

ORDINANCE NO. 741

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE CHAPTER 17.16, "ZONING," SECTION 660, "LOW DENSITY RESIDENTIAL;" SECTION 670, "MEDIUM DENSITY RESIDENTIAL;" SECTION 680, "HIGH DENSITY RESIDENTIAL;" AND CHAPTER 17.24., "LAND DIVISIONS, SECTION 1050, "DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS."

WHEREAS, the Stayton City Council determined that discrepancies exist between the Stayton Comprehensive Plan and the Stayton Land Use and Development Code (Stayton Municipal Code Title 17.), related to development of Medium Density sites, units per acre in the Medium Density zone, and setbacks for garages in the Low, Medium, and High density residential zones; and

WHEREAS, the Stayton City Council referred the question of identifying and recommending corrections of the discrepancies to the Stayton Planning Commission; and

WHEREAS, the Stayton Planning Commission convened a subcommittee to review the matter; and

WHEREAS, the Stayton Planning Commission, after receiving recommendations from the appointed subcommittee, conducting a public hearing, and considering material in the record, adopted recommendations for review and action by the Stayton City Council; and

WHEREAS, the Stayton City Council conducted a public hearing on March 20, 1995 at which the Stayton Planning Commission's recommendations, material in the record, and public testimony were received and considered;

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

SECTION 1: Stayton Municipal Code Section 17.16.660, "Low Density Residential," is hereby amended to read:

17.16.660 LOW DENSITY RESIDENTIAL (LD) DISTRICT

1. PURPOSE: To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed six units per acre.
2. PERMITTED USES
 - a. Detached single-family dwellings, subject to the following development standards:
 - 1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
 - 2) Garage. The dwelling must have a garage with exterior materials matching the home.

- 3) Design Features. All dwellings shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.660.8.
- b. Accessory structures, provided the requirements of chapter 17.20 of this title are satisfied.
 - c. Group day care home for fewer than thirteen (13) children.
 - d. Home occupations, also subject to limitations specified in chapter 17.20 of this title.
 - e. Manufactured Home on individual lots outside a designated mobile home subdivision or mobile home park, subject to the following development standards:
 - 1) Floor Area. The manufactured home shall be a multi-sectional home and enclose a floor area of not less than 1,000 square feet, as measured from the outside walls of the home.
 - 2) Width. The manufactured home must be at least 24 feet in width.
 - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in length.
 - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.
 - 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
 - 6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home.

If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.
 - 7) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
 - 8) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.

- 9) Design Features. All manufactured homes shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.660.8.
 - 10) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.
- f. Residential home, subject to state licensing requirements.
3. **CONDITIONAL USES.** The following uses are subject to conditional use approval procedures of chapter 17.12 of this title, and, where indicated, site plan review pursuant to chapter 17.12.
- a. Bed and breakfast accommodation; also subject to state licensing requirements.
 - b. Public facilities and services; also subject to site plan review approval.
 - c. Day care facility for more than twelve (12) children; also subject to site review approval.
 - d. Public parks; also subject to site plan review approval.
 - e. Antennas in excess of 55 feet in height.
4. **HEIGHT.** Thirty-five (35) feet or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
5. **BUILDING SETBACKS.** Minimum front yard depth shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 20 feet. Effective August 1, 1995, minimum setback to the garage entrance shall be 25 feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions of Chapter 17.20 of this title.
6. **LOT AREA AND WIDTH.** Ten-thousand (10,000) square feet for all lots east of a north-south line from the north city limits to the south city limits running along the center line of Tenth Avenue; Eight-thousand (8,000) square feet for all other lots. Eighty-foot (80) frontage (40-feet for cul-se-sac lots); 80-foot average width. The Stayton Planning Commission may require larger lot areas at the time a partition or subdivision is granted and when it determines that it is necessary to do one of the following:
- a. Protect natural drainage ways.
 - b. Provide drainage or utility easement.

