

ORDINANCE NO. 883

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ADJACENT TO EAST SANTIAM AND EAST JEFFERSON STREETS; AND AMENDING THE CITY OF STAYTON'S OFFICIAL ZONE MAP FROM MARION COUNTY URBAN TRANSITION FARM (UTF) TO LOW DENSITY RESIDENTIAL (LD); AND APPROVING A SUBDIVISION TO BE KNOWN AS JEFFERSON ESTATES.

WHEREAS, the applicant is requesting that 7.03 acres which now lies within the City of Stayton's Urban Growth Boundary be incorporated into Stayton's City limits;

WHEREAS, the applicant's property is contiguous to the City of Stayton's existing City limits;

WHEREAS, Stayton's Comprehensive Plan designates this specific property for low density single family residential development;

WHEREAS, the applicant's request would comply with the City of Stayton's Comprehensive Plan Map by amending the property from Marion County Urban Transition Farm (UTF) to City of Stayton Low Density Residential (LD);

WHEREAS, the Stayton Planning Commission held a public hearing on July 25, 2005 and the City Council held its public hearing on August 15, 2005, addressing the subject annexation and zone map amendment (Land Use File #08-06/05) whereupon, the Stayton City Council directed preparation of the Order with findings and conclusions to support the Council's action granting approval to the annexation and to amend the City limits and Zone Maps from (UTF) to (LD) accordingly (Exhibit A, which is attached hereto and by this reference incorporated herein); and,

WHEREAS, the Stayton Planning Commission held a public hearing on July 25, 2005 and the City Council held its public hearing on August 15, 2005, addressing the subject subdivision proposal (Land Use File #08-06/05) whereupon, the Stayton City Council directed preparation of the Order with findings and conclusions to support the Council's approval of the subdivision request (Exhibit B, which is attached hereto and by this reference incorporated herein).

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

SECTION 1. Pursuant to ORS 222.125, the Stayton City Council hereby initiates proceedings and proclaims the annexation to the City of Stayton, Oregon, of territory located between East Santiam and Jefferson Streets, the legal description of which is described in Exhibit C, which is attached hereto and by this reference incorporated herein.

SECTION 2. Pursuant to ORS 222.005, the City Administrator shall provide by certified mail to all public utilities, telecommunication utilities and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax rolls, legal descriptions and map of the proposed boundary change, and a copy of this Ordinance. This notice shall be mailed within (10) ten working days of the passage of this Ordinance.

SECTION 3. Pursuant to ORS 222.010, the City Administrator shall, within (10) ten working days of the passage of this ordinance, provide to the Oregon Department of Revenue, Marion County Clerk and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

SECTION 4. Based on the findings of fact established and set forth in the Order of the Stayton City Council dated August 15, 2005, the Stayton City limits and Zone Map are amended, and the proposed subdivision approved, as set forth in said Orders (Exhibits A and B).

SECTION 5. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance with said Orders (Exhibits A and B) shall become effective 30 days after the date of signing.

SECTION 6. This Ordinance, with said Orders (Exhibits A and B) shall be furnished to the State of Oregon, Secretary of State forthwith and, to Marion County Assessor and the Oregon Department of Revenue.

ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of September 2005.

CITY OF STAYTON

DATE: 09/09/2005

BY: 
GERRY ABOUD, MAYOR

ATTEST:


CHRIS CHILDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:


DAVID A. RHOTEN, CITY ATTORNEY

BEFORE THE STAYTON CITY COUNCIL

In the matter of
 The application for
 Piculell Group, Applicant

)Annexation and Zone Map
 Amendment
) File # 08-06/05

ORDER OF APPROVAL**I. NATURE OF THE APPLICATION**

The applicant is requesting the annexation of a 7.03 acre parcel. Approval of an annexation would allow the applicant the opportunity to subdivide the parcel into a 23-lot subdivision made up of lots ranging in size from approximately 10,000+ square feet to more than 12,000+ square feet.

II. PUBLIC HEARING

A public hearing was duly held on the application before the Stayton City Council on August 15, 2005. At the hearing the City Council reviewed Land Use File #08-06/05. The application and staff report were made part of this 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.

III. FINDINGS OF FACT

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

1. The applicant is Piculell Group
2. The subject property is contiguous with the city's eastern boundary, bordering E. Santiam Street to the north, and E. Jefferson Street to the south. The property is described as tax lot 300, Township 9 south, Range 1 west of the Willamette Meridian, Section 11CA.
3. The property is currently undeveloped, unimproved and is used for seasonal cattle grazing and other agricultural uses.
4. The property lies within the Stayton Urban Growth Boundary (UGB), outside the city limits, and is designated in the Stayton Comprehensive Plan as (LD) Low Density Residential. Current zoning of the property (UTF) Urban Transitional Farm is under the jurisdiction of Marion County.
5. The surrounding area is either zoned or designated in the Stayton Comprehensive Plan for residential use. The dominant use in the area is single-family homes. The areas to the north, northeast on E. Santiam Street, west on E. Jefferson Street

and south in the Pioneer Meadows subdivision are all developed with single family homes.

