

ORDINANCE NO. 879

**AN ORDINANCE AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FROM COMMERCIAL GENERAL (CG) TO MEDIUM DENSITY (MD) RESIDENTIAL FOR CERTAIN REAL PROPERTY LOCATED AT 1243 W. WASHINGTON STREET.**

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at 1243 W. Washington Street as Commercial General (CG) District which does not make allowance for use as a single family residential property;

WHEREAS, the property can be more effectively used as residential property;

WHEREAS, the Medium Density Residential (MD) Comprehensive Plan and Zone Maps reflect the more appropriate land use designation for the property located at 1243 W. Washington Street (tax lot 1000, Township 9, Range 1 West of the Willamette Meridian, Section 9DA);

WHEREAS, the Stayton Planning Commission held a public hearing on May 23, 2005 and the Stayton City Council held its public hearing on June 20, 2005 addressing the subject map amendments to the Comprehensive Plan and Zone Maps (Land Use File #03-03/05);

Whereupon, the Stayton City Council directed preparation of the Order with findings and conclusions (Exhibit A) which is attached hereto and made a part hereof to support the Council's action granting approval to amend the Comprehensive Plan and Zone Maps from (CG) to (MD) in accordance with the Order (Exhibit A) and,

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Based on the findings of fact established and set forth in the Order of the Stayton City Council dated June 20, 2005, the Stayton Comprehensive Plan and Zone Maps are amended as set forth in said Order (Exhibit A).

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance with said Order (Exhibit A,) shall become effective 30 days after the date of signing.

SECTION 3. This Ordinance, with said Order (Exhibit A), shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 20<sup>th</sup> day of June 2005.

CITY OF STAYTON

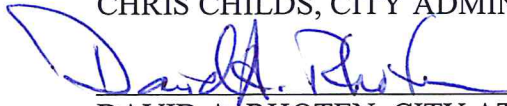
Signed: June 23, 2005

BY:   
GERRY ABOUD, MAYOR

Signed: June 23, 2005

ATTEST:   
CHRIS CHILDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

  
DAVID A. RHOTEN, CITY ATTORNEY

**EXHIBIT 'A'**

**BEFORE THE STAYTON CITY COUNCIL**

In the matter of  
The application for  
Habitat for Humanity, Applicant

)Partition, Comprehensive Plan  
Map Amendment, Zone Map  
Amendment  
)File # 03-03/05

**ORDER OF APPROVAL**

**I. NATURE OF THE APPLICATION**

This proposal is for a partition to divide one approximately 33,541 square-foot lot into three lots. The proposal is further for a rezoning of a portion of the lot from Commercial General to Medium Density Residential.

**II. PUBLIC HEARING**

**A. CITY COUNCIL ACTION**

A public hearing was duly held on the application before the Stayton City Council on June 20, 2005. At the hearing the of City Council, Land Use File #03-03/05 Application for partition, comprehensive plan map amendment, and zone map amendment was made part of the record.

At the conclusion of the hearing, the City Council approved the application with findings and conditions. The City Council found the application to be consistent with the Land Use and Development Code as set forth in the findings incorporated in the Order.

**II. FINDINGS OF FACT**

The Stayton City Council, after careful consideration of the testimony and evidence in the record adopt the following findings of fact:

1. The owner of record is Randy Cranston. The applicants are S.L.A.M.S. Chapter, Habitat for Humanity, John F. Heilbronner and Mike Jaeger.
2. The parcel can be described as tax lot 1000, Township 9, Range 1 West of the Willamette Meridian, Section 9DA.
3. The parcel is designated Commercial General (CG) in the Stayton Comprehensive Plan and zoned Commercial General (CG)
4. The adjacent properties are High Density (HD) Residential, Commercial General (CG) and Light Industrial (IL)
5. The proposal will partition the parcel of approximately 33,541 square feet into three lots. Parcels 1 and 2 will be 100' x 80' or 8,000 square feet each. Parcel 3 will be 228.3' x 83.66' x 204.6' x 80' or 17, 294 square feet. Parcels 1 and 2 would be flag lots with access off of Washington Street through a 20' wide easement. Further, the proposal will redesignate Parcels 1 and 2 to Medium Density (MD) Residential from CG. The

minimum lot size for MD Residential is 7,000 square feet. Both parcels would meet the minimum lot size requirements.

