

ORDINANCE NO. 891

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ADJACENT TO SHAFF ROAD AND KINDLE WAY; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY TRANSITIONAL FARM (UTF) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD).

WHEREAS, Lambert Living Trust, Rebecca M. McLellan, and William R. Lambert are owners of a 22.4-acre parcel on the north side of Shaff Road, adjacent to Kindle Way, Assessor's Tax Lot Number 5600 situated in Marion County, State of Oregon; Mountain West Investment Corporation has a purchase contract with the owners and was the applicant for subdivision approval and this annexation procedure;

WHEREAS, on June 19, 2006, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.460, the owners and the applicant filed with the City of Stayton, Oregon, an annexation application and zone map amendment request pursuant to SMC 17.08.220 and preliminary subdivision proposal pursuant to SMC 17.24.1040;

WHEREAS, the City of Stayton Planning Commission held a public hearing as required by law on August 14, 2006, whereupon the Stayton Planning Commission adopted the orders (Land Use File# 13-06/06) containing findings and conclusions and conditions in support of its decision granting approval to the preliminary subdivision proposal, hereto attached as Exhibit A, and its recommendation to the Stayton City Council that the City Council approve the annexation and zone map amendment, hereto attached as Exhibit B;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on September 18, 2006 and October 2, 2006 whereupon the Stayton City Council adopted the order (Land Use File# 13-06/06) containing findings and conclusions in support of its decision granting approval to the annexation and zone map amendment, hereto attached as Exhibit C; and

WHEREAS, the subject property annexation is located and is contained within the City of Stayton's Urban Growth Boundary;

NOW THEREFORE, 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 North of Shaff Road and west of Kindle Way, the legal description of which is described in Exhibit D, which is attached hereto and made by reference incorporated herein.

SECTION 2. Pursuant to ORS 222.005 the Stayton City Administrator shall provide by certified mail to all public utilities, telecommunication facilities, 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 roles, a legal description 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 Stayton City Administrator shall, within ten (10) working days of the passage of this ordinance, provide to the Oregon Department of Revenue, Secretary of State, 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 upon the findings of fact established and set forth in the Order of the Stayton City Council dated October 2, 2006, the Stayton City limits and Zone Map are amended.

SECTION 5. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 16<sup>th</sup> day of October 2006.

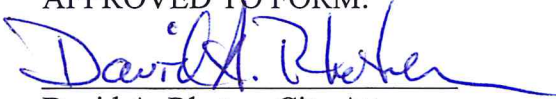
Signed: 10/18 2006

CITY OF STAYTON  
By:   
Gerry Aboud, Mayor

Signed: 10/18 2006

ATTEST:   
Chris Childs, City Administrator

APPROVED TO FORM:

  
David A. Rhoten, City Attorney



**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of  
The application for  
Mountain West Development, Applicant

) Subdivision  
) File # 13-06/06

**ORDER OF CONDITIONAL APPROVAL**

**1. NATURE OF APPLICATION**

The applicant is requesting approval to subdivide a 26.95 acre lot into a 91-unit subdivision called Lambert Estates.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Stayton Planning Commission on August 14, 2006. At that hearing the Planning Commission reviewed Land Use File #13-06/06 application for subdivision and it was made part of the record.

**III. FINDINGS OF FACT**

1. The owner and the applicant is the Lambert Living Trust. The Trust has authorized Mountain West Development Corporation to act as its representative.
2. The tax lot can be described as: tax lot 300, Township 9, Range 1 West of the Willamette Meridian, Section 04D. **See Map I**
3. The property is currently zoned Urban Transition Farm (UTF). When annexed, the property will be zoned Low Density (LD) Residential.
4. The property is located at the intersection of Kindle Way and Shaff Road.
5. The property to the east is zoned Public/Semi-Public and is a middle school. The properties to the west are zoned LD and are single family homes. The properties to the north are zoned UTF and are single family homes and farmland. The properties to the south are zoned Medium Density (MD) Residential and are duplexes.
6. The proposal is to subdivide a 26.95 acre lot into a 91 unit subdivision. The lots range in size from 8,000 to 10,618 square feet. The majority of the lots area 8,000 square feet with 9 lots over 9,000 square feet. The lots will all have single family homes.