- c. Protect future right-of-way.
 - d. Protect unbuildable steep slope areas above 15 percent slope.
 - e. Protect flood plain hazard or wetland areas.
7. PARKING. As specified in chapter 17.20. of this title, including recreational vehicle parking restrictions.
8. DESIGN STANDARDS. Within the LD zone, all new single family dwellings, including manufactured homes, shall contain the following design features:
- a. Attached or detached garage.
 - b. Gutters and downspouts.

In addition, new single family dwellings, including manufactured homes, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:

- c. Dormers or gables.
 - d. Cupolas.
 - e. Bay or bow windows.
 - f. Exterior shutters.
 - g. Recessed entries.
 - h. Front porch of at least 100 square feet, which may extend into the required front yard.
 - i. Covered porch entries.
 - j. Pillars or posts in the front entry area.
 - k. Roof with pitch greater than three feet in height per each twelve feet in length.
 - l. Front-side exterior brickwork or masonry. (Ord. 723 §2, May 1994)
9. BUILDING ORIENTATION: If the subject property fronts a public street, the architectural front of the single family home shall face the street.

SECTION 2: Stayton Municipal Code Section 17.16.670, "Medium Density Residential," is hereby amended to read:

17.16.670 MEDIUM DENSITY RESIDENTIAL (MD) DISTRICT

1. PURPOSE. To provide for single-family, duplex, tri-plex, and mobile home dwelling units and their accessory structures, and other compatible uses with conditional approval. Density of development shall not exceed twelve (12) dwelling living units per acre.
2. PERMITTED USES
 - a. Detached single-family dwelling.
 - b. Accessory structures, provided the requirements of chapter 17.20. of this title are also satisfied.
 - c. Public parks.
 - d. Duplexes, tri-plexes.
 - e. Group day care home for fewer than thirteen (13) children.
 - f. Any combination of single family homes, duplexes, or tri-plexes; all structures on site combined not to exceed 12 dwelling units per acre. Also subject to the plan review approval.
 - g. Mobile home parks pursuant to chapters 17.12. and 17.20. of this title, and subject to site plan review approval.
 - h. Manufactured home subdivisions pursuant to chapter 17.24. of this title.
 - i. Manufactured Home on individual lots outside a designated mobile home subdivision or mobile home park, subject to the following development standards:
 - 1) Floor Area. The manufactured home shall be a multi-sectional home and enclose a floor area of not less than 1,000 square feet, as measured from the outside walls of the home.
 - 2) Width. The manufactured home must be at least 24 feet in width.
 - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in length.
 - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.
 - 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.

- 6) **Masonry Perimeter.** The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home.

If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.

- 7) **Performance Standards.** The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
 - 8) **Hauling Mechanisms.** The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
 - 9) **Design Features.** All manufactured homes shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.670.9.
 - 10) **Development Requirements.** In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.
- j. Home occupations, also subject to limitations specified in chapter 17.20. of this title.
 - k. Residential homes, subject to state licensing requirements.
 - l. Residential facilities, subject to state licensing requirements.
3. **CONDITIONAL USES.** The following uses are subject to conditional use approval procedures of chapter 17.12. of this title, and where indicated, site plan review pursuant to chapter 17.12.
 - a. Bed and breakfast accommodations; also subject to state licensing requirements.
 - b. Public utility facilities and services; also subject to site plan review approval.
 - c. Day care facility for more than twelve (12) children; also subject to site plan review approval.
 - e. Antennas in excess of fifty-five (55) feet in height.

