shall be due and payable immediately upon service of notice as provided in this chapter after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in SMC 3.12.080 through 3.12.120.

A. In making a determination the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in SMC 3.12.080 through 3.12.120.

B. The tax administrator shall give to the operator or occupant a written notice of determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the operator at the address as it appears on the records of the tax administrator. In case of service by mail or any notice required by this chapter, the service is complete at the time of deposit in the United States Post Office.

C. Except in the case of fraud or intent to evade this chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the quarterly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

D. Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the tax administrator has given notice thereof; provided, however, the operator may petition redemption and refund if the petition is filed before the determination becomes final as provided in this chapter. (Ord. 08-05 § 13, 2008)

3.12.140 Failure to collect tax.

If any operator fails or refuses to collect the tax or to make within the time provided in this chapter any report and remittance of the tax or any portion thereof required by this chapter, or makes a fraudulent return or otherwise willfully attempts to evade this chapter, the tax administrator shall proceed in such manner as deemed best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this chapter from any operator who has failed or refused to collect the same and to report and remit the tax, the tax administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect the tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the administrator has given notice thereof; provided, however, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as provided in this chapter. (Ord. 08-05 § 14, 2008)

3.12.150 Operator delay.

If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay, or if any determination will be jeopardized by delay, the tax administrator shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as provided in this chapter shall be immediately due and payable, and the operator shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within 10 days from the date of service of notice by the tax administrator. (Ord. 08-05 § 14, 2008)

3.12.160 Petition for redetermination and refund.

A. Any person against whom a determination is made under SMC 3.12.130, 3.12.140 or 3.12.150, or any person directly interested, may petition for a redetermination of redemption and refund within the time required in SMC 3.12.130, 3.12.140 or 3.12.150. If a petition for redetermination and refund is not filed within the time required in SMC 3.12.130, 3.12.140 or 3.12.150, the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination, and, if the person has so requested in the petition, shall grant the person an oral hearing and shall give 10 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

C. The tax administrator may decrease or increase the amount of the determination as a result of the hearing, and if an increase is determined such increase shall be payable immediately after the hearing.

D. The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the city council within 10 days after service of such notice.

E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions of this chapter. (Ord. 08-05 § 15, 2008)

3.12.170 Security for collection.

A. The tax administrator, whenever deemed necessary to ensure compliance with this chapter, may require any operator subject thereto to deposit security in the form of cash, bond or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's estimated average quarterly liability for the period for which a return is filed, determined in such manner as the tax administrator deems proper, or \$5,000, whichever amount is the lesser. The amount of the security may be increased or decreased by the tax administrator subject to the limitations provided in this chapter.

B. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the tax administrator may bring an action in the courts of the state, or any other state, or of the United States, in the name of the city to collect the amount delinquent together with penalties and interest. (Ord. 08-05 § 16, 2008)

3.12.180 Refund procedures.

A. Refunds by City to Operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded, provided a verified claim in writing thereof, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid, and the balance may be refunded to such operator or the operator's administrators, executors or assignees.

B. Refunds by City to Transient. Whenever the tax required by this chapter has been collected by the operator, and deposited by the operator with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the transient, provided a verified claim in writing thereof, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment. (Ord. 08-05 § 17, 2008)

3.12.190 Recordkeeping.

Every operator shall keep guest records of room sales and accounting books and records of the room sales at the location of the hotel in the city. All records shall be retained by the operator for a period of three years and six months after they come into being. (~~Ord. 08-05 § 18, 2008~~)

3.12.200 Examination of records.

The tax administrator, or any person authorized in writing by the tax administrator, may examine during normal business hours the books, papers and accounting records relating to room sales of any operator, after notification to the operator liable for the tax, and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid. Examination of the records shall take place at the hotel location. (~~Ord. 08-05 § 19, 2008~~)

3.12.210 Confidentiality.

The tax administrator or any person having an administrative or clerical duty under the provisions of this chapter shall protect the confidential business operations or similar information obtained to implement this chapter; provided, that nothing in this section shall be construed to prevent:

A. The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or collecting taxes imposed under this chapter.

B. The disclosure, after the filing of a written request to that effect, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; provided, however, that the tax administrator approves each such disclosure and that the tax administrator may refuse to make any disclosure referred to in this subsection when the public interest would suffer thereby.

C. The disclosure of the names and addresses of any person owning/operating a transient lodging facility.

D. The disclosure of general statistics regarding taxes collected or business done in the city.

E. The disclosure of information in accordance with the public records law. (Ord. 08-05 § 20, 2008)


3.12.220 Appeals to city council.

Any person aggrieved by any decision of the tax administrator may appeal to the city council, by filing a notice of appeal with the tax administrator within 10 days of the serving or the mailing of the notice of the decision given by the tax administrator. The tax administrator shall transmit the notice of appeal, together with the file of such appealed matter, to the city manager, who shall fix a time and place for hearing such appeal from the decision of the tax administrator. The city manager shall give the appellant not less than 10 days' written notice of the time and place of hearing of such appealed matter. Action by the council on appeals shall be decided by a majority of the members present at the meeting where such appeal is considered. (Ord. 08-05 § 21, 2008)

3.12.230 Violation – Penalty.

Any operator or other person who fails or refuses to furnish any return, supplemental return or other data required in this chapter or by the tax administrator, or, with intent to defeat or evade the determination of any amount due under this chapter, shall make, render, sign or verify any false or fraudulent report, commits an offense which constitutes a violation of this chapter punishable in accordance with the general penalty provisions of SMC 1.08.010. (Ord. 08-05 § 22, 2008)

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.5	Ordinance No. 18-07 – Granting a Non-Exclusive Telecommunications Franchise To Lightspeed Networks, Inc., Declaring An Emergency, and Stating An Effective Date
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
March 5, 2018		
Prepared by:	Reviewed by:	Approved by:
Jason Gottgetreu	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends Ordinance No. 18-07 be approved granting a non-exclusive telecommunications franchise to LightSpeed Networks, LLC (“LS Networks”).