The E. Santiam Street area from Tenth Avenue to Highland Drive is a mixed use of single family homes, duplexes, apartments and two businesses. The area east of the proposed subdivision, outside the city limits, is zoned (UTF) and is a mix of large lot residential and farm use.

6. Zoning is established when the property is annexed by the city; in this instance the zoning district (LD) as identified in the Stayton Comprehensive Plan is also the same zoning the applicant's are requesting.

B. AGENCY COMMENTS

Marion County had no objections to the annexation. The City has not received any other comments on this annexation application.

C. PUBLIC COMMENTS

The City has not received any public comment on this annexation application.

STAYTON COMPREHENSIVE PLAN ANNEXATION REGULATIONS

For ease in reference, the selected passages from the Stayton Comprehensive Plan that relate to annexations are set forth verbatim as follows:

Chapter 1, Section A, Goal 4 (Pg. 1):

Promote a desirable balance and location of land uses based on identified needs of the community.

Finding:

The City of Stayton's Comprehensive Plan Map identifies the applicant's property as Low Density residential once it is incorporated into the City limits.

Chapter 1, Section F, Goal 2 (Pg. 2):

Encourage urban development in areas with existing services and in those areas where future extensions of those services can be provided in the most feasible, efficient, and economical manner.

Finding:

As you will find in the applicant's submittal, Attachment I, and in the staff report Part II, there are existing services in the area. However, those public facilities in the way of

water service, and right of way improvements need to be upgraded whether this proposal is approved or not.

Chapter 1, Section H, Goal 1 (Pg. 3):

The existing boundaries of the city should remain relatively unchanged until a major portion of the city's usable land has been developed for urban purposes.

Finding:

This goal is to promote compact patterns of development and encourage the use of parcels or underutilized parcels prior to annexing additional land into a city's inventory.

In the applicants proposal, it can be interpreted their request meets this to a degree due to the fact that it is contiguous on two sides with existing residential development. The annexation also increases the amount of marketable land for development.

Chapter 7 Goal E-2 (Pg. 78):

Residential development shall be located in areas where it is more cost effective to provide public facilities and services.

Finding:

By acknowledging this annexation it allows a cost effective way of resolving infrastructure problems that exist in this area. For example, by way of future improvements of E. Santiam Street, Highland Drive and upgrading the water system in that area.

Chapter 7 Goal E-4 (Pg. 78)

Vacant lands within the corporate city limits shall be developed rather than leap-frogging to areas outside the city.

Finding:

The applicants property is contiguous to the City limits on its north and west property lines therefore does not constitute a leap-frogging maneuver.

17.08.230 URBAN GROWTH MANAGEMENT/ STAYTON MUNICIPAL CODE

There is only one policy in this section that relates to this annexation proposal. That being as follows:

- b. Extension of the City's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.

Finding:

It has been estimated by staff that approximately \$202,000 (\$8,802 x 23 units) in system development charges (SDC) will be secured in addition to street and infrastructure improvements to Highland Drive, E. Santiam Street and E. Jefferson Street.

B. 17.12.460 ANNEXATIONS / STAYTON MUNICIPAL CODE

1. **Definition:** An annexation is an expansion of the City limits through the addition of territory to the jurisdictional boundaries of the City.
3. **Planning Commission Responsibility:** Applicant initiated requests for annexation of territory to the City shall be referred to the Planning Commission for review and recommendation to the City Council pursuant to the criteria listed for review and incorporated herein:

17.12.370 DECISION AUTHORITY

- 1(c) **Planning Commission Recommendations:** The Planning Commission shall be required to review, evaluate, and make recommendations to the City Council on all land use applications involving any change to the development code, zone map, text or map of the comprehensive plan, or any annexation.
- 1(d) **City Council Decisions:** The Council shall be required and empowered to review, evaluate, and render final decisions on all land use applications involving change to the development code, zone map, text or map of the comprehensive plan or annexation.

17.12.460 ANNEXATIONS

1. **Review Criteria:** In order to approve an annexation request, the following affirmative findings concerning the action must be able to be made by the decision authority:
 - a. Need exists in the community for the land proposed to be annexed.

Finding:

The City of Stayton's Urban Growth Boundary (UGB) was established to accommodate a 20 year growth horizon. The 2005 Buildable Lands Inventory (BLI) profiles a community that has reduced its Low Density residential inventory by 44 acres within its City limits between 2003 and 2004. Land outside the City limits but inside the UGB can be used to replenish that inventory.

- b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.

Finding:

Infrastructure and required upgrades are outlined in the conditions of approval section of this report.