## B. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District and Stayton Police Department, Marion County Planning Department.

City of Stayton Public Works stated that public services are available to serve the site.

Public Works comments are discussed in the approval criteria and incorporated into the conditions of approval as applicable. Additional comments included:

**TIA** - A transportation impact analysis (TIA) is not required for this partitioning as it will not generate more than 25 peak hour trips or 250 trips per day, nor do other TIA criteria apply. This assumes and requires that no access will be provided to this driveway from the property to the north except gated emergency fire access.

**Fire Hydrant** – The two dwellings to be constructed on the rear lots must have fire hydrant access within 250 feet of the home. The rear house will be located 370 feet from Washington Street. If no available hydrant exists to provide this service, the developer must extend a 6 inch ductile iron water main on the driveway so a hydrant will be located within 250 feet of the house.

**SDC** – System Development Charges (SDC) will apply to the new construction at the time of the request for a building permit. An estimate of these fees can be requested from the Public Works technician.

Stayton Fire District submitted the following conditions of approval:

1. In order to develop the second lot, parcel 1, located at the end of the property, a hydrant must be placed within two hundred-fifty feet of the farthest point of the structure.
2. A turn-around must be placed between parcel 1 and parcel 2 that provides adequate space to turn emergency response vehicles around.

## C. PUBLIC COMMENTS

The Planning Department has not received any public comment on this application.

## D. ANALYSIS (PARTITION)

Partition applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.1040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS.

### **Method of Adoption**

Pursuant to SMC 17.24.1040(1)(a) any proposed partition of land requires that the applicant file one reproducible master and two copies of a preliminary plan and required supplemental information with the City Planner, following the general application procedural requirements of SMC 17.12.330.

## E. APPROVAL CRITERIA (PARTITION)

Pursuant to SMC 17.24.1040(5) the following criteria must be demonstrated as being satisfied by the application:

a. *It is generally compatible with the surrounding area.*

Finding: The proposed partition is generally compatible with the surrounding uses of HD residential. CG zoning can oftentimes not be compatible with MD zoning. Since the adjoining property to the east is a drive through, that might have a negative impact on the residences. Consideration should be given to providing a fence along the eastern property lines for parcels 1 and 2 to serve as a barrier against light and noise intrusions.

b. *Adequate urban services are available to the property.*

Finding: Water and sewer are available to the property at this time. Each lot shall be provided with water and sewer services.

c. *The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area. This shall include compatibility with the Future Street Plan in the City's Transportation System Plan.*

Finding: The smaller lots are allowed in the MD requested in this application, allowing greater development of a large lot. This is somewhat compatible with the surrounding HD development that has more concentrated development. Washington Street is identified as a minor arterial in Stayton's Transportation System Plan(TSP). Limited access to Washington Street will be required for compatibility with the TSP.

d. *Design standards of Section 17.24.1050 below are satisfied as well as the access management standards in Section 17.26.1020.*

### *1. STREETS AND HIGHWAYS*

Finding: As Washington Street is a minor arterial, access shall be controlled as provided in the Stayton Municipal Code (SMC) Title 17.26.1020.3. The property shall sign a joint access agreement such that access may be shared with surrounding properties as they develop in the future. These residential properties should not gain access through the properties to the north nor can the properties to the north gain access to this property except as noted. A transportation impact analysis (TIA) is not required for this partitioning as it will not generate more than 25 peak hour trips or 250 trips per day, nor does other TIA criteria apply. This assumes and requires that no access will be provided to this driveway from the property to the north except gated emergency fire access.