## A. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Stayton Post Office, and the North Santiam School District.

The following comments were received.

Marion County Planning Division had no objections to the proposal.

Marion County Public Works after reviewing the applicant's Transportation Impact Analysis (TIA) had the following comments. "We have conducted our review of the study and have determined that the developer shall design and construct a left-turn refuge land on Shaff Road at Kindle Way, and any associated widening. This improvement is required based on ODOT's left-turn land volume criterion and the analysis conducted in the TIA. The developer will also be required to improve their frontage of Shaff Road to Marion County and City of Stayton standards as directed by the Marion County Public Works department."

North Santiam School District had no objections but they stated concern regarding safety and security of the school campus with adjacent developments.

## B. PUBLIC COMMENTS

The Planning Department had not received any public comment on this application prior to the public hearing. The following people gave testimony at the public hearing.

Steve Frank, 1515 E Jefferson, Stayton. In opposition

Eric Whisman 1510 Meadowlark St, Stayton. General Testimony

Tania Whisman 1510 Meadowlark St, Stayton. General Testimony

Joe Shindelus 1513 Meadowlark St, Stayton. General Testimony

Darel Capps 1564 Hummingbird, Stayton. General Questions

Dan Elliot, 2077 Goldfinch, Stayton, General Questions

Fred Zitch, 1530 Eagle St, Stayton, General Questions

## C. ANALYSIS

Subdivision applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.1040.

D. REVIEW CRITERIA

Pursuant to SMC 17.24.1040.5 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: Quail Run Subdivision, to the west is a LD subdivision with lots averaging 8,000 square feet and approximately 129 lots. There is a proposed subdivision for the property adjacent to the north of Quail Run with 60 or more lots averaging 8,500 square feet. The property to the east is Stayton Middle School. The duplexes to the south are located on lots of approximately 11,000 to 12,000 square feet.

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

Finding: Sewer is available to the property through the new 24 inch trunk main. Water is available from Shaff Road. Storm water drainage is not shown on the submitted plan.

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

Finding: Quail Run Subdivision, to the west is a low density subdivision with lots averaging 8,000 square feet and approximately 129 lots. There is a proposed subdivision for the property adjacent to the north of Quail Run with 60 or more lots averaging 8,500 square feet. The roads are aligned to existing roads in the Quail Run Subdivision and the Future Street Plan.

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

*1. STREETS AND HIGHWAYS*

Finding: The proposed streets align with existing streets in the Quail Run Subdivision and proposed streets in the Phillips Estates Subdivision. All intersections are at or near right angles except for the intersection at Meadowlark and Patrick Roads. The proposed curve in Meadowlark changes the angle of the east leg of the intersection is approximately 115°. The location of accesses for lots with frontage on Kindle Way, a collector street, is not indicated. The applicant has indicated in their narrative that no access from individual lots is proposed for lots along Shaff Road. All access is derived from Kindle Way, with no direct access to Shaff Road. The spacing between the intersections at Shaff Road and Kindle Way and Eagle Street and Kindle Way is 430 feet. A pedestrian path is shown along the back lot line of lots 88 and 89 connecting Shaff Road to Spike Road. A Traffic Impact Analysis, prepared was submitted by the applicant and reviewed by the City's traffic engineer.

*2. DEDICATION OF RIGHT-OF-WAY*

Finding: The applicant has indicated that the proposed streets will be public.

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

Finding: There is one proposed cul-de-sac, Katie Court in the south east corner of the lot. The submitted plans show a radius of 45 feet on Katie Court and a length of approximately 125 feet.

4. *RADIUS AT STREET INTERSECTIONS*

Finding: Radii of property lines at street intersections were not indicated on the preliminary plan.