Background:

LS Networks is a telecommunication company and has requested a non-exclusive franchise to provide telecommunication services in the City of Silverton. The City Attorney has negotiated a draft copy of a franchise agreement which is attached to this Staff Report as Attachment 1.

LS Networks respectfully requests that the City pass the franchise with emergency enactment to eliminate the 30 day waiting period following its passage on March 5th. The customer for the pending project is the Silverton High School and LS Networks is concerned about the delay in service delivery if they have to wait until early April to begin permitting and construction.

Budget Impact	Fiscal Year	Funding Source
Increase in Franchise Fee	2017-2018	N/A

Attachments:

1. Proposed Franchise Ordinance No. 18-07

CITY OF SILVERTON
ORDINANCE
18-07

AN ORDINANCE OF THE SILVERTON CITY COUNCIL GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO LIGHTSPEED NETWORKS, INC., DECLARING AN EMERGENCY, AND STATING AN EFFECTIVE DATE

THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Purpose. The purpose of this Ordinance is to set forth the terms and conditions upon which LightSpeed Networks, Inc., dba LS Networks (“Grantee”), may be permitted to occupy the right-of-way within the City of Silverton pursuant to the powers of the City of Silverton, the Oregon Constitution and Oregon State Law, and except as to matters preemptively regulated by state or federal authorities. This Ordinance and the written acceptance by Grantee constitutes a contract between the City and Grantee (hereinafter referred to as the “Franchise”) and is binding upon and inures to the benefit of Grantee and its permitted successors, legal representatives and assigns under the conditions imposed herein.

Section 2: Definitions and Explanation.

- A. As used in this Franchise, the following words, except where the context clearly indicates otherwise, mean:
- i. City. Means the City of Silverton, an Oregon municipal corporation and individuals authorized to act on the City’s behalf, and includes the area within its boundaries, and its boundaries as extended in the future.
 - ii. City Council. Means the legislative body of the City or as defined by the Charter of the City of Silverton.
 - iii. Facilities. Means the cable, wire, equipment, antennas, poles and associated facilities used by Grantee to provide telecommunications services.
 - iv. Person. Includes an individual, corporation, association, firm, sole proprietorship, company, partnership, co-partnership, joint stock company, trust, limited liability company, governmental entity, or other organization, including any natural person or any other legal entity.
 - v. Right-of-way. Means streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public utility easements and all other public ways for use by the public for transportation purposes, including the subsurface under and air space over these areas, but only to the extent of the city’s right, title, interest or authority to grant a franchise to occupy and use such spaces for Grantee’s facilities.
 - vi. Telecommunications service. Means any service provided for the purpose of voice, video or data transmission, including but not limited to local exchange service, access service, extended area service, call origination, interconnection, switching, transport, call termination and/or any other telecommunications service identified and authorized by the Federal Communications Commission (FCC) or the Public Utility Commission of Oregon. Telecommunications service includes any service that enables a third party to provide such services, including but not limited to wholesale

services, provision of dark fiber and/or authorization to use facilities to provide such services except where such authorization is required by applicable state or federal law or administrative rule. As used in this Franchise, telecommunications service does not include: 1) cable service as defined by 47 U.S.C. §522; 2) open video system service as defined in 47 C.F.R 76; 3) private communications system services provided without using the right-of-way; 4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the FCC or any successor thereto; and 5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

B. As used in this Franchise, the singular number may include the plural and the plural number may include the singular.

Section 3: Rights Granted.

A. Subject to the conditions and reservations contained in this Franchise and subject to any applicable ordinances and regulations of the City, including but not limited to ordinances and regulations regarding zoning, development, tree pruning or removal, erosion control and excavation in the right-of-way, the City hereby grants to Grantee the privilege and non-exclusive Franchise to occupy right-of-way for the purpose of constructing, using, maintaining and operating a system to provide telecommunications services within the City. This grant includes the authority, subject to the conditions and reservations contained in this Franchise and subject to any applicable ordinances and regulations of the City, to place, erect, lay and maintain facilities customarily associated with telecommunications systems. This Franchise does not authorize Grantee to place, erect or install wireless antennas and related equipment within the right-of-way.

B. This Franchise does not convey any right, title or interest in the right-of-way, but shall be deemed a grant to use and occupy the right-of-way for the limited purposes and term stated in this Franchise. This Franchise does not authorize Grantee to provide cable services or other services not included in the definition of telecommunications services herein. Grantee agrees that prior to providing cable or any non-telecommunications services in the City, it must obtain all necessary and applicable authorizations from the City for use of the right-of-way for such provision, including entering into a separate franchise with the City and paying a separate franchise fee to the City.

C. Grantee shall, at all times during the term of this Franchise, be subject to and comply with all applicable laws, including the lawful exercise of the police power by the City and such regulation as the City shall hereafter provide.

Section 4: Construction. Grantee's construction, installation, work or operation of facilities within the right-of-way shall be subject to and comply with SMC 12.40.120 through 12.40.290, as amended from time to time, as if fully incorporated in this Franchise and regardless of whether or not Grantee is a "telecommunications carrier," provides "telecommunications services" or has "telecommunications facilities" as those terms are defined in SMC 12.40.050.