- c. The proposed annexation is property contiguous to existing City jurisdictional limits.

Finding:

The proposed annexation is contiguous to the City limits on its northerly property line, that being E. Santiam Street and the applicants westerly property line adjacent to Highland Drive.

- d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.

Finding:

Properties to the west of the applicants parcel are designated Medium Density Residential (MD) with a minimum lot size of 7,000 square feet. Those properties on the north side of E. Santiam Street consists of Low Density Residential (LD) lots with a minimum lot size of 10,000 square feet. The applicants are requesting to be designated LD Residential use which would be in keeping with the standards and criteria established on the Cities Comprehensive Plan map.

- e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Finding:

If the determination is made that additional land is required to meet the demands for residential development or the annexation provides infrastructure needs to areas that lack adequate public facilities then the proposed annexation and subdivision can be made to comply with all applicable provisions of Stayton's Municipal Development Codes (SMC) and state and county requirements.

- f. If a proposed contract annexation, the terms and conditions, including the cost, extent, and timing of City facility and service extension to the annexed area.

Finding:

The applicants are not requesting this be a contract annexation.

2. **Zoning Annexed Territory:** As part of its review of proposed annexations, the Planning Commission may recommend a proposed zoning district to be placed upon the property subsequent to completion of the annexation procedure. The proposed zoning district shall exist in the code and shall be recommended in compliance with the City Comprehensive Plan designation for the property.

Finding:

1. *The applicants are requesting that 7.03 acres be incorporated into Stayton's City limits.*
2. *Stayton's Comprehensive Plan Map designates this specific property for low density single family residential dwellings.*
3. *The applicant's proposal would comply with this Comprehensive Plan Map designation by requesting the Marion County Comprehensive Plan Map be amended from Exclusive Farm Use (EFU) to a Low Density (LD) single family use upon annexation.*
4. *The zone map amendment would become (LD) Low Density Residential with a minimum 10,000 square foot lot size, thereby complying with the spirit and intent of Stayton's Comprehensive Plan Map.*
5. *The zone map shall be amended from the Marion County Urban Transitional Farm Zone (UTF) to Low Density Residential (LD).*

Conclusion: *The applicant's proposal meets the annexation criteria.*

Condition: *Upon final approval/denial of the annexation and zone map amendment of the City Council, the annexation and zone map amendment will not take place until twenty one (21) days after the ordinance is signed.*

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.

BEFORE THE STAYTON CITY COUNCIL

In the matter of
 The application for
 Piculell Group, Applicant

)Subdivision
)File # 08-06/05

ORDER OF APPROVAL**I. NATURE OF THE APPLICATION**

The applicant is requesting the annexation of a 7.03 acre parcel. Approval of an annexation would allow the applicant the opportunity to subdivide the parcel into a 23-lot subdivision made up of lots ranging in size from approximately 10,000+ square feet to more than 12,000+ square feet.

II. PUBLIC HEARING

A public hearing was duly held on the application before the Stayton City Council on August 15, 2005. At the hearing the City Council reviewed Land Use File #08-06/05. The application and staff report were made part of this 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.

III. FINDINGS OF FACT

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

1. The applicant is Piculell Group
2. The 23-lot "Jefferson Estates" subdivision consists of single family lots ranging in size from 10,000+ square feet to 12,000+ square feet in size.
3. The subject property is contiguous with the city's eastern boundary, bordering E. Santiam Street to the north, and E. Jefferson Street to the south. The property is described as tax lot 300, Township 9 south, Range 1 west of the Willamette Meridian, Section 11CA.
4. The property is currently undeveloped, unimproved and is used for seasonal cattle grazing and other agricultural uses.
5. The property lies within the Stayton Urban Growth Boundary (UGB), outside the city limits, and is designated in the Stayton Comprehensive Plan as (LD) Low Density Residential. Current zoning of the property (UTF) Urban Transitional Farm is under the jurisdiction of Marion County.

6. The surrounding area is either zoned or designated in the Stayton Comprehensive Plan for residential use. The dominant use in the area is single-family homes. The areas to the north, northeast on E. Santiam Street, west on E. Jefferson Street and south in the Pioneer Meadows subdivision are all developed with single family homes.

The E. Santiam Street area from Tenth Avenue to Highland Drive is a mixed use of single family homes, duplexes, apartments and two businesses. The area east of the proposed subdivision, outside the city limits, is zoned (UTF) and is a mix of large lot residential and farm use.

7. Zoning is established when the property is annexed by the city; in this instance the zoning district (LD) as identified in the Stayton Comprehensive Plan is also the same zoning the applicant's are requesting.