5. *STREET GRADES*

Finding: The applicant has indicated that they anticipate that the finished street grade will not be in excess of 8%.

6. *RESERVE BLOCK*

Finding: A reserve block has not been proposed by the applicant or recommended by the Public Works Department.

7. *STREET WIDTHS*

Finding: Neighborhood streets have a required width of 60 feet. Cul-de-sacs may have a right-of-way width of 50 feet. Katie Court has a proposed width of 60 feet. Half-street dedications are required for all roads with frontage only on one side of the property. Kindle Way is designated as a collector with 80 feet of right-of-way. Shaff Road is a minor arterial and requires 100 feet of right-of-way. The submitted plans show a 40 foot dedication for Shaff Road, Kindle Way, Spike Road and Dustin Ave, and 60 feet for all other streets.

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

Finding: Sidewalks and planter strips are indicated on the plan.

9. *SUBDIVISION BLOCKS*

Finding: The maximum block length shown in the preliminary plan is 610 feet.

10. *MID-BLOCK WALKS*

Finding: No mid-block walks are proposed.

11. *LOT SIZE, LOT LINES*

Finding: The proposed lots average 84 feet in width. Lots 87 to 90 have frontage on Katie Court and have 40 feet of frontage. Lot 80 is a flag lot and has a 20-foot wide flag pole and either in excess of 80 feet (facing east) or slightly less than 80 feet (facing north) of frontage. Lot 79 has approximately 74 feet of frontage and lot 81 has 50 feet of frontage.

12. *PUBLIC SURVEY MONUMENTS*



Finding: Locations of public survey monuments were not indicated on the preliminary plan.

### 13. SEWAGE DISPOSAL

Finding: Public Works has stated that the submitted preliminary sewage disposal plans meet the intent of the adopted Wastewater Master Plan.

### 14. PUBLIC USE AREAS

Finding: No public use areas were identified on the preliminary plan.

### 15. WATER SUPPLY

Finding: A 10-inch water main is shown in Kindle Way and across the subdivision to tie into the 10-inch main at the middle school. Fire hydrants are not shown on the plan.

### 16. UNDERGROUND UTILITIES

Finding: The applicant has indicated that all utilities shall be underground. No plans were provided for location of underground utilities.

### 17. STREET TREES

Finding: The applicant has not provided a street tree plan.

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

Finding: Single family residences are a permitted use in the Low Density Residential zone. All the lots are 8,000 square feet or more. Except for lots 79 and 81 all lots have either 80 feet of frontage or 40-foot cul-de-sac frontage.

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

Finding: No special street, riparian, or flood hazard setbacks apply to this property.

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

Finding: No wetlands have been identified on this property in the City's Wetlands and Riparian Inventory or by the applicant.

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

Finding: The proposed name of the subdivision is Lambert Estates. The City has received no communication either from the applicant or Marion County regarding the proposed name.

#### IV. CONCLUSION

The proposal is a permitted and compatible use at this location and is compliant with all applicable review criteria with the exception of the following:

17.24.1050.1 and 17.26.1020.3.c: The access management standards require that access is provided from the lowest functional classification roadway. Kindle Way is identified as a collector street. The submitted plan does not specify access locations onto the lower classification roadway of Patrick Road which is a local road. Shaff Road is a County Road and after Marion County reviewed the TIA submitted by the applicant, they indicated a need for a left turn refuge lane on Shaff Road at Kindle Way.

17.24.1050.7: Shaff Road requires a 50-foot dedication to meet the standards for a minor arterial. Kindle Way is shown with a 70-foot right-of-way for a designated collector. The Public Works Director has approved the proposed 70-foot right-of-way proposed by the applicant.

17.24.1050.8: A storm drainage plan was not submitted. Public Works has indicated that storm water detention will be needed and the design should follow the drainage basing design developed for the future Storm Water Master Plan.

17.24.1050.9 and 17.26.1020.5.c specify the maximum block length as 300 feet. The Public Works Director has the discretion to modify this standard if circumstances dictate. The Public Works Director has approved the proposed block lengths.