Section 5: Location of Facilities. The location and relocation of Grantee’s facilities shall be subject to and comply with SMC 12.40.300 through 12.40.340, as amended from time to time, as if fully incorporated in this Franchise and regardless of whether or not Grantee is a “telecommunications carrier,” provides “telecommunications services” or has “telecommunications facilities” as those terms are defined in SMC 12.40.050.

Section 6: Duration. The privileges set forth in this Franchise are hereby granted for a period of five (5) years from and after the effective date of this Franchise. However, this Franchise shall be inoperative unless it is accepted in writing by Grantee as provided in Section 21.

Section 7: Franchise Not Exclusive. This Franchise is not exclusive and shall not be construed as a limitation on the City in:

- i. Granting rights, privileges and authority to other persons similar to or different from those granted by this Franchise; or
- ii. Constructing, installing, maintaining or operating any City-owned public utility.

Section 8: Public Works and Improvements. Nothing in this Franchise shall be construed in any way to prevent the proper authorities of the City or other public entities operating within the City from sewerage, grading, paving, repairing, altering, maintaining, constructing or improving any right-of-way in or upon which facilities of Grantee may have been placed. Unless directly and proximately caused by willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any Grantee facility within the right-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the right-of-way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom.

Section 9: Compensation.

(1) As compensation for the Franchise granted by this Ordinance, Grantee shall pay to the City an annual Franchise fee of five percent (5%) of the gross revenue subject to applicable limitations imposed by federal and state law. “Gross revenues” means any and all revenue for the telecommunications services rendered within the City limits less net uncollectables subject to applicable state and federal law. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks. The City reserves the right to increase the fee rate at any time upon thirty (30) days’ written notice to Grantee, provided the rate is not greater than the percentage rate charged to the incumbent provider. If the incumbent provider’s percentage rate is increased, Grantee’s percentage rate will automatically increase to the same percentage rate without protest.

(2) Compensation required by this Section shall be due and payable quarterly, based on a calendar year as determined by the City. Payments are due within thirty (30) days after the close of each quarter. Late franchise fee payments will be subject to a late fee

calculated on the basis of ten percent (10%) per annum of the amount past due. Within ninety (90) days after the termination of this Franchise, compensation shall be paid for the period elapsing since the close of the last quarter for which compensation has been paid and operations terminated.

(3) Grantee shall furnish to the City with each payment of compensation required by this Section a written statement, under oath, executed by an officer of Grantee showing the amount of gross revenue of Grantee within the City for the period covered by the payment. The compensation for the period covered by the statement shall be computed on the basis of the gross revenue so reported. If Grantee fails to pay the entire amount of compensation due the City through error or otherwise, the difference due the City shall be paid by Grantee within fifteen (15) days from discovery of the error or determination of the correct amount. .

(4) Grantee shall keep accurate books of account at an office in Oregon for the purpose of determining the amounts due to the City under the provisions of this Franchise. The City may inspect the books of account as provided in Section 10, and may audit the books from time to time but no more often than once per calendar year and may not re-audit periods already audited and may not audit any period more than three (3) years prior to the date of the audit. For purposes of conducting the audit (which, as used in this Section, includes a franchise fee review), Grantee shall provide the City copies of requested records within thirty (30) days. Should such an audit reveal that payments tendered by Grantee to the City are less than the amounts due under the terms of this Franchise, Grantee shall promptly remit the amounts due the City, together with interest at a rate of nine percent (9%) per annum from the date such payment was originally due. If an audit reveals that payments tendered by Grantee to City were less than the amounts due under the terms of this Franchise by a differential of five percent (5%) or greater, all costs incurred by the City, including but not limited to accountant's fees and attorney's fees, for such audit are to be fully paid by Grantee.

(5) Acceptance by the City of any payment due under this Franchise shall not be deemed to be a waiver by the City of any other obligation of Grantee under this Franchise, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City. Should Grantee fail or neglect to pay any of said quarterly payments provided for in this Section for thirty (30) days after any quarterly payment shall become due and payable and after thirty (30) days written notice from the City, the City, by its properly constituted authority, may at its option either continue this Franchise in force and/or proceed by suit or action to collect such payment or declare a forfeiture of this Franchise because of the failure to make payment, but without waiving the right to collect earned Franchise payment.

(6) Upon no less than thirty (30) days prior written notice by either party to the other, the amount of such compensation shall be subject to renegotiation and redetermination before the expiration of each calendar year, of the terms of the Franchise hereby granted, for the ensuing period of said Franchise term.

Section 10: Duty to Provide Information. Except as provided in Section 9, upon ten (10) days prior written request from the City, the Grantee shall furnish the City with information sufficient to demonstrate that Grantee has complied with all requirements of this Franchise. The City may require periodic reports from Grantee relating to its operations, revenues, and services within the City. Grantee shall maintain current maps showing the location of its facilities, fixtures, appliances and structures within the right-of-way of the City. The City shall be allowed to inspect such maps at any time upon at least ten (10) days prior written notice. If requested by City, Grantee shall furnish, without charge and within a reasonable time, maps relating to specified areas of the City.

Section 11: Indemnification. Grantee hereby agrees and covenants to defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of Grantee's facilities, and from providing or offering telecommunications services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Franchise.

Grantee also hereby agrees to indemnify the City for any damages, claims, additional costs or expenses assessed against or payable by the City arising out of or resulting, directly, or indirectly, from Grantee's failure to remove, adjust or relocate all or any portion of its facilities in a timely manner pursuant to provisions of this Franchise, unless Grantee's failure arises directly from the City or its agents or contractor's negligence or willful misconduct.