A. AGENCY COMMENTS

1. The following agencies were contacted regarding this proposal: Marion County Planning Department, Northwest Natural Gas, Pacific Power & Light, Stayton Cooperative Telephone Company, Stayton Postmaster, Stayton Police Department, Stayton Fire District, UVision, Santiam Sanitary, Stayton School District, Marion County Public Works, and City of Stayton Public Works.
2. Marion County Public Works Approval of the planning action will create additional home sites on the subject property resulting in additional traffic on E. Santiam Street and Jefferson street. If the proposal for the property is approved, the County will only review frontage improvements and any impacts on E. Santiam Street and Jefferson Street. The Public Works Department has the following comments, requirements, and recommendations:

STREETS

- A. The applicant proposes to access the development via a new north-south extension of Highland Drive. Chapter 33 of the Urban Zoning Ordinance of Marion County, Oregon, requires the applicant to dedicate sufficient right-of-way on the plat. The applicant shall provide twenty-five foot property corner radius at the intersection of the proposed Highland Drive and E. Santiam Street. Any dedications should be to the public, not Marion County.
- B. Public street and storm drainage improvements on E. Santiam Street shall be built to the City of Stayton's Engineering and Construction Standards. If the applicant proposes to outlet storm water runoff to a County maintained system, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and also includes detention that meets County or City Standards, whichever is greater.
- C. Public street and storm drainage improvements on Jefferson Street shall be built to the City of Stayton's Engineering and Construction Standards. If the

applicant proposes to outlet storm water runoff to a County maintained system, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and also includes detention that meets County or City Standards, whichever is greater.

- D. The Pavement Condition Index (PCI) rating for E. Santiam Street varies. It shall be the responsibility of the developer to preserve and protect the current PCI rating and the structural integrity of E. Santiam Street to the satisfaction of Marion County Public Works thorough all phases of development. Failure to preserve and protect the road may result in the developer being responsible for replacing or reconstructing the damaged road at the developer's expense.
- E. No driveway accesses will be allowed onto E. Santiam Street.

STORM DRAINAGE

- F. Construction of roads, dwellings, and related improvements will increase the amount of storm water runoff from the subject property. The County requires any development 0.5 acre or larger to provide storm water detention. Underground detention systems are preferred for developments located within an urban growth boundary. The system shall be sized so that it will detain the difference between a 5-year frequency storm with pre-development conditions and a 10-year frequency storm with development conditions. Prior to plat approval, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and includes detention elements that meets County or City Standards, whichever is greater. In addition, storm drainage discharge shall conform to the requirements of the Oregon Drainage Law.
- G. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. Site grading shall not impact surrounding properties in a negative manner.

GENERAL

- H. The applicant shall submit four sets of engineering plans for the required improvements. A registered professional engineer in the state of Oregon shall stamp the plans.
- I. The applicant shall obtain approval of the engineering plans for the required public improvements from Marion County Public Works and any other concerned agencies. The applicant shall be required to provide evidence of submission of plans to the applicable agencies before final approval is given.
- J. A Major Construction Permit is required before construction of roadway and drainage improvements may commence.

- K. Prior to plat approval, the applicant shall submit proof of financial capability for all public street and storm drainage improvements inside the County right-of-way. The financial capability will be based on an engineer's cost estimate from an approved set of engineering plans from Marion County Public Works. Any required street and/or storm drainage improvements that are not constructed within three-years of the approved Major Construction Permit shall be grounds for Marion County to call in the financial guarantee to complete the project.
- L. The subject property is within the urban growth boundary area of the City of Stayton. Transportation and Parks Systems Development Charges shall be assessed using the City of Stayton's methodology at the time of application for building permits or as determined by the City of Stayton.
- M. A National Pollutant Discharge Elimination System (NPDES) permit is required for all construction activities that disturb one-acre or more. The NPDES permit must be obtained through the Oregon Department of Environmental Quality. Prior to issuing a Major Construction Permit, the applicant shall submit a copy of the permit to Marion County Public Works.
- N. All traffic signs and pavement markings inside the County right-of-way shall be furnished, installed, and moved if necessary by the County at the developer's expense. Prior to issuing a Major Construction Permit, a work order shall be obtain from Marion County Public Works.

- 3. Stayton Fire District reviewed the proposal and had no comments.
- 4. Stayton Post Office " would like to be included if a proposal is accepted with planning issues that may affect us".
- 5. UVision "We would like to receive a copy of the staff decision/report and any notice of any public hearing in this case".
- 6. Northwest Natural Gas "The gas main on the west side of Hiighland Drive will need to be relocated to connect Santiam Street with Jefferson Street. If the main does not need to be relocated, right of way must be secured for gas main. Cost of relocation will be charged to the developer".
- 7. Stayton Police Department stated they have reviewed the proposal and have no comments.
- 8. City of Stayton Public Works Department states public services are available to serve the site. **See Conditions of Approval.**
- 9. Marion County Planning Division "Marion County has no objections to the annexation and subject subdivision of the subject property which processes are subject to and regulated by city ordinances and policies/criteria. The city is the logical provider of urban services to develop the property for urban uses within

the UGB. Please provide the county with a copy of any final ordinance annexing the property so the county may adjust its maps accordingly. Jefferson and Santiam Streets adjacent to the property are County roads and any improvements need to be coordinated with Marion County Public Works.