17.24.1050.11: Lots 79 and 81 do not meet the minimum frontage standards. The additional 10 feet of right-of-way needed for Shaff Road may also reduce the lots backing onto Shaff Road below the minimum. Section 17.24.1050.11.a gives the decision authority the authority to allow these alterations to the minimum requirements.

17.24.1050.12: Public survey monuments were not identified on the submitted plan and, if any, will need to be located on the final plat.

17.24.1050.14: No public use areas were identified on the proposed plan. However, the Parks and Recreation Master Plan identifies no parks on this property and discourages the creation of small pocket parks. In this case, the 5% in-lieu fee is appropriate.

17.24.1050.15: The adopted Water Master Plan requires oversized mains to be provided in two locations. A 10-inch main, tying the new 10-inch main in Kindle Way to the 10-inch main on the middle school property and a 16-inch main upgrade in Shaff Road.

17.24.1050.16: The location of underground utilities cannot be addressed until the final platting of the subdivision.

17.24.1050.17: A street tree plan was not provided.

## V. ORDER

It is hereby found that application meets the requirements established in SMC 17.24.1040.5 except as noted as above, and the Planning Commission approves the application as described in the above findings of fact, as shown on a plan entitled Shaff Road Subdivision, prepared by Multi-tech Engineering Services, Inc, dated June 2006 and stamped "printed August 10, 2006," and as further described in the accompanying materials that are part of the application and record on file in the Planning Department, with the following conditions of approval.

### Planning Conditions of Approval:

1. A Final Plat for the proposed partition complying with Stayton Development Code requirements and suitable for recording by Marion County shall be submitted for final approval within one year of the date of the Planning Commission Order granting preliminary plan approval. The plat shall comply with the platting provisions of SMC 17.24.1040.6, in the Stayton Land Use and Development Code and these conditions of approval.
2. Minor Variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
3. Survey monuments shall be placed prior to recording the final approved plat with Marion County.
4. Public Use Areas: The applicant shall provide to the City a sum equal to 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 of ORS 92.095 and presented to the City prior to final plat approval.
5. A plan for planting street trees that meets the species and spacing requirements of 17.24.1050.17 shall be submitted to the Planning Office prior to final plat approval. Street trees shall be planted as each property is developed.

### Public Works Conditions of Approval:

1. **Street System** –
  - a. **Block Length** – The Stayton Municipal Code (SMC) (SMC 17.26.1020.5.c) requires that block lengths not exceed 300 feet, right-of-way (ROW) to ROW. The proposed plan does not conform to this standard. The code permits the Director of Public Works to authorize longer blocks. In this case, longer blocks

have been approved by the Director due to constraints associated with the previous approved adjacent subdivision (Quail Run) and because code modifications are in process that will allow the longer block length.

b. **Street Right-of-way (ROW) & Improvement Width –**

- i. **Kindle Way** – This street is designated as a collector street in the adopted Transportation Plan (Figure 7-1). The standard ROW for collector streets is 80 feet (PW Standards 300.2.07). The developer has proposed additional dedication creating a ROW of 40 feet on the east side of the Kindle Way centerline. This added dedication provides 70 foot of ROW overall. The Public Works Director has approved the 70 foot ROW with a 40 foot improvement along the Quail Run Subdivision (to complete the existing partial street improvement) and a 30 foot half street, as proposed by the developer, north of the Quail Run improvement. The new street widening shall include the existing westerly travel lane and both lanes shall be engineered for a 20 year design life (SMC 12.04.080.2). The curb alignment north of the Quail Run subdivision will be determined during final design by the City Engineer.
  - ii. **Shaff Road** – This street is designated as a minor arterial in the adopted transportation plan. Minor arterials require a 100 foot ROW (PW Standards 300.2.07). The proposed plan shows a half street with total dedication of 40 feet from the Shaff Road centerline. The total half street dedication along the Shaff Road frontage of this subdivision shall be increased to 50 feet as required by the PW Standards. The improvement width proposed on the submittal (26 feet centerline to face of curb) will be finalized during engineering design in consultation with Marion County as a left turn lane may be required at Kindle Way. The existing southerly traffic lane shall be included in the half street improvement as required by code (see above). The new street widening and southerly travel lane shall be engineered for a 20 year design life.
  - iii. **Other Streets** – The ROW and improvement widths for all other streets are approved as submitted.
  - iv. **ROW Dedication** – Kindle Way is not a dedicated ROW. On the County tax map, it is shown as a 30 foot parcel of land that ties to Tax Lot 400 located immediately north of subject property. It is also shown as private on the Mill Creek trunk sewer plans. This strip must be acquired and dedicated as ROW with this project.
- c. **Sidewalks** – Property line walks shown (except cul-de-sac bulb). This is required by the PW Standards.
  - d. **Intersection spacing on Collector** – The Code requires 260 feet or more between intersections on a collector (SMC 17.26.1020.3h). The City traffic engineer (Kittelton) indicates this distance is centerline to centerline (Susan Wright). All existing and proposed streets meet this standard. The spacing requirement on the