Section 12: Performance Surety. Before the effective date of this Franchise, the Grantee shall provide the performance bond required by SMC 12.40.290.

Section 13: Assignment or Transfer of Franchise.

A. Ownership or control of a majority interest in Grantee's facilities or this Franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.

B. Grantee and the proposed assignee or transferee of the Franchise or facilities shall provide and certify the following information to the City not less than one hundred twenty (120) days prior to the proposed date of transfer:

i. Complete information setting forth the nature, terms and condition of the proposed transfer or assignment;

- ii. All information required of a telecommunications franchise applicant pursuant to SMC 12.40.360 with respect to the proposed transferee or assignee;
- iii. Any other information reasonably required by the City.

C. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the facilities pursuant to this Franchise.

D. Grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign this Franchise.

E. Any transfer or assignment of this Franchise or the facilities without prior approval of the City under this Section shall be void and is cause for revocation of this Franchise.

Section 14. Reservation of Statutory Authority. The City reserves the right to exercise, with regard to this Franchise and Grantee, all authority now or hereafter reserved or granted to the City by the Oregon Constitution, the City Charter and state and federal statutes.

Section 15: Insurance.

A. Grantee shall secure and maintain the following liability insurance policies insuring both the Grantee and the City, and its elected and appointed officers, officials, agents and employees as coinsured:

- i. Comprehensive general liability insurance with limits not less than:
 - (a) Three million dollars (\$3,000,000) for bodily injury or death to each person;
 - (b) Three million dollars (\$3,000,000) for property damage resulting from any one accident; and
 - (c) Three million dollars (\$3,000,000) for all other types of liability.
- ii. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.
- iii. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).
- iv. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

B. The liability insurance policies required by this Section shall be maintained by the Grantee throughout the term of this Franchise or for such time Grantee is engaged in the removal of its facilities. Each insurance policy shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail, of a written notice addressed to the Public Works of such intent to cancel or not to renew."

C. Within sixty (60) days after receipt by the City of the notice set forth in subsection B of this Section, and in no event later than thirty (30) days prior to cancellation, the Grantee shall obtain and furnish to the City evidence that the Grantee meets the requirements of this Section.

Section 16: Breach and Termination of Franchise.

A. The City may declare a breach and terminate or revoke this Franchise as provided in this Section for the following reasons:

- i. Construction or operation in the City or in the right-of-way of the City without a construction permit.
- ii. Construction or operation at an unauthorized location.
- iii. Failure to comply with Section 13 with respect to transfer or assignment of the facilities or this Franchise.
- iv. Misrepresentation by or on behalf of Grantee in any application to the City.
- v. Abandonment of facilities in the right-of-way.
- vi. Failure to relocate or remove facilities as required in this Franchise.
- vii. Failure to pay taxes, compensation, fees or costs when and as due the City.
- viii. Insolvency or bankruptcy of the Grantee.
- ix. Violation of material provisions of this Franchise.

B. In the event that the City believes that grounds exist for revocation of this Franchise, the City shall give the Grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Grantee a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- i. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance.
- ii. That rebuts the alleged violation or noncompliance.
- iii. That it would be in the public interest to impose some penalty or sanction less than revocation.

C. In the event that the Grantee fails to provide evidence reasonably satisfactory to the City as provided in subsection B of this Section, the city manager shall refer the apparent violation or noncompliance to the City Council. The City Council shall provide the Grantee with notice and a reasonable opportunity to be heard concerning the matter.

D. If persuaded that the Grantee has violated or failed to comply with material provisions of this Franchise, the City Council shall determine whether to revoke this Franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

- i. Whether the misconduct was egregious.
- ii. Whether substantial harm resulted.
- iii. Whether the violation was intentional.
- iv. Whether there is a history of prior violations of the same or other requirements.
- v. Whether there is a history of overall compliance.

vi. Whether the violation was voluntarily disclosed, admitted or cured.

E. Other sanctions include, but are not limited to, penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs.

F. Upon any termination of this Franchise, whether before or upon the expiration of the Franchise, all facilities installed or used by Grantee under this Franchise shall be removed by Grantee at Grantee's expense and the property upon which the facilities were used shall be restored by Grantee to the same or better condition it was in before installation or use by Grantee, as directed by the City. Notwithstanding the preceding sentence, the City may in its sole discretion permit Grantee in writing to abandon its facilities, or any portion thereof, in place, in which case the ownership of such facilities shall transfer to the City.

Section 17: Remedies Not Exclusive, When Requirement Waived. All remedies and penalties provided under this Franchise, the common law, the statutes of this State, the statutes of the United States and the ordinances and regulations of the City, are cumulative and the enforcement or recovery of one is not a bar to the enforcement or recovery of any other remedy or penalty. The remedies and penalties contained in this Franchise are not exclusive, and the City reserves the right to enforce and to avail itself of any and all remedies available at law or in equity. Failure to enforce any right accruing to or available to the City whether arising under this Franchise or otherwise, shall not be construed as a waiver of a breach of any term, condition or obligation of this Franchise or a violation of any requirement of law. A specific waiver of any particular breach of any term, condition or obligation pursuant to this Franchise shall not be a waiver of any other, subsequent or future breach of the same or of any other term, condition, or obligation or as a waiver of the term, condition or obligation itself.

