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<i>Sent To</i>	Bill Martinak
<i>Street, Apt or PO Box</i>	JCNW Family, LLC
<i>City, State</i>	15556 Coon Hollow Rd SE Stayton, OR 97383
PS Form	itions



City of Stayton

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October 21, 2014

Mr. Bill Martinak
JCNW Family, LLC
15556 Coon Hollow Rd SE
Stayton, OR 97383

Re: STOP WORK ORDER - Phillips Subdivision - Tax Lot 1200, Map 9.1W.04D

Mr. Martinak:

This letter constitutes notice to you that all work on or within the Phillips Estates Subdivision shall stop immediately. Notice is further given that no building permits for new construction within the platted boundaries of all phases of the Phillips Estates Subdivision will be issued until the corrections noted in this letter are made, inspected and approved by the City of Stayton.

This Stop Work Order is made on the grounds and for the reason that construction within the above reference property is not in compliance with the August 14, 2006 Planning Commission Decision; the June 13, 2013 Development Agreement between JCNW and the City; construction is not consistent with the submitted engineered construction plans; the submitted engineered construction plans were never approved by the City; and the work is not in compliance with the City's Public Works Standards. The matters at issue here are as follows:

1. The Development Agreement (last Whereas Clause) provides that what was originally proposed as Phase III, would be identified in bulk as Tract A on the plat for Phase II, and that a separate Development Agreement is to be negotiated regarding construction thereon.
 - A. Tract A (formerly identified as Phase III) was not identified in bulk on the final plat for Phase II.
 - B. Tract A has been developed with a retention basin without having a Development Agreement in place for construction on Tract A.
2. The Development Agreement, Section 1 requires all improvements of the subdivision will be in accordance with the land use approvals and construction plans approved by the City.

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- A. Construction within the subdivision is in violation of Condition #12 of the subdivision approval in that storm water is proposed to be disposed of by retention basin and not by conveyance north to Mill Creek.
 - B. Condition #12 further requires engineered plans for this storm water system to Mill Creek to be approved by the Public Works Director. No engineered plans for conveyance of storm water north to Mill Creek has been submitted to, or approved by the Public Works Director.
 - C. Construction within the subdivision, as noted below, is not done in accordance with the construction plans, nor have the construction plans been approved by the City as was required in the land use approval.
3. The Development Agreement, Section 3 requires all improvements of and in the subdivision to be constructed in compliance with applicable laws, specifically including the City's Public Works standards; the Public Works Standard Construction Specifications; the City's standard drawings; and all City ordinances in effect in June 2013.
 - A. The current improvements are not constructed in compliance with the City's Public Works standards as noted below.
 4. The Development Agreement, Section 9 provided that no building permits for any structures within each phase of the development will be issued until all required improvements have been constructed and all planning, engineering and public works conditions of approval have been met and accepted by the City.
 - A. All required improvements have not been constructed or approved or accepted by the City.
 5. The stamped engineered plan set dated August 26, 2013, which was submitted to the City, provides for a retention basin this is designed to retain the difference between a 5-year storm event for pre-developed conditions and a 50-year storm event for post-developed conditions with a discharge rate of 0 CFS, based on a measured infiltration rate of 4.1 inches per hour, and using a safety factor of 2 (design infiltration rate of 2.04 CFS). No discharge pipe from the retention basin was engineered or shown on the submitted engineered construction plans.

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- A. The submitted engineered construction plans have not yet received approval from the City.
- B. Construction work was begun pursuant to the submitted engineered construction plans without first having received approval for those plans from the City.
- C. The submitted plans differ from the plans approved by the City in 2008, in that the new plans provide for a different subdivision phasing plan, and the construction of the above referenced storm water retention basin instead of disposing of storm water by conveying it off-site to the north.
- D. The Phase II as-built drawings do not conform to the submitted engineered construction plans, in that the size of the retention basin was increased by approximately 50% and a 10" diameter outlet pipe has been installed through the overflow weir in the stormwater basin. This pipe was not shown on the stamped engineered construction plans. Further, there are no engineered plans/details on this outlet pipe/structure, or any calculation showing the discharge rate from the stormwater basin compared to the allowable pre-development discharge rate from the site. Installation of this outlet pipe is in violation of Planning Commission Condition #12 in that storm water is not directed to Mill Creek. Finally, there are no engineered plans/details or calculations of any sort with regard to the increased overall size of the retention basin.
- E. The stormwater basin as currently constructed is not functioning as a retention basin as designed and as constructed does not have sufficient capacity required for the entire build-out of the Phillips Estates Subdivision.

The City has discussed these issues with you and your development team on numerous prior occasions. At our meeting of Friday, October 17, 2014 you acknowledged the stormwater basin would not work as designed, and further that it will not work as constructed to achieve the desired purpose of adequate disposal of stormwater for your subdivision and for Quail Run. It may very well be that the only viable solution to the failure of the stormwater basin alternative is to adhere to the original condition of approval and construction plans that dispose of storm water in a northerly direction to Mill Creek. The City is willing to meet with you and your team, and to assist as we can

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in the solution of this storm water disposal problem, however until it is resolved the City can not allow any further construction of impervious surfaces in the subdivision.

In summary, based on the file documents relevant to this subdivision project, the submitted engineered construction plans and as-built drawings, as well as staff observations, the Phillips Estates Subdivision is not in compliance with City regulations or the Development Agreement in place for this project. No further work shall take place within any phases of the subdivision until the items noted above are corrected. In addition, no new building permits of any sort will be issued until the items noted above are corrected. Specifically, and most importantly, the design, construction, and operation of a workable method of disposal of storm water must be approved by the City Engineer in compliance with the Planning Commission's 2006 approval, and a separate Development Agreement must be reached for all construction and development on Tract A.

The City has made every attempt to assist you in the development of this subdivision, including modifications and allowances made in the 2013 Development Agreement, especially as it relates to the alternative plan for disposal of stormwater. However, current conditions are so far removed from the agreements and plans made with regard to the subdivision, that all work must stop until the violations noted above are corrected.

Respectfully,



Keith Campbell
City Administrator

cc: David A. Rhoten
Wallace W. Lien

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