C. PUBLIC COMMENTS

The City has not received any public comment on this application.

D. SUBDIVISION PRELIMINARY PLAT FINDINGS

The applicable requirements for a subdivision are found in Stayton Municipal Code (SMC) 17.24.1040.5 approval criteria and 17.24.1050 design standards.

Staff will summarize its findings and conclusions about the proposal's conformance with the criteria and standards below:

SMC 17.24.1040.5 Approval Criteria:

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

Finding:

The dominant use in the area is single-family homes: The areas to the north, northeast on E. Santiam Street, west on E. Jefferson Street and south in the Pioneer Meadows Subdivision are all developed with single family homes. The E. Santiam Street area from N. Tenth Avenue to Highland Drive is a mixed use of single family homes, duplexes, apartments and two businesses. The area east of the proposed subdivision, outside the city limits, is zoned (UTF) and is a mix of large residential lots and farm use.

Criteria b. - Adequate urban services are available to the property.

Finding:

The proposed subdivision has access to adequate services as found in the comments from service providers. City facilities such as sewer and water are available to serve the site. Certain infrastructure improvements will have to be made relative to Stayton Public Works conditions of approval. See Subdivision Utility Map 3.

Criteria c. - The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.

Finding:

The proposed subdivision meets the standards as required by code but lacks creativity in design. It does require however on additional pedestrian access from Cooper Court to E. Santiam Street.

Criteria d. - Design standards of the SMC 17.24.1050 below are satisfied.

Finding:

The design standards are met as found in the findings below under section 17.24.1050.

Criteria e. - Compliance exists with the provisions of the City Plan and zoning districts in which the action is proposed.

Finding:

Pursuant to Stayton Municipal Code (SMC) 17.16.660.6, the proposed lots are well over 10,000 square feet, which is the minimum allowed in the (LD) zoning district for this area of the city. The proposal represents twenty (23) lots ranging in size from 10,000+ square feet to 12,000+ square feet. The total acreage of 7.03 acres, represents 10,500+ square feet per lot size for the overall 23 lot subdivision proposal.

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

Finding:

No special purpose standards of SMC 17.16 apply to this property.

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

Finding:

No identified or designated wetlands exist on the subject property.

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

Finding:

The subdivision meets the provisions of ORS chapter 92, and the final plat will be conditioned on meeting such provisions.

SMC 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 known as the Future Street Plan in the adopted Stayton Transportation System Plan.

Finding:

Required street construction projects for this proposed subdivision are outlined in the conditions of approval. All associated costs will be borne by the developer.

- 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.

Finding:

The proposed extension of Highland Drive between E. Santiam Street and E. Jefferson Street will form a right angle at the intersection of those streets. The proposal complies with this standard.

- c. These regulations may be modified where the decision authority determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

Finding:

No modifications to the requirements in this section are necessary.

- d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation Systems Plan.

Finding:

Pedestrian access from the cul-de-sacs to E. Santiam will accomplish a standard that encourages connectivity.

2. DEDICATION OF RIGHT-OF-WAY

Finding:

E. Santiam Street is a major collector and requires a 40 foot pavement width. The applicant will be required to dedicate any required right-of-way and construct curb, gutter, catch basin and pavement widening on the south side of the street. City of Stayton Public Works requires that the applicant shall provide a 60 foot right of way for the Highland Drive extension.

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 decision authority, cul-de-sacs shall not exceed 450 feet in length.

Finding:

Pedestrian accesses will be required from the applicant's two proposed cul-de-sacs.

4. RADIUS AT STREET INTERSECTIONS

Finding:

The proposed Highland Drive Rights-Of-Way shall be 20 foot property corner radii at its intersections with E. Santiam Street and E. Jefferson Street.

5. STREET GRADES.

Finding:

Both the street extension of Highland Drive, E. Jefferson Street and the alley, are flat and do not exceed the eight percent grade limitation.

6. RESERVE BLOCK

Finding:

None proposed. The subdivision complies.

7. STREET WIDTHS

Finding:

The proposal provides for a new through street, the extension of Highland Drive running north and south between E. Jefferson Street and E. Santiam Street. Highland Drive is proposed as a 60 foot right-of-way and includes a 34 foot pavement width. East Santiam Street will need to be constructed to City standards with a 40 foot paved width. East Jefferson Street will need to match the existing curb section as a half-street improvement on the north side of the street. The south half will be dedicated and improved by benefiting property owners when it is developed in the future.

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

Finding:

The applicant agrees to dedicate areas of E. Santiam Street and Highland Drive as needed. The applicant intends to install property line sidewalks within the subdivision on E. Santiam Street, Highland Drive and E. Jefferson Streets.