Section 18: Additional Remedy. In addition to any rights available at law or in equity, including, without limitation, any rights set out elsewhere in this Franchise, as well as its rights under the City Code, if there is a material violation of this Franchise by Grantee the City reserves the right at its sole option to suspend issuance of any permits and/or approvals to Grantee until Grantee corrects or otherwise remedies the violation.

Section 19: Notice. Any notice provided under Sections 15 and 16 of this Franchise shall be sufficient if in writing and (1) delivered to the other party or deposited in the U.S. Mail, postage prepaid, certified mail; (2) sent by commercial air courier; or (3) sent by facsimile transmission, provided receipt of such facsimile is confirmed in writing. Notice shall be sent to the following address, or such other address as each party may specify in writing:

City of Silverton
306 South Water Street
Silverton, OR 97381

LS Networks, Contracts Management
921 SW Washington Street, Suite 370
Portland, OR 97203

Phone: 503-874-2207
Fax: 503-873-3210

Phone: 503-294-5300
Fax: 503-227-8585

Any notice provided under this Franchise, other than pursuant to Sections 15 and 16, may be by the methods set forth above or any other reasonable means, including email.

Section 20: Severability. The provisions of this Franchise are severable. If any portion of this Franchise is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Franchise.

Section 21: Acceptance of Franchise. Grantee shall, within thirty (30) days from the date this Franchise takes effect, file with the City its written unconditional acceptance of this Franchise in the form attached hereto as Exhibit A, and if Grantee fails to do so, this Franchise shall be null and void and of no force or effect.

Section 22: Effective Date. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor provided Grantee files with the City its written unconditional acceptance of this Franchise as required in Section 21.

Ordinance passed by the City Council of the City of Silverton this 5th day of March, 2018.

ATTEST

Mayor, City of Silverton
Kyle Palmer

City Manager/Recorder, City of Silverton
Christy S. Wurster

**EXHIBIT A
ACCEPTANCE**

Christy Wurster
City Manager
306 S Water St
Silverton, Oregon 97381

This is to advise the City of Silverton, Oregon that LightSpeed Networks, Inc. (the “Grantee”) hereby unconditionally accepts the terms and provisions of Ordinance No.18-____, passed by the City Council on _____, 2018 (the “Franchise”) granting a Franchise to Grantee. The Grantee agrees to abide by each and every term and condition of the Franchise.


LIGHTSPEED NETWORKS, INC.

BY _____

TITLE _____

DATE _____

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	9.1	Ratify appointment of Karolle Hughes to the Homeless/Housing Task Force
	Agenda Type:	
	Appointments to Committees and Advisory Groups	
Meeting Date:		
	March 5, 2018	
Prepared by:	Reviewed by:	Approved by:
Lisa Figueroa	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion to ratify the Mayor’s appointment of Karolle Hughes to the Homeless/Housing Task Force.

Background:

Former Committee member Ellen Snow resigned from the Committee. Mayor Palmer replaced Ms. Snow with Karolle Hughes from the Oregon Coalition on Housing and Homelessness, who expressed an interest serving on the Committee.

Budget Impact	Fiscal Year	Funding Source
None	2017-2018	N/A

Attachments:

None

Department Updates

Working in a proactive partnership with our community to solve problems and enhance the quality of life for our citizens.



Memorandum

February 22, 2018

To: Jeff Fossholm, Chief of Police
Christy Wurster, City Manager
From: Sean Farris, Community Service Officer
Re: February CSO Report

25 hours a week, split time between parking and code enforcement as needed. Please note: I returned from family leave on February 14th, so this report reflects roughly a week of work.

The following is an accounting of the number and types of complaints I received and pursued from January 17th, 2018 until February 22nd, 2018. In any given month I am also spending some time pursuing unresolved code enforcement cases from the previous month.

Code Enforcement Complaints from 1-17-18 to 2-22-18

<u>Total Cases</u>	08 (YTD 15)
<u>Cases resolved/abated</u>	03 (YTD 11)
<u>Cases unresolved/abatement pending</u>	04 (YTD 04)

Breakdown of Complaints Taken 1-17-18 to 2-22-18

<u>Occupied Trailer</u>	01
<u>Abandoned Vehicle</u>	01
<u>Junk</u>	03
<u>Discarded Vehicles</u>	01
<u>Business License Needed</u>	02*

*One of these cases includes 50 delinquent business license renewals

Total Parking Citations from 1-17-18 to 2-22-18

<u>\$5 Meter Violations, 2 hour limit, etc.</u>	31 (YTD 81)
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SILVERTON POLICE ACTIVITY REPORT