minor arterial (Shaff Road) is 600 feet. No new streets intersecting Shaff Road are proposed by this development.

- e. **Annexation of Kindle Way** – Apparently the annexation of the Phillips property did not include Kindle Way. However, according to the City's Land Use Attorney, the intent of the contract annexation was to annex Kendall, therefore, Mr. Lien recommends the road annexation be included in the final order. The annexation of the Lambert Parcel shall include annexation of Kindle Way.
- f. **Lot Driveway Access** - Access standards limit driveway access to the street of lowest functional classification (SMC 17.26.1020.3.c). All lots adjacent to Shaff Road or Kindle have access to other streets and shall derive driveway access from the street of lowest classification.
- g. **Signage** – The developer shall supply and install all street signs required by SMC, the PW Standards plus the City Engineer and Traffic Engineer.
- h. **Walking Paths** – The developer has proposed a 10 foot concrete walkway in a 20 foot parcel adjacent to lots 88 and 89. This walk meets the intent of the adopted pathway plan and is approved. The 20 foot parcel shall be dedicated to the City of Stayton on the final plat.

## 2. Sewer System

- a. **Submitted Plan** - The sewer concept plan provided meets the general intent of the adopted wastewater master. Detailed engineered plans shall be submitted to the City Engineer who will determine acceptability of the design for construction.

## 3. Water System

- a. **Water Mains** – The submitted concept plan provides the 10 inch main required by the adopted water master plan along Kindle Way and across the subdivision to tie to the 10 inch main at the school. The following water mains required by the adopted master plan shall be added to the project and are required:
  - i. Construction of the off-site tie of the new 10 inch water main to the existing 10 inch main on school property.
  - ii. Construction of the 16 inch main upgrade in Shaff Road across the subdivision frontage and across Kindle Way.
- b. **Oversized Water Mains** - The water master plan requires the oversize water mains described above. The developer will be eligible for reimbursement from the City for the difference in cost of materials between the standard 8 inch water main and the 10 inch mains required by the master plan (City Council Resolution 427). Agreement between the City and the developer on the dollar amount of the reimbursement shall be reached before construction of the lines.
- c. **Fire Hydrants** – Fire hydrants, not shown on the submittal, shall be spaced in accordance with PW Standards and those of the Fire District (PW Stds. 400.2.16.a).

#### 4. Storm Drainage

- a. **Storm Water Detention** – Storm water detention is required for this development. How this to be achieved is not shown on the submitted drawing. Detention shall be consistent with the PW Standards, the current ODOT drainage manual and the storm drainage master plan advanced basin design for this area. Water quality shall be considered in the design.
- b. **Point of discharge** – This location is not shown on the submitted drawing. The drainage shall be designed and constructed in conformance with the storm drainage master plan developed by Keller & Associates for this drainage basin. Off site piping or ditching and detention basin near Mill Creek is required for this subdivision.
- c. **Into Subdivision** – The design will make provision for drainage flowing into the subdivision from outside its boundaries.
- d. **Drainage report** – The developer's engineer shall provide a drainage report to the City Engineer that includes the basin drainage analysis, maps and calculations for the drainage system engineered by the developer.