### *2. DEDICATION OF A RIGHT-OF-WAY*

Finding: This criterion does not apply.

3. *DEAD-END STREETS AND CUL-DE-SACS*

Finding: This criterion does not apply.

4. *RADIUS AT STREET INTERSECTIONS*

Finding: This criterion does not apply.

5. *STREET GRADES*

Finding: This criterion does not apply.

6. *RESERVE BLOCK*

Finding: This criterion does not apply.

7. *STREET WIDTHS*

Finding: The proposed partition includes a 20' wide access road and utility easement for access to Parcels 1 and 2. This driveway accessing Parcels 1 and 2 needs to be paved. Curving the access easement around the mower shed should be avoided if possible by moving the shed. The curved easement will outlast the shed and be difficult to locate in the future.

8. *STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE*

Finding: Washington Street is improved with paving, curb and sidewalks at this location. No further improvement is required.

9. *SUBDIVISION BLOCKS*

Finding: This criterion does not apply.

10. *MID-BLOCK WALKS*

Finding: This criterion does not apply.

11. *LOT SIZES, LOT LINES*

Finding: There is no minimum lot size for the Commercial General zone. Since Parcels 1 and 2 also have a proposed redesignation to Medium Density Residential those criteria are also presented here. The minimum lot size for the Medium Density Residential zone is 7,000 square feet with an average street frontage of 70 feet, and an average width of 70 feet. The lot sizes for Parcels 1 and 2 are approximately 8,000 square feet for each. They each have a frontage and average width of 80 feet. Parcels 1 and 2 meet the lot size, frontage and width requirements of the Medium Density zone. Parcel 3 will be 17,294 square feet approximately and since there are no minimum lot size requirements it meets the requirements of the Commercial General zone.

12. PUBLIC SURVEY MONUMENTS

Finding: The developer will be required to place survey monuments prior to recording the final approved plat with Marion County.

13. SEWAGE DISPOSAL

Finding: Sewer service is available to the subject property. Each lot shall be provided with sewer services.

14. PUBLIC USE AREAS

Finding: This criterion does not apply.

15. WATER SUPPLY

Finding: Water service is available to the subject property. Each lot shall be provided with water services. Due to the length of the drive from Washington Street, site drainage may be a challenge. The developer shall have an engineer develop a drainage plan for the lots and provide it to the City Engineer for review and approval prior to issuance of building permits.

16. UNDERGROUND UTILITIES

Finding: The developer shall provide underground service for all permanent utility services to the new lot being created.

17. STREET TREES

Finding: This criterion does not apply.

- e. Compliance exists with the provisions of the City plan and zoning district(s) in which the action is proposed.*

Finding: This proposed partition is compliant with all the provisions of the City plan and the Commercial General and Medium Density Residential zoning districts.

- f. Special-purpose standards where applicable, including flood hazard area regulations and riparian setbacks pursuant to chapter 17.16. of this title, are satisfied.*

Finding: No special purpose standards apply to proposed property.

- g. No wetlands as identified in the City Comprehensive Plan are included in the development.*

Finding: There are no identified wetlands on the subject property.

*h. Compliance exists with the provisions of ORS 92.090 as amended.*

Finding: The plat for this proposal will be required to substantially conform to the approved preliminary plan and must meet the provisions of ORS 92.090 prior to recording with Marion County.

## F. CONCLUSION

The applicant's request meets the requirements established in SMC 17.24.1040(5)

## G. ANALYSIS (COMPREHENSIVE PLAN MAP AMENDMENT)

Partition applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.420 PLAN AMENDMENTS.

### **Method of Adoption**

Pursuant to SMC 17.12.370 to 17.12.390, plan amendments shall be adopted by ordinance passed by the council. All proceedings shall be conducted in accordance with provisions of Chapter 17.12.420.