Jan-18

CITATIONS	Jan	YTD	Arrests (cont.)	Jan	YTD	3 Year Comparison to Date	2016	2017	2018
Traffic Crimes			Viol. Court Orders	2	2	Burglary (Dwelling)	1	4	4
DUII	3	3	Weapons Violations	0	0	Burglary (Bus/Other)	0	0	0
DWS-Misd./Felony Level	5	5	Misc./Other Crimes	28	28	Arson	0	0	0
Traffic Violations						Rape	0	0	0
All Other	93	93	TOTAL ARRESTS	46	46	Robbery	0	0	0
Violations			ADULT ARRESTS	43	43	Theft UUMV (Theft of MV)	2	3	6
MIP Alcohol	0	0	JUVENILE ARRESTS	3	3	Vandalism	3	3	3
MIP Tobacco	1	1							
PCS Marijuana	0	0	OFFENSES	Jan	YTD	CALLS FOR SERVICE	635	668	641
Civil Infractions			Arson	0	0	TOTAL ARRESTS	34	66	46
Dogs-Noise/Leash/Vicious	0	0	Auto Theft (Incl. Attempt)	6	6	TOTAL CITATIONS	87	113	102
TOTAL CITATIONS ISSUED	102	102	Burglary in Dwelling	4	4				
ARRESTS	Jan	YTD	Burglary in Business/Other	0	0				
Arson	0	0	Deaths-Natural	1	1				
Assault/including Attempted	3	3	Suicide (Inc. Attempts)	1	1				
Burglary (Including Attempts)	2	2	Disturbance	5	5				
Drug	2	2	Family Disturbance	7	7				
Forgery/Fraud/Counterfeit	0	0	Fraud/Neg. Bad Check	2	2				
Juv-Curfew	0	0	Harassment	2	2				
Runaway	2	2	Ordinance Violations	6	6				
Kidnap	0	0	Prowler/Trespass	10	10				
Liq-Furnishing	0	0	Rape	0	0				
Menacing (Incl. Dom. Viol.)	0	0	Robbery (Incl. Attempts)	0	0				
Murder/Criminal Death	0	0	Runaway	2	2				
Rape	0	0	Sex Crimes	2	2				
Robbery	0	0	Shoot Driveby/Shots Fired	0	0				
Sex Crimes-Other	0	0	Stalking	0	0				
Stalking	0	0	Theft (Incl. Attempt)	17	17				
Theft(Including Attempts)	4	4	Weapons	0	0				
Trespassing	2	2	Vandalism	3	3				
UUMV (Including Attempt)	1	1	Misc./Other Offenses	573	573				
Vandalism	0	0	TOTAL OFFENSES	641	641				



MEMORANDUM

SILVERTON PUBLIC WORKS

DATE: February 22, 2018

TO: Christy S. Wurster and City Council

FROM: Christian Saxe, Public Works Director

**RE: PUBLIC WORKS DEPARTMENT
UPDATE FOR MARCH 2018 MEETING**

ENGINEERING DIVISION:

Public Projects:

- Steelhammer Road Improvements PH 1: All punch list items are complete. Release of retainage and project closeout will be completed by the end of February.
- Transportation System Plan Update: Staff met with the Consultant to discuss project selection and prioritization process.
- Silver Creek Overlook: Scheduled to be bid for construction in Spring 2018.
- Abiqua Heights Storm Drainage System: Staff discovered several storm drainage pipes within Phases 1, 2, and 3 are undersized and need to be replaced with a larger pipe. Water currently surcharges a catch basin on Chikamin Loop during large storm events and runs overland through a private residence and makes its way to Chee Chee Court.
- McClaine Street Assessment: Staff will be bringing forward a request for award of the pre-design portion of this project in the coming months
- ODOT South Water Street Improvements: Staff continues to attend regular meetings with ODOT. Anticipated construction is tentatively scheduled for 2021.
- 50-50 Sidewalk Applications: FY 2017/18 funds have been fully expended and staff is tracking requests for the upcoming fiscal year cycle.
- Economic Development Administration (EDA) Raw Water Grant: Staff is completing the necessary environmental submissions for EDA review.
- Water Treatment Plant – Plant I Replacement: Staff is reviewing a second package plant process for potential piloting in the Spring of 2018.
- Hwy 214 at Jefferson Street Intersection Improvements: Staff will begin meeting with ODOT in late Spring 2018 to discuss conceptual designs.

Private Projects:

- Blackberry Preserve Subdivision: Staff has reviewed and approved the construction improvement plan. Waiting on developer to request a pre-construction meeting to issue approved plans. Anticipate developer is waiting until spring when weather is favorable to begin construction.

- Dollar General: This project is currently under construction. Anticipate work will continue into March.
- Pioneer Village PH 4/5: This project is currently under construction. Anticipate work will continue for several more months.
- 1504 Mill Street Mini-Storage: This project is in the design review phase. Anticipate construction will start in late February or Early March.
- Ross Avenue Partition Improvements: Project is under construction with anticipated completion in late Spring 2018.
- Jefferson Street Partition: This project is in the design review phase.

MAINTENANCE DIVISION:

Water:

- Increased crew time for water meter radio read conversion program and continued installations for new construction and replacement of stopped meters
- Completed monthly meter reading
- Completed and submitted 2017 Annual Summary Report for the cross connection program to Oregon Health Authority, Drinking Water Services
- Replaced two out of commission fire hydrants
- Repaired Silver Creek raw water line rupture



Sewer:

- Responded to a number of sewer back-up calls
- Continued sewer mainline cleaning
- Increased number of utility locates (water, sewer, storm)
- Worked with contractors for sewer taps at new locations
- Replaced sewer lateral on Orchard Street



Streets:

- Hung street banners weekly
- Continued street sign change-out program
- Street sweeping on winter schedule
- Graded several gravel streets
- Filled potholes
- Increased staff time trouble shooting downtown tree lights
- Applied de-icer for winter street prep

Parks:

- Standard cleaning and maintenance
- Mowed all parks and city right of ways
- Started early prep of landscape beds
- Worked with tree contractor to remove unsafe branches from parks

Facilities:

- Prepped Pettit house for rental
- General clean-up inside and outside of City facilities
- Responded to a number of maintenance calls from Senior Center, Community Center, pool and other facilities
- Met with State of Oregon Boiler and Pressure Vessel Inspector for annual inspections
- Worked with contractors for annual fire system testing
- Installed Dennis Downey memorial plaque at the Silverton Community Pool



WATER QUALITY DIVISION:

Wastewater Treatment:

- The average daily flow through the treatment plant for January, 2018, was 2.460 MGD.
- Operators modified the hydrated lime feed system to improve dosing control.
- Operators unclogged the feed pipeline between the gravity thickener (primary sludge) and anaerobic digester.
- The belts for the exhaust fan in the boiler building were replaced.
- Operators worked with staff from Energy Trust to initiate an aeration basin blower motor power consumption audit.
- Water from sludge storage pond no. 2 was pumped into the treatment plant to make more room for storage.
- Operators successfully submitted the monthly Discharge Monitoring Report using the EPA's new NetDMR system.
- Return Activated Sludge Pump no. 1 failed. Operators dismantled the pump assembly and delivered the pump and motor to a Salem repair shop for evaluation and repair cost quote.
- The drive mechanism for secondary clarifier no. 2 failed. The clarifier has been taken out of service. The repair is scheduled to occur next fiscal year before the wet weather season returns. The repair is estimated to cost approximately \$75,000.

Water Treatment:

- The average daily flow for Silverton water consumption in January, 2018, was 1.185 MGD.
- The Silver Creek pumpstation force main was pressure tested once the Maintenance Division repair was completed.
- Operators made several adjustments to the blow-off timing for the Abiqua intake fish screen, as storms passed through the watershed.



Swimming Pool:

- YMCA staff reported more problems with the operation of the pool vacuum.

TMDL Implementation:

- Operators have registered to attend a DEQ webinar which will provide training on how to complete and submit the next five year TMDL report using the new electronic survey procedure. The webinar is scheduled for March 22, 2018.

City Council Issue Tracker

PROCESS

- 1) ASD adds tasks after council meetings
- 2) Directors fill in Update/Completion Date & Council Notification Date columns on an ongoing basis with final updates by the end of each Monday
- 3) ASD gives copy to CM on Tuesday before Mayor's meeting and before Council Packet
- 4) ASD removes Task when Notification Date is filled in.
- 5) Location: S/City Council Packets/Working Documents/Council Tracking Form

Council Mtg. Date	Issue/Task	Synopsis	Person(s)	Update/Completion Date
1.09.2017	Sidewalks along Steelhammer Rd.	1. Citizen requested sidewalks be installed along Steelhammer Rd. Council informed expected projects to be completed in that area. 2. Councilor Smith asked for clarification on the Steelhammer sidewalks project from Oak Street to the new development. (no response given)	Christian	The upcoming project will install full length SW on the East side of Steelhammer from Jaysie to Oak. Bids were opened on 06/06/17 and will be taken to Council on 06/19/17. Council approved award and a neighborhood meeting is scheduled for early July. Construction started 07/24/17. Storm drain work is proceeding but the project has encountered multiple utility conflicts which have been addressed by in-house redesign work. (09/06/17). Curbing is scheduled to be installed the week of 09/18/17. Paving has been completed. Project has been accepted but there are a few remaining items to be addressed before releasing retainage. (01/30/18)
1.09.17	Arches at Coolidge McClaine	Councilor Smith: Have volunteers Willoughby: Homer Davenport Comm. approved up to \$5,000 to assist with repairs	Christian	Councilor Smith and I met in the field and she was going to look into a funding source. I have a meeting to discuss the arches with Victor Madge on 04/07/17. At this meeting Victor mentioned that his group may have access to grant funding to perform work on the arches. He will research and get back to us. (04/19/17). Victor has asked for funding to address structural concerns. (07/24/17). Staff is having a meeting to discuss the plans and options for this work on 09/18/17. Staff will conduct a meeting with Victor Madge to discuss budgetary options for this work in the next budget cycle.

1.23.17 W.Session	Financial Plan	Councilor Sears asked for the Council to revisit the financial plan.	Christy Kathleen	KZ is currently putting worksheets together for financial data. Discussed plan at October 16 work session. Scheduled for 1/22/2018 Work Session. Additional information to be presented to the City Council in 04/2018.
1.23.17 W.Session	Council Goal Issues with budget Impact Growth Management Study	Councilor Smith suggested the City have an evaluation on how SDCs are determined. Councilor Carter said before the City pays for more studies completed, she would like to see what previously completed studies are scheduled for review, such as the long-range financial plan. After further discussion there was a consensus to look at the growth management study.	Jason Christian	Staff is including a SDC study in the upcoming 2017/18 budget. In addition, utility rates and permit fees will be evaluated in FY 17-18. Scheduled for 1/22/2018 Work Session. Consultant presented at Work Session and staff is directed to review options such as development agreements. SDC study delayed until larger review is conducted on needs and funding options. (01/30/18)
2/6/2017 Council Mtg.	Urban Renewal District	Council directed staff to initiate the process for expanding the Urban Renewal District in accordance with ORS chapter 457 to include the areas on the map on West First, East First, (including areas abutting Second Street), the Pub, and connecting on Jefferson.	Jason	Staff has been directed to begin the process to expand the UGB. Currently planned in FY 17-18. 12/2017: Information letter sent to taxing districts.
3.01.17	Moonstone Properties	Purchase Agreement	Christy	Moonstone Properties addressing infrastructure needs before moving forward
3.01.17	Fluoride Dosing Project	Status Update	Christian	Will be purchased in Spring of '17. 04/19/17 Staff recommends that this project be carried over and current available funds be directed toward the necessary SCADA work. Fluoride dosing is not a compliance issue. 12/2017: Project will be re-evaluated for the 2018-19 budget.
4/3/2017 Council Mtg.	Second St.	Councilor Plummer request Second St. be considered during TSP update	Jason	Awaiting recommendation memo for review and comment, will address at that time
5/1/2017	Housing / Homeless	Mayor Palmer directed staff to form a Task Force to address this issue as it relates to homeless and housing	Jeff Jason	Meeting Set with Mayor for June 6. On July 13, 2017 Mayor provided list for Task Force. Question to CM on Task Force/Ad Hoc/ or just Com Group? Task force to be appointed August 7. First meeting tentatively set for August 23rd. 11/27/2017 subcommittee to review local service needs, model programs & warming center & report back to committee. Next meeting to be scheduled during January 2018.