Construction of sidewalks on E. Santiam Street and Highland Drive will allow pedestrians to avoid the area of E. Santiam Street that does not have sidewalks. They will be able to walk on Highland Drive and E. Jefferson Street to get to schools and the city center.

9. SUBDIVISION BLOCKS

Finding:

The block between Highland Drive and Nineteenth Avenue (future connection) is less than 1200 feet, which does not exceed the 1200 foot block length maximum as required by SMC.

10. MID-BLOCK WALKS

Finding:

The applicant has proposed a pedestrian access from Brody Court to E. Santiam. One additional pedestrian access will be required from Cooper Court to E. Santiam.

11. LOT SIZE, LOT LINES

Finding:

The minimum lot size requirement in the Low Density Residential District (LD), east of N. Tenth Avenue is 10,000 square feet for all lots, with a street side frontage of 80 feet. The applicant meets this standard.

12. PUBLIC SURVEY MONUMENTS

Finding:

These monuments must be shown as a condition on the final plat.

13. SEWAGE DISPOSAL

Finding:

Public sewer will be constructed as required in the conditions of approval.

14. PUBLIC USE AREAS

Finding:

A 5% park dedication is required, or a fee in the amount of 5% of the land's present value may be submitted in lieu of the land requirement. No neighborhood park has been identified in the City's Master Parks Plan. The applicants plan to pay the 5% fee.

15. WATER SUPPLY

Finding:

The service line at this time does not meet capacity levels and will need to be upgraded.

16. UNDERGROUND UTILITIES

Finding:

All utilities will be installed underground with the exception of those services that will come from existing overhead facilities on East Santiam Street and East Jefferson Street.

17. STREET TREES

Finding:

The applicant is required by ordinance to plant street trees. Trees will be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.

CONDITIONS OF APPROVAL

Staff recommends approval of the Subdivision with the following conditions of approval:

CITY OF STAYTON PLANNING DEPT. CONDITIONS

1. A subdivision plat for the Mt. View Estates Subdivision, complying with the Stayton Municipal Code (SMC) requirements, and suitable for recording by Marion County shall be submitted for final approval within one (1) year of the date of the City Council Order of Approval granting tentative plat approval. The Final Plat shall comply with the platting requirements is SMC 17.24.1040.7 and 8, and with ORS Chapter 92. The subdivision name will have to be changed so that it does not duplicate the name of an existing subdivision.
2. The applicant shall obtain all necessary building permits from Marion County Building Inspection Division. Permit applications may be obtained from City of Stayton Public Works Department, 311 N. Third Avenue, Stayton.
3. No building permit applications shall be approved without a copy of the final plat provided to the planning department.
4. Property line sidewalks shall be required on E. Santiam, Highland Drive and Jefferson Street.
5. All debts to the City of Stayton associated with land development of the subject site shall be paid prior to the issuance of any building permits.
6. Northwest Natural Gas – The gas main on the west side of Highland Drive will need to be relocated to connect Santiam Street with Jefferson Street. If the main does not need to be relocated right of way must be secured for a gas main. Cost of relocation will be charged to the developer.
7. All public survey monuments be put in place at the time of plat approval.
8. Street radius shall be shown on the final plat.
9. Street trees shall be required and planted in accordance with SMC 17.20.890.
10. A vinyl coated cyclone fence with uniform hedges shall be placed along the length of E. Santiam Street.

11. Construction traffic associated with the development shall be directed down E. Santiam Street to minimize noise and dust impacts for the E. Jefferson neighborhood.

MARION COUNTY PUBLIC WORKS CONDITIONS

STREETS

1. The applicant proposes to access the development via a new north-south extension of Highland Drive. Chapter 33 of the Urban Zoning Ordinance of Marion County, Oregon, requires the applicant to dedicate sufficient right-of-way on the plat. The applicant shall provide twenty-five foot property corner radius at the intersection of the proposed Highland Drive and E. Santiam Street. Any dedications should be to the public, not Marion County.
2. Public street and storm drainage improvements on E. Santiam Street shall be built to the City of Stayton's Engineering and Construction Standards. If the applicant proposes to outlet storm water runoff to a County maintained system, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and also includes detention that meets County or City Standards, whichever is greater.
3. Public street and storm drainage improvements on Jefferson Street shall be built to the City of Stayton's Engineering and Construction Standards. If the applicant proposes to outlet storm water runoff to a County maintained system, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and also includes detention that meets County or City Standards, whichever is greater.
4. The Pavement Condition Index (PCI) rating for E. Santiam Street varies. It shall be the responsibility of the developer to preserve and protect the current PCI rating and the structural integrity of E. Santiam Street to the satisfaction of Marion County Public Works thorough all phases of development. Failure to preserve and protect the road may result in the developer being responsible for replacing or reconstructing the damaged road at the developer's expense.
5. No driveway accesses will be allowed onto E. Santiam Street.