4. **HEIGHT.** Thirty-five (35) feet, or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be fifty-five (55) feet.
5. **BUILDING SETBACKS.** Minimum front yard depth shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 15 feet. Effective August 1, 1995, minimum setback to the garage entrance shall be 25 feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions of Chapter 17.20 of this title.
6. **LOT AREA AND WIDTH.** The following minimum requirements shall apply:
 - a. **Single Family Dwellings and Duplexes:** 7000 square feet for all lots, with a street side frontage of 70 feet (40 feet for cul-de-sacs), and an average width of 70 feet.
 - b. **Multi-family dwellings:** 7000 square feet for all lots, with a maximum density of one unit per 3500 square feet of lot or parcel area, 70 feet of street side frontage (40 feet for cul-de-sacs), and an average width of 70 feet.
 - c. **Mobile Home Park:** Five (5) acres with a maximum density of one mobile home unit per 3500 square feet of lot or parcel area.
 - d. **Planned Unit Development:** Four (4) acres with a maximum density of one dwelling unit per 3500 square feet of lot or parcel area.
7. **PARKING.** As specified in chapter 17.20. of this title, including recreational vehicle parking restrictions.
8. **LANDSCAPING.** Except for single-family dwellings and manufactured homes on individual lots, landscaping requirements of chapter 17.20. of this title to be satisfied for all uses requiring conditional use permit or site plan review.
9. **DESIGN STANDARDS.** Within the MD zone, all new manufactured homes on individual lots and in manufactured home subdivisions, shall contain the following design features:
 - a. **Attached or detached garage.**
 - b. **Gutters and downspouts.**

In addition, new manufactured homes placed on individual lots or in manufactured home subdivisions, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:

- c. Dormers or gables.
- d. Cupolas.
- e. Bay or bow windows.
- f. Exterior shutters.
- g. Recessed entries.
- h. Front porch of at least 100 square feet, which may extend into the required front yard.
- i. Covered porch entries.
- j. Pillars or posts in the front entry area.
- k. Roof with pitch greater than three feet in height per each twelve feet in length.
- l. Front-side exterior brick work or masonry.

10. **BUILDING ORIENTATION:** If the subject property fronts a public street, the architectural front of the single family home shall face the street.

SECTION 3: Stayton Municipal Code Section 17.16.680, "High Density Residential," is hereby amended to read:

17.16.680 HIGH DENSITY RESIDENTIAL (HD) DISTRICT

- 1. **PURPOSE:** To provide for multi family residential units and other compatible living units and their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre; there shall be no upper limit to the maximum allowable dwelling density.
- 2. **PERMITTED USES.** Where indicated below, the following permitted uses are subject to site plan review approval pursuant to chapter 17.12. of this title.
 - a. Duplexes.
 - b. Multi-family dwellings or complexes; also subject to site plan review approval.
 - c. Accessory structures, provided the requirements of chapter 17.20 of this title are also satisfied.

- d. Public parks.
 - e. Mobile home parks and subdivisions, provided the requirements of chapters 17.12. and 17.24. of this title are also satisfied. Mobile home parks are also subject to site plan review approval.
 - f. Group day care home for fewer than thirteen (13) children.
 - g. Home occupations with no employees other than the resident-operator; also subject to limitations specified in chapter 17.20. of this title.
 - h. Residential homes, subject to state licensing requirements.
 - i. Residential facilities, subject to state licensing requirements.
3. **CONDITIONAL USES.** The following uses are subject to conditional use approval procedures of chapter 17.12. of this title, and where indicated, site plan review pursuant to chapter 17.12.
- a. Single-family dwellings.
 - b. Nursing home or retirement center; also subject to site plan review approval.
 - c. Day care facility; also subject to site plan review approval.
 - d. Bed and breakfast accommodation; also subject to state licensing requirements.
 - e. Home occupations; also subject to limitations specified in chapter 17.20. of this title.
 - f. Public facilities and services.
 - g. Antennas in excess of fifty-five (55) feet in height.
4. **HEIGHT:** Height limits shall be determined through the site plan review process. The building height shall be compatible with adjacent land uses.
5. **BUILDING SETBACKS.** Minimum front yard depth shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 15 feet. Effective August 1, 1995, minimum setback to the garage entrance shall be 25 feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions in Chapter 17.20 of this title.