5/1/2017	Parking	Council directed staff to bring the former Parking Task Force to discuss downtown parking	Jeff Stacy Palmer	Task force meeting scheduled in early June facilitated by Chamber of Commerce. Stacy Palmer reported on downtown parking meeting 6/19. Scheduled for 08/21/17 work session to discuss Ordinance changes and fees.
5/1/2017	Parking	Council moved to prepare an ordinance to remove fine amounts from the Silverton Code 10.08.210 and create a resolution which allows fine amounts to be set by resolution.	Jeff Stacy Palmer	Waiting to Task Force Meeting and Direction. Scheduled for 08/21/17 Work Session.

6/5/2017	Nicotine Ordinance	Council requested a work session to discuss retail licenses for nicotine retailers and to review a draft ordinance on nicotine license with \$250 fee	Jeff	Scheduled for 08/21/17 Work Session. Councilor Plummer conducting additional research and will bring back a proposal for consideration.
6/5/2017	Planning Comm.	Planning Commission to review code for annexation language to match Zone change application, and include container homes	Jason	Work Session held in August to address zone change review criteria, affordable housing, and container homes. Joint Work Session held September 18th
6/19/2017	Garbage at Marine Park	Council referred complaint about garbage at Marine Park to the Environmental Management Committee	Christian	PW staff spoke with park host and will discuss additional options for litter pick-up with EMC. 12/2017: Staff evaluating options for 2018 season.
7/17/2017	Mass Gathering	Prepare M.Gathering with \$500/private & public, etc.	Dianne	Scheduled for September. 10/26/17 Moved to December council meeting. 11/20/17 presented at Work Session. Recommendation to Council in January. Working with attorney on possible ordinance; rescheduled for February 2018 council meeting.
7/17/2017	EMC Ordinances	Prepare 4 Ordinances for Council review	Christy	City Attorney has completed draft ordinances. (09/06/17) Discussed in Work Session on 09/18/17. Public Hearings scheduled for smoking Ordinances scheduled for December 2017 meeting. Single Use Plastic Bags and Polystyrene Ordinances scheduled for January 2018 meeting. Ordinance prohibiting smoking and vaping in city parks approved at January 2018 meeting. Ordinance prohibiting smoking and vaping in downtown core was tabled. Single Use Plastic Bags and Polystyrene Ordinances re-scheduled for March 2018 meeting. Council decided to refer back to the EMC to see if alternate solutions are possible.

7/17/2017	Outdoor Fitness	Mayor Palmer would like staff to review installing outdoor fitness stations in Silverton	Christian	Update Parks Master Plan FY18-19
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Marion County **OREGON**

PUBLIC WORKS

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Notice of Construction

Marion County Local Roads Roadway Departure Project

Marion County has received State funds to improve safety for the motoring public on various county roads. Construction is expected to begin mid-May with work being complete by August 30, 2018.

We have determined that the contractor's work zone and temporary traffic control measures may be located within the city limit boundaries of some towns. Roads will remain open during construction, but expect intermittent lane closures with flaggers directing traffic through work areas, which may result in congestion.

The project will include installation of ground-in centerline rumble strips, recessed reflective pavement markers, and new centerline striping on the following roadway corridors:

- McKay/Yergen/Ehlen Road, from OR-219 to the Aurora Bridge (#17480)
- Butteville Road, from Schuler Road NE to OR-219, omitting the segment within Donald city limits
- Howell Prairie Road, from OR-99 to Silver Falls Highway
- Silverton Road, from Cordon Road to 220' west of Fosholm Road
- Cordon Road, from Hazelgreen Road to Caplinger Road
- Cascade Highway, from Paradise Alley Road to 330' north of 5th Street

The following corridors will receive recessed reflective pavement markers and profiled thermoplastic center line and edge line striping:

- Abiqua Road, from OR-213 to Milk Ranch Road
- Orville/Vitae Springs Road, from River Road S to Skyline Road

The contractor is responsible for the actual construction schedule, which is subject to change due to weather conditions. If you need road-specific information regarding the upcoming project, please contact Ryan Crowther, Project Engineer at (503) 365-3150 or email RCrowther@co.marion.or.us.



February 20, 2018

Stue Rasmussen
Silverton City Hall
306 S. Water St
Silverton, OR 97381

RE: WaveDivision Holdings, LLC (“Wave Broadband”); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the Silverton City Hall. Wave Broadband will be adjusting the retail price of some of its video services starting March 24, 2018.

The monthly rates for the following services will be adjusted: Expanded Content (also known as Basic Cable), and any packages including that service, will increase by \$2.14; Interactive Equipment Fee will increase by \$0.72.

This rate adjustment is the direct result of annual programming cost increases from TV networks owned by NBCUniversal, Discovery Networks, and Sinclair Broadcasting and regional sports programmers.

These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally-imposed charges. Customers will receive detailed information covering the rate changes with their billing statement.

At Wave Broadband, we work hard to establish the best channel selection for our customers and communities while balancing rapidly increasing programming costs. We will continue to invest in our network to bring customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,

EVP Broadband Services