STORM DRAINAGE

6. Construction of roads, dwellings, and related improvements will increase the amount of storm water runoff from the subject property. The County requires any development 0.5 acre or larger to provide storm water detention. Underground detention systems are preferred for developments located within an urban growth boundary. The system shall be sized so that it will detain the difference between a 5-year frequency storm with pre-development conditions and a 10-year frequency storm with development conditions. Prior to plat approval, the applicant shall

provide a storm drainage plan for the site that addresses drainage issues and includes detention elements that meets County or City Standards, whichever is greater. In addition, storm drainage discharge shall conform to the requirements of the Oregon Drainage Law.

7. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. Site grading shall not impact surrounding properties in a negative manner.

GENERAL

8. The applicant shall submit four sets of engineering plans for the required improvements. A registered professional engineer in the state of Oregon shall stamp the plans.
9. The applicant shall obtain approval of the engineering plans for the required public improvements from Marion County Public Works and any other concerned agencies. The applicant shall be required to provide evidence of submission of plans to the applicable agencies before final approval is given.
10. A Major Construction Permit is required before construction of roadway and drainage improvements may commence.
11. Prior to plat approval, the applicant shall submit proof of financial capability for all public street and storm drainage improvements inside the County right-of-way. The financial capability will be based on an engineer's cost estimate from an approved set of engineering plans from Marion County Public Works. Any required street and/or storm drainage improvements that are not constructed within three-years of the approved Major Construction Permit shall be grounds for Marion County to call in the financial guarantee to complete the project.
12. The subject property is within the urban growth boundary area of the City of Stayton. Transportation and Parks Systems Development Charges shall be assessed using the City of Stayton's methodology at the time of application for building permits or as determined by the City of Stayton.
13. A National Pollutant Discharge Elimination System (NPDES) permit is required for all construction activities that disturb one-acre or more. The NPDES permit must be obtained through the Oregon Department of Environmental Quality. Prior to issuing a Major Construction Permit, the applicant shall submit a copy of the permit to Marion County Public Works.
14. All traffic signs and pavement markings inside the County right-of-way shall be furnished, installed, and moved if necessary by the County at the developer's expense. Prior to issuing a Major Construction Permit, a work order shall be obtain from Marion County Public Works.

15. The applicant shall provide twenty-five foot property corner radius.
16. Prior to plat approval, the applicant shall submit proof of financial capability for all public street and storm drainage improvements inside the County right-of-way.

STAYTON PUBLIC WORKS DEPT. CONDITIONS

1. **Engineered Plans** - Applicants Engineer shall submit design plans for approval of all public improvements needed. All design plans must meet City of Stayton Standards and Specifications as outlined in SMC 12.08 and 17.24.1050. Engineered construction plans and specifications for this project shall be reviewed by the City Engineer and stamped approved by the Stayton Public Works Department prior to construction.
2. **Agency Approval** - The applicant shall provide evidence that the plans have been submitted to the applicable State and County agencies before final approval is given for construction.
3. **Standards** - All public improvements shall meet Stayton Municipal Code Standards and Specifications. In reference to E. Santiam Street, Marion County Public Works Staff has confirmed Stayton's standards will apply and they will provide a written confirmation regarding this project.
4. **Walkway Extensions** - Sidewalk extensions will be platted and constructed by the developer between the end of both cul-de-sac streets and E. Santiam Street. One such walk has been proposed however the other street (Cooper Court) will also have such a walk connection to continue the grid access adopted in the transportation plan. Minimum walkway will be 8 foot width on a 10 foot right of way or public easement.
5. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any residential building permit applications being accepted or issued. Punch list items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City. (SMC 17.24.1040.8.b.2)
6. **As-Built Drawings** - The developer shall submit to the City reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications. As-builts shall be submitted prior to final acceptance of the construction, initiating the one year maintenance period.