## H. APPROVAL CRITERIA

Pursuant to SMC 17.12.420(5) the following criteria must be demonstrated as being satisfied by the application:

*a. the proposed amendment is compatible with the existing provisions of the plan, as measured by:*

*1. If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: There are currently 152.7 acres of land zoned Medium Density Residential according to the City's 2005 Buildable Lands Inventory. 135.8 acres of that land has already been developed. To meet the 2020 projected need for the City, Stayton needs to 31.7 to 43.8 acres of Medium Density Residential land. The 0.37 in Parcels 1 and 2 can contribute to that needed amount of Medium Density Residential.

*2. Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

*a. Traffic generation and circulation patterns;*

Finding: The proposed plan amendment will not generate more than 25 peak hour trips or 250 trips per day onto a minor arterial road that is fully developed so impacts will be minimal.

b. *Population concentrations;*

Finding: The proposed amendment to the Medium Density zone fits into the character of the surrounding area since there is a large amount of High Density Residential land to the east and north of the property.

c. *Demand for public facilities and services;*

Finding: The addition of two residences on two Medium Density zones lots will not substantially increase the demand for public facilities and services in an area with a substantial amount of High Density development.

d. *Maintenance of public health and safety;*

Finding: Water and sewer are available to the property and water and sewer shall be extended to all three parcels. The two dwellings to be constructed on the rear lots must have fire hydrant access within 250 feet of the home. The rear house will be located 370 feet from Washington Street. If no available hydrant exists to provide this service, the developer must extend a 6 inch ductile iron water main on the driveway so a hydrant will be located within 250 feet of the house. Due to the length of the drive from Washington Street, site drainage may be a challenge. The developer shall have an engineer develop a drainage plan for the lots and provide it to the City Engineer for review and approval prior to issuance of building permits.

e. *Level of park and recreation facilities;*

Finding: This development will not contribute to the level of park and recreation facilities and will have minimal impacts on the level of use for existing facilities.

f. *Economic activities;*

Finding: The proposed amendment will reduce the amount of available Commercial General zoned land available for development but the proposed partitioning of the lot preserves the existing Commercial General zoning on the developed Parcel 3.

g. *Protection and use of natural resources;*

Finding: There are no existing identified natural resources on the subject property, therefore this criterion does not apply.

h. *Natural hazards and constraints;*

Finding: There are no identified natural hazards or constraints on the subject property.

i. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.*

Finding: In compliance with the Transportation System Plan, access onto Washington Street will be limited. The property shall sign a joint access agreement such that access may be shared with surrounding properties as they develop in the future.



*b. A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).*

Finding: There is an identified need for additional Medium Density Residential acreage in the City to meet the 2020 projected populations identified in the Stayton 2005 Buildable Lands Inventory.

*b. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.*

Finding:

Goal 1: Citizen Involvement. The hearings process being conducted for this subject property is compliant with the requirements of Goal 1.

Goal 2: Land Use Planning. The comprehensive plan amendment requested for the subject parcel is a minor revision of the Stayton Comprehensive Plan. The evidence presented in this report is in compliance with the requirements of Goal 2 by providing factual support for the amendment.

Goal 3: Agricultural Lands. Goal 4: Forest Lands. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 6: Air, Water and Land Resources Quality. Goal 7: Areas Subject to Natural Hazards. Goal 8: Recreational Needs. These goals do not apply to the subject property.

Goal 9: Economic Development. Provides an opportunity for low/moderate income households to own their own home.

Goal 10: Housing. The proposed plan amendment goes towards addressing a projected deficit of Medium Density development identified in the 2005 Buildable Lands Inventory. This will also help to provide housing of different scales and prices for the City.

Goal 11: Public Facilities and Services. This goal does not apply to the subject property.

Goal 12: Transportation. The proposed plan amendment meets the requirements of Goal 12 by complying with the Stayton Transportation System Plan. In accordance with the requirements of the TSP, access onto Washington Street, a minor arterial, will be limited to a single joint access easement to minimize conflicts congestion. Further, that access will be shared with adjoining properties as they develop and redevelop.