6. **LOT AREA AND WIDTH.** The following minimum requirements shall apply:
 - a. **Single Family Dwellings and Duplexes:** 6000 square feet for all lots, with a street side frontage of 60 feet (40 feet for cul-de-sacs), and an average width of 60 feet.
 - b. **Multi-family dwellings:** 6,000 square feet for all lots, 60 feet of street side frontage (40- feet for cul-de-sacs), and an average width of 60 feet.
 - c. **Mobile Home Park:** Five (5) acres with a maximum density of one mobile home unit per 3000 square feet of lot or parcel area.
 - d. **Planned Unit Development:** Four (4) acres with a maximum density of one dwelling unit per 3000 square feet of lot or parcel area.
7. **LANDSCAPING.** Except for single-family dwellings, landscaping requirements of chapter 17.20. of this title to be satisfied for all uses requiring conditional use permit or site plan review.
8. **PARKING.** Parking and loading requirements, including recreational vehicle parking restrictions, of chapter 17.20. to be satisfied (Ord. 723 §4, May 1994)

SECTION 4: Stayton Municipal Code Section 17.24.1050, "Design Standards for Subdivisions and Partitions," is hereby amended to read:

17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

Subdivisions and partitions shall be subject to the following design criteria and objectives.

1. **STREETS AND HIGHWAYS**
 - a. Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways or as hereafter adopted by the council.
 - b. Streets, roads, or highways should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
 - c. These regulations may be modified where the commission determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

- d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Master Bikeway Plan.

2. DEDICATION OF A RIGHT-OF-WAY

- a. If a parcel of land to be divided includes any portion of a right-of-way, street, road, or highway, the subdivider shall dedicate such right-of-way for the purpose or use proposed.
- b. Except as provided in subsection 7. of this section, where such dedication is greater than 60 feet in width, the city shall reimburse the owner for that portion of the right-of-way in excess of 60 feet. Payment, therefore, shall be based on the true cash value of the excess acreage as computed by the Marion County Assessor for the tax year prior to filing the subdivision plat.

3. DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets should be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the commission, cul-de-sacs shall not exceed 450 feet in length.

4. RADIUS AT STREET INTERSECTIONS

- a. The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals radius in feet. The distance shall be increased to the next full foot above the figure established by such formula.
- b. The minimum angle of any intersection shall be 40 degrees.

5. STREET GRADES. No street grade shall be in excess of 8 percent unless the commission finds that because of the size and shape of the property or topographic conditions a steeper grade is necessary.

6. RESERVE BLOCK

- a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the commission, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the city for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the commission or such other commission as may have jurisdiction.
- b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

7. STREET WIDTHS

- a. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the commission may require dedication of streets to a greater width than herein otherwise provided.
- b. The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties:

	RIGHT-OF-WAY WIDTH	CURB-TO-CURB WIDTH
Major streets/arterials	100 feet	40 feet
Minor streets	60 feet	34 feet
Collector streets	80 feet	40 feet
Cul-de-sac (200 to 400 feet)	50 feet	30 feet
Less than 200 feet	50 feet	30 feet
Turn-arounds	45 feet radius	38 feet radius

Temporary dead-end streets: Dead-end streets which may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

- c. Additional Right of Way Widths.
 - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
 - 2) Where bikeways necessitate, additional right-of-way may be required.

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

- a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the specifications and standards prescribed by the city.
- b. Subdivision plats and final partition plans involving public improvements shall not have final approval until such time as the city in its judgment is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section:

- 1) Clearing and grading to full right-of-way limits.
- 2) Storm drainage facilities both within and outside of right-of-way limits.
- 3) Base and pavement materials for roadways in place and compacted.
- 4) Concrete curbs and concrete sidewalks, the location and width thereof shall be determined by the commission. In making such determination, the commission shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.

In residential neighborhoods property line sidewalks shall be used whenever possible. In all cases, sidewalks shall be placed one foot from the property line on arterial and collector streets.

- 5) Bikeways, including striping and signing, if required.
- 6) Signage and traffic signalization, if required.