7. **Funding** - The Developer shall be responsible for all costs relating to the required public improvements identified herein and within the City Ordinances and Standard Specifications. (17.12.220.5a and 17.24.1050.16)
8. **Construction Bonding** - The developer shall provide a construction bond in the amount of 100 % of the total project costs. Double bonding will not be required on elements of the project where Marion County requires bonding.
9. **Maintenance Bonding** - After completion of the project and acceptance by the City, the developer shall provide a 1 year maintenance bond in the amount of 30% of the construction bond amount. Double bonding will not be required on elements of the project where Marion County requires bonding. (SMC 13.08.150.b and 17.24.1040.8.b.2)
10. **Acceptance** – Acceptance of the streets in this project shall be in accordance with SMC 12.04.210.
11. **Street Improvements** - The applicant shall construct ½ street improvements to both E. Santiam St and Jefferson St along the entire length of the subject property as required in Stayton Municipal Code 12.04.080. Each street shall meet City of Stayton Street Design Standards and Specifications for its Street Classification. Jefferson Street will require overlaying or replacement of the portion of the existing pavement as required to engineer a 20 year design life for the south half of the street plus the 10 foot traffic lane on the north side of the street. The two cul-de-sacs and Highland Street shall be engineered to City standards.
12. **Street Access** – Access to lots shall be to the lowest functional classification roadway. Access shall therefore be provided to the two cul-de-sacs and Highland Street for all lots fronting on those streets. Lot 18 is shown accessing to E. Santiam Street. Applicant shall create a flag lot or easement access to this lot from Highland Street (Highland may need to be named Drive or Avenue on final plat) (SMC 17.26.1020.3.c.)
13. **Permits** - The applicant shall obtain all necessary permits and approvals from Marion County to perform work within any County Rights-Of-Way.
14. **Highland Street** - Applicant shall provide a 60 ft Right-Of-Way for the Highland Dr. extension. The proposed Highland Dr. Right-Of-Way shall have twenty foot property corner radii at its intersections with E. Santiam St and twenty foot radii property corner radii at Jefferson Street. (SMC 17.24.1050.7.b)
15. **Water Approvals** - Applicants Engineer shall submit design plans to the Public Works Department and all necessary State agencies for review and approval of the water system serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.15)

16. **Water Main Construction** - The applicant shall install 12" water main, with all necessary appurtenances, in E. Santiam St. from the existing 12" main approximately 200 ft west of the Highland Dr to the existing 12" main at Green Acres Court fully replacing an undersized 6 inch main. An eight inch main shall be constructed in Highland Drive and an 8" main in Jefferson Street from 15th Avenue to the easterly end of the project. Water mains of a size approved by the City Engineer shall be installed in the two cul-de-sacs. All public water mains shall utilize ductile iron pipe and shall be designed consistent with the newly developed water master plan.
17. **Sewer Approvals** – Applicant's Engineer shall submit a design plan to the Public Works Department and all necessary State agencies for review and approval of the sanitary sewer system serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.13)
18. **Drainage Approvals** - The applicants Engineer shall submit a design plan to the Public Works Department for review and approval of the Storm Drainage and Detention System serving the proposed property and providing for extensions into adjacent future property development. Water quality of the discharged storm drainage shall also be an element of the design. (SMC 17.24.1050.8)
19. **SDC's** - The City of Stayton Systems Development Charges shall be assessed upon development of the home on the newly created parcels, at the time of application for building permits.
20. **Park** - Applicant shall provide the 5% fee in lieu of park land dedication per Public Use Area provisions of the Stayton Municipal Code 17.24.1050.14.
21. **TIA** - Applicants Engineer shall provide to Stayton Public Works Department a Traffic Impact Analysis for the proposed project. The TIA shall provide adequate information for City staff to evaluate the development proposal. (SMC 17.24.1040.8.b.2 and 17.26.1050)
22. **Signage** - Applicant shall install Street and Stop signs as directed by the City Engineer.
23. **Street Lighting** - Applicants Engineer shall submit a street lighting design plan for approval. All design plans must be reviewed by the City Engineer and stamped approved by the Stayton Public Works Department prior to construction.
24. **Street Trees** – The applicant shall provide street trees on public streets. Trees shall be maintained by the developer until they become established.

25. **Utility Coordination** – A utility companies and public agencies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
26. **Marion County** – The developer shall adhere to the Marion County conditions of approval incorporated within the staff report. All questions/concerns regarding design and construction of this development project shall be coordinated with the City of Stayton City Engineer.

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.



January 14, 2002

Property Description:

Beginning at a point on the Southerly right-of-way line of East Santiam Street which bears South $89^{\circ}11'00''$ West 297.00 feet and South $00^{\circ}07'46''$ West 60.01 feet from a county monument marking the Northeast corner of the Southwest Quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian in Marion County, Oregon;
 thence South $00^{\circ}07'46''$ West 311.31 feet to the North right-of-way line of Jefferson Street;
 thence South $89^{\circ}19'00''$ West along said right-of-way line, a distance of 1029.81 feet to the West line of the Southeast Quarter of the Southwest Quarter of said Section 11;
 thence North $00^{\circ}37'20''$ West along said line, a distance of 148.16 feet to a point on the South line of Parcel 3 of Partition Plat No. 1996-10;
 thence North $89^{\circ}14'41''$ East along the South line of said Parcel 3, a distance of 84.74 feet to the Southeast corner of said Parcel 3;
 thence North $00^{\circ}24'00''$ West along the East line of said Parcel 3, a distance of 160.80 feet to the Southerly right-of-way line of said East Santiam Street;
 thence North $89^{\circ}11'00''$ East along said right-of-way line, a distance of 948.54 feet to the Point of Beginning.

LAND SURVEYORS

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