Goal 13: Energy Conservation. Goal 14: Transportation. Goal 15: Willamette River Greenway. Goal 16: Estuarine Resources. Goal 17: Coastal Shorelands. Goal 18: Beaches and Dunes. Goal 19: Ocean Resources. These goals do not apply to the subject property.

*c. The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

*Chapter 5. Land Use LU-6 “The development regulations shall provide for residential zones at several densities and for a variety of commercial and industrial uses.”*

Finding: The proposal of a comprehensive plan amendment with the associated partition both allows a continuation of commercial uses on the property, but allows further development as residential lands in the Medium Density zone, providing a variety of density development for the city.

*Chapter 5. Land Use LU-8 “Land for medium density residential development shall be designated on the periphery of the central business area and in each sector of the city and urban growth area.”*

Finding: This proposal is establishing Medium Density residential acreage in an area outside the central business area and adds to the Medium Density residential acreage in the western areas of the City.

d. *The amendment is appropriate as measured by at least one of the following criteria:*

1. *It corrects identified error(s) in the provisions of the plan.*

Finding: The proposed amendment does not correct identified errors in the plan.

2. *It represents a logical implementation of the plan.*

Finding: The proposed amendment does represent a logical implementation of the plan to provide a mixture of housing within the City.

3. *It is mandated by changes in federal, state, or local law.*

Finding: There are no changes in federal, state or local law that would mandate the proposed amendment.

4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: Providing subsidized housing for lower income families is one of the goals of the council. The proposed amendment would allow for the development of two units of subsidized housing.

## I. CONCLUSION

The applicant’s request meets the requirements established in SMC 17.12.420(5)

## J. ANALYSIS (ZONE MAP AMENDMENT)

Partition applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.430 ZONE CHANGES.

## Method of Adoption

Pursuant to SMC 17.12.370 to 17.12.390, zone changes shall be adopted by ordinance passed by the council. All proceedings shall be conducted in accordance with provisions of Chapter 17.12.430.

### K. APPROVAL CRITERIA

Pursuant to SMC 17.12.430(5) the following criteria must be demonstrated as being satisfied by the application:

a. *The proposed zone change and intended use is compatible with the surrounding area, as measured by:*

1. *Land use patterns.*

Finding: The surrounding land uses of High Density and Commercial General are compatible with the uses of the Medium Density zone.

2. *Traffic generation and circulation.*

Finding: The proposed plan amendment will not generate more than 25 peak hour trips or 250 trips per day onto a minor arterial road that is fully developed so impacts will be minimal.

3. *Population density and impacts of population concentrations.*

Finding: Medium Density residential is compatible with the surrounding area because the surrounding uses include a large amount of High Density residential. The Medium Density zone allows a higher density of residential use that is compatible with High Density even if having a slightly lower density.

4. *Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.*

Finding: Since this area is already developed, the subject property is not large and the proposed use is less intense than that of the surrounding higher density residential properties, adverse impacts should be minimal. Water and sewer lines shall be available to each property. Storm drainage and fire hydrants will be provided.

5. *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: No other factors of importance have been identified by the Planning Commission or council.

b. *Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.*

Finding: There is existing Medium Density available within the city, but there is a shortage of higher density residential lands to meet the needs of the city as identified in the 2005 Buildable Lands Inventory.

- c. *There are adequate urban services to serve the possible use under the zone proposed.*

Finding: Adequate urban services for water and sewer are available to the site. Water and sewer shall be provided for each site. The two dwellings to be constructed on the rear lots must have fire hydrant access within 250 feet of the home. The rear house will be located 370 feet from Washington Street. If no available hydrant exists to provide this service, the developer must extend a 6 inch ductile iron water main on the driveway so a hydrant will be located within 250 feet of the house. Due to the length of the drive from Washington Street, site drainage may be a challenge. The developer shall have an engineer develop a drainage plan for the lots and provide it to the City Engineer for review and approval prior to issuance of building permits.