#### 5. TIA

- a. **TIA Submitted** – A TIA is required for all development in Stayton where traffic loading may be above minimum standards (SMC 17.26.1050). In this situation, a TIA was prepared and is being reviewed by the City Traffic Engineer. Marion County review and approval of the TIA will also be required due to impacts of the project on Shaff and Wilco Roads. The developer will be responsible for any on-site or off-site improvements required by the approved TIA.

Following are the general Public Works conditions of approval attached to most land development projects:

#### 1. General Public Works Requirements

- a. **Standards** – Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1) (SMC 17.24.1050)
- b. **Engineered Plans** - Where public improvements are required, the applicants engineer shall submit design plans for approval of all public improvements identified as conditions of approval. All design plans must meet the Stayton PW Standards as outlined in SMC 12.08 and 17.24.1050. Engineered construction plans and specifications shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

- c **Design Approval** – The developer is responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc.
- d **Utility Coordination** – 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. (SMC 17.24.1050.16)
- e **Acceptance** – Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
- f **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. (17.12.330.5a and 17.24.1050.16)
- g **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 building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Punch list items of remaining work at substantial completion 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)
- h **Construction Bonding** – Where bonding is used to secure the construction of public improvements and utilities:
  - i **Construction Bond** – Prior to construction of any public improvement, the developer shall provide a construction bond in the amount of 100 % of the total project costs, plus added City costs associated with public construction.
  - ii **Maintenance Bonding** - After completion and acceptance of a public improvements by the City, the developer shall provide a 1 year maintenance bond in the amount of 30% of the construction bond amount. (SMC 13.08.150.b and 17.24.1040.8.b.2)
- i **As-Built Drawings** – Where public improvements are required, 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 made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-builts shall be submitted prior to final acceptance of the construction, initiating the one year maintenance period.
- j **Permits** - The applicant shall obtain all necessary permits and approvals from the City of Stayton and Marion County prior to construction of any work where such permits are required.

- k **SDC** – Systems Development Charges are collectable by the City at the time of issuance of a building permit for house or building construction.
- l **Mill Creek Trunk Sewer** – The proposed Lambert Estates subdivision property benefits from the recently constructed Mill Creek Sewer System. As such, each residential unit within Lambert Estates shall pay an estimated \$800 per residential unit for their benefited share of the cost to construct the Mill Creek Sewer system. Said fee shall be paid at the time of issuance of a building permit.

**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.

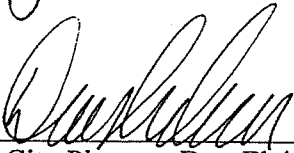
**VIII. APPEAL DATES**

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.400 APPEALS.

APPROVED BY THE STAYTON PLANNING COMMISSION ON THE 14<sup>TH</sup> DAY OF AUGUST 2006.

  
\_\_\_\_\_  
Vice-Chairperson, John Brandt

Aug 22, 2006  
Date

  
\_\_\_\_\_  
City Planner, Dan Fleishman

Aug 23, 2006  
Date



## BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
 The application for  
 Mountain West Development, Applicant

) Annexation  
 ) File # 13-06/06

## ORDER OF APPROVAL

## I. NATURE OF APPLICATION

The applicant is requesting approval to annex 26.95 acres of property to construct a 91 unit subdivision.

## II. PUBLIC HEARING

A public hearing was duly held on the application before the Stayton Planning Commission on August 14, 2006. At that hearing the Planning Commission reviewed Land Use File #13-06/06 application for annexation and it was made part of the record.