9. SUBDIVISION BLOCKS

- a. Block lengths and widths shall be determined by giving consideration to the following factors:
 - 1) The distance and alignment of existing blocks and streets.
 - 2) Topography.
 - 3) Lot size.
 - 4) Need for and direction of the flow of through and local traffic.
- b. Blocks shall not exceed 1200 feet between street right-of-way lines unless the adjacent layout or special conditions justify greater length.
- c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

10. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the commission may require the developer to install midblock pedestrian walks on a right-of-way at least six (6) feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide

easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

11. LOT SIZE, LOT LINES

- a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed. In districts having no minimums, the commission shall assign a minimum based on its consideration of the preliminary plan and the appropriate minimum lot size(s) necessary to satisfy the requirements of the code.
- b. If topography, drainage, location, or other conditions justify, the commission may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
- d. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.
- e. Side lot lines shall be as close to right angles to the front street as practicable.
- f. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.
- g. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.

12. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

13. SEWAGE DISPOSAL

- a. All extensions of the existing city sewage facilities including manholes, mains, laterals, and risers shall be in accordance with the specifications and standards prescribed elsewhere in this code. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the public works director.
- b. Subdivision plans shall not have final approval until such time as the commission in its judgment is satisfied that the following sewage disposal

facilities will be completed in accordance with the additional specifications and standards set forth as follows:

- 1) The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.
- 2) If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing city sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the city may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.
- 3) In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines.

14. PUBLIC USE AREAS

- a. A subdivision plan shall provide a minimum of 5 percent of the gross area of the subdivision as public recreation area.
- b. Such public recreational area shall have access to a public street, and the planning commission may specify the location of such area to be compatible with existing or anticipated recreational development.
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision, or where agreed upon by the commission, the developer shall pay to the city a fee, earmarked for recreational use and development, a sum equal to five percent (5) of the total assessed value of the land being platted, at the time of platting, as computed by the county assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. Such payment shall be made prior to final approval by presenting a statement of assessed value from the office of the county assessor and a check in the amount of 5 percent thereof to the City of Stayton.

15. WATER SUPPLY

- a. All lots shall be served from the established public water system of the city or, if permitted by the commission, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.
- b. The subdivider shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall be done to city specifications and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the public works director.
- c. In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.

16. UNDERGROUND UTILITIES

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground.
- b. The subdivider shall be responsible for complying with the requirements of this section and shall:
 - 1) Provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the commission.
 - 2) Obtain all necessary permits for the placement of all underground utilities.
 - 3) Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the state.
- c. Easements for utility facilities shall be provided by the subdivider and set forth on the final subdivision plat or final partition plan. In the case of a

partition, a utility easement document may be required for recording by the city.

17. STREET TREES: Subdivision plans shall not have final approval until such time as the city in its judgment is satisfied that street trees will be planted in the parking strip behind the curb line in accordance with the specifications and standards set forth in this section:

- a. Street trees shall be selected from the following list of preferred trees or of a species approved by the director of public works:
 - 1) Red maple (Varieties: Armstrong, Bowhall, Karpic, Scarlet Sentinel).
 - 2) Norway maple (Varieties: Columnar, Crimson Sentry, Cleveland, Omstead).
 - 3) Japanese Selkova
 - 4) Flowering pear (Varieties: Aristocrat, Capital, Autumn Blaze, Cleveland Select, Redspire).
 - 5) Red Oak
 - 6) Skyrocket Oak
 - 7) A selection of the listed varieties.
- b. All trees shall have at least a 1½ inch caliper trunk and shall be planted in accordance with city specifications.
- c. Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.
- d. The placement of street trees may be waived if the public works director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities.

Approved by the Stayton City Council this 15 day of May, 1995.

Date: 5-16-95

By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

Date: 5/16/95

Attest: Thomas L. Barthel
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM

Date: MAY 5 - 1995

David A. Rhoten
DAVID A. RHOTEN, City Attorney