- d. *The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.*

*Chapter 5. Land Use LU-6 "The development regulations shall provide for residential zones at several densities and for a variety of commercial and industrial uses."*

Finding: The proposal of a comprehensive plan amendment with the associated partition both allows a continuation of commercial uses on the property, but allows further development as residential lands in the Medium Density zone, providing a variety of density development for the city.

*Chapter 5. Land Use LU-8 "Land for medium density residential development shall be designated on the periphery of the central business area and in each sector of the city and urban growth area."*

Finding: This proposal is establishing Medium Density residential acreage in an area outside the central business area and adds to the Medium Density residential acreage in the western areas of the City.

- e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.*

Finding: See Comprehensive Plan Map Amendment findings.

#### **IV. CONCLUSION**

The proposal is a permitted and compatible use at this location and is compliant with all applicable approval criteria.

#### **V. ORDER**

It is hereby found that the application does meet the relevant standards and criteria for partition approval.

## VI. CONDITIONS OF APPROVAL

### Planning Conditions:

1. A Final Plat for the proposed partition complying with Stayton Development Code requirements and suitable for recording by Marion County shall be submitted for final approval within one (1) year of the date of the Planning Commission Order granting preliminary plan approval. The plat shall comply with the platting provisions of SMC 17.24.1040.6 FINAL PARTITION PLAT SUBMITTAL REQUIREMENTS, in the Stayton Land Use and Development Code.
2. Minor Variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
3. Survey monuments shall be placed prior to recording the final approved plat with Marion County.
4. Consideration should be given to providing a fence on the eastern property lines between the adjoining A & W drive thru and Parcels 1 and 2.
5. Only single family residences shall be permitted on the two Medium Density (MD) Residential lots.

### Public Works Conditions:

1. Access to Washington Street – As Washington Street is a minor arterial; access shall be controlled as provided in the Stayton Municipal Code (SMC) Title 17.26.1020.3. The property shall sign a joint access agreement such that access may be shared with surrounding properties as they develop in the future.
2. Access to the north. These residential properties shall not gain access through the properties to the north nor can the properties to the north gain access to this property except as noted.
3. Water/Sewer - Each lot shall have individual sewer and water services.
4. Fire Hydrant – The two dwellings to be constructed on the rear lots must have fire hydrant access within 250 feet of the home. The rear house will be located 370 feet from Washington Street. If no hydrant exists to provide this service, the developer must extend a 6 inch ductile iron water main on the driveway so a hydrant will be located within 250 feet of the house.
5. SDC – System Development Charges (SDC) will apply to the new construction at the time of the request for a building permit. An estimate of these fees can be requested from the Public Works technician.
6. Storm drainage – Due to the length of the drive from Washington Street, site drainage may be a challenge. The developer shall have an engineer develop a drainage plan for the lots and provide it to the City Engineer for review and approval prior to issuance of building permits.

7. Driveway – The mower shed shall be moved and the driveway straightened and shall be paved. Access shall meet city code and requirements of the Fire District. Access from the property to the north shall be prevented except a gated fire access may be provided.

Stayton Fire District Conditions:

1. In order to develop the second lot, parcel 1, located at the end of the property, a hydrant must be placed within two hundred-fifty feet of the farthest point of the structure. As an alternative, the addition of a gate to access the hydrant located at the apartment complex to the northeast, as outlined in the May 18, 2005 letter from the Stayton Fire District, Fire Chief, attached.
2. A turn-around must be placed between parcel 1 and parcel 2 that provides adequate space to turn emergency response vehicles around.

## **VII. OTHER PERMITS AND RESTRICTIONS**

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Stayton Land use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

## **IX. EXERCISE RIGHTS**

The Council's action may be appealed within 21 days of their decision. This may be appealed to the Land Use Board of Appeals pursuant to Oregon State Statute 197.805-855.