## III. FINDINGS OF FACT

1. The owner is the Lambert Living Trust. The applicant is the owner who has authorized Mountain West Development Corporation to represent it in these proceedings. See **Attachment I**
2. The tax lot can be described as: tax lot 300, Township 9, Range 1 West of the Willamette Meridian, Section 04D. See **Map I**
3. The property is currently zoned Urban Transition Farm (UTF). When annexed, the property will be zoned Low Density (LD) Residential.
4. The property is located at the intersection of Kindle Way and Shaff Road.
5. The property to the east is zoned Public/Semi-Public and is a middle school. The properties to the west are zoned LD and are single family homes. The properties to the north are zoned UTF and are single family homes and farmland. The properties to the south are zoned Medium Density (MD) Residential and are duplexes.
6. The proposal is to annex 26.95 acres of land for a 91 lot single family subdivision, Lambert Estates.

A. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Stayton Post Office, and the North Santiam School District.

The following comments were received.

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#### B. PUBLIC COMMENTS

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Eric Whisman 1510 Meadowlark St, Stayton. General Testimony

Tania Whisman 1510 Meadowlark St, Stayton. General Testimony

Joe Shindelus 1513 Meadowlark St, Stayton. General Testimony

Darel Capps 1564 Hummingbird, Stayton. General Questions

Dan Elliot, 2077 Goldfinch, Stayton, General Questions

Fred Zitch, 1530 Eagle St, Stayton, General Questions

#### C. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.460 ANNEXATIONS.

#### D. REVIEW CRITERIA

Pursuant to SMC 17.12.460.5 the following criteria must be demonstrated as being satisfied by the application:

*a. Need exists in the community for the land proposed to be annexed.*

Finding: The adopted 2005 Stayton Buildable Lands Inventory provides the following information on projected growth and need for the community. There were 78.6 vacant acres of LD land inside the City limits in 2004. Between 2003 and 2004, 44 acres were developed for LD single family homes. The projected population for the City in 2020 (at a rate of 2.4%) is 10,700 people total. 610 single family homes on LD lots will be needed to meet this need. To meet that need, the City needs an additional 48.2 acres of LD land to be annexed in addition to the 79 vacant acres of LD land.

BEFORE THE STAYTON CITY COUNCIL

EXHIBIT C

In the matter of  
The application for  
Mountain West Development, Applicant

) Annexation  
) File # 13-06/06

**ORDER OF APPROVAL**

**1. NATURE OF APPLICATION**

The applicant is requesting approval to annex 26.95 acres of property to construct a 91-lot subdivision.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Stayton City Council on September 18, 2006. Because of an error made by the newspaper, notice of the hearing was not published in a timely manner. The hearing was continued until October 2, 2006 to allow for proper notice and participation by the public. At that hearing the City Council reviewed Land Use File #13-06/06, application for annexation, and it was made part of the record.

**III. FINDINGS OF FACT**

1. The owner is the Lambert Living Trust. The applicant is the owner who has authorized Mountain West Development Corporation to represent it in these proceedings.
2. The tax lot can be described as: tax lot 300, Township 9, Range 1 West of the Willamette Meridian, Section 04D.
3. The property is currently zoned Urban Transition Farm (UTF). When annexed, the property will be zoned Low Density (LD) Residential.
4. The property is located at the intersection of Kindle Way and Shaff Road.
5. The property to the east is zoned Public/Semi-Public and is a middle school. The properties to the west are zoned LD and are single family homes. The properties to the north are zoned UTF and are single family homes and farmland. The properties to the south are zoned Medium Density (MD) Residential and are duplexes.
6. The proposal is to annex 26.95 acres of land for a 91-lot single family subdivision, Lambert Estates.
7. The Planning Commission has approved the subdivision and recommended annexation with inclusion the subject property in the Low Density Residential zone.

**A. AGENCY COMMENTS**

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Stayton Post Office, and the North Santiam School District.

The following comments were received.

Marion County Planning Division had no objections to the proposal.

Marion County Public Works had comments regarding the traffic impacts from the proposed development and will be requiring improvements to Shaff Road.

North Santiam School District had no objections but stated concern regarding safety and security of the school campus with adjacent developments.

## B. PUBLIC COMMENTS

Prior to the public hearing, the Planning Department received three written comments from the public on this application. These comments have been made part of the record.

## C. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.460 ANNEXATIONS.

## D. REVIEW CRITERIA

Pursuant to SMC 17.12.460.5 the following criteria must be demonstrated as being satisfied by the application:

- a. *Need exists in the community for the land proposed to be annexed.*

Finding: The adopted 2005 Stayton Buildable Lands Inventory provides the following information on projected growth and need for the community. There were 78.6 vacant acres of LD land inside the City limits in 2004. Between 2003 and 2004, 44 acres were developed for LD single-family homes. The projected population for the City in 2020 (at a rate of 2.4%) is 10,700 people total. To meet this need, 610 single family homes on LD lots will be needed. To meet that need, the City needs an additional 48.2 acres of LD land to be annexed in addition to the 79 vacant acres of LD land.

- 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: The Public Works Department has reviewed the submitted plans for annexation and determined that the site is capable of being adequately serviced.

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

Finding: The property is contiguous to the City limits along the east, south, and western property lines.

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

Finding: The properties to the west are single-family homes located in the Quail Run subdivision on lots averaging 8,000 square feet and the property to the east is the middle school. There are duplexes in a Medium Density zone to the south. The proposed use of the property is for a single family home subdivision with an average lot size of 8,000 square feet with a few larger lots included.

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

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance. The procedures of ORS 222 and Title 17. 12.460 have been followed.

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: The Public Works Department has reviewed the submitted plans for annexation and determined that the site is capable of being adequately serviced.

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

Finding: The property is contiguous to the City limits along the east, south, and western property lines.

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

Finding: The properties to the west are single family homes located in the Quail Run subdivision on lots averaging 8,000 square feet and the property to the east is the middle school. There are duplexes in a Medium Density zone to the south. The proposed use of the property is for a single family home subdivision with an average lot size of 8,000 square feet with a few larger lots included.

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

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action.

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


Finding: The proposed annexation is not a contract annexation.

#### IV. CONCLUSION

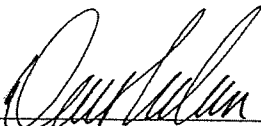
The proposal is a permitted and compatible use at this location and is compliant with all applicable review criteria.

#### V. ORDER

It is hereby found that application meets the requirements established in SMC 17.12.450.5 and the Planning Commission recommends approval to the City Council.

  
\_\_\_\_\_  
Vice-Chairperson, John Brandt

Aug 22, 2006  
Date

  
\_\_\_\_\_  
City Planner, Dan Fleishman

Aug 23, 2006  
Date



**EXHIBIT "D"**  
(Lambert Estates)

A tract of land located in the Southeast Quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, City of Stayton, Marion County, Oregon, described in Reel 2422, Page 280, Marion County, Oregon Deed Records, and more particularly described as follows:

Commencing at the Southeast corner of said Section 4, thence South  $89^{\circ}45'00''$  West, along said section line, a distance of 225.37 feet, to a point; thence North  $00^{\circ}17'45''$  West, leaving said section line, a distance of 40.00 feet, to the True Point of Beginning, said point is coincident with the Southeast corner of said Reel 2422, Page 280, and said point is also on the North Right-of-way line of Shaff Road (M.R. 85), thence South  $89^{\circ}45'00''$  West, along said Right-of-way line, and parallel with said section line, a distance of 665.47 feet, to the Southwest corner of said deed, coincident with the easterly Right-of-way of Kindle Way SE; thence North  $00^{\circ}19'46''$  West, along the Right-of-way of Kindle Way SE, a distance of 1761.12 feet, to the Northwest corner of said deed; thence North  $89^{\circ}45'18''$  East, along the north line of said deed, a distance of 666.50 feet, to the Northeast corner of said deed; thence South  $00^{\circ}17'45''$  East, along the east line of said deed, a distance of 1761.06 feet, to the point of beginning.

Containing 26.93 Acres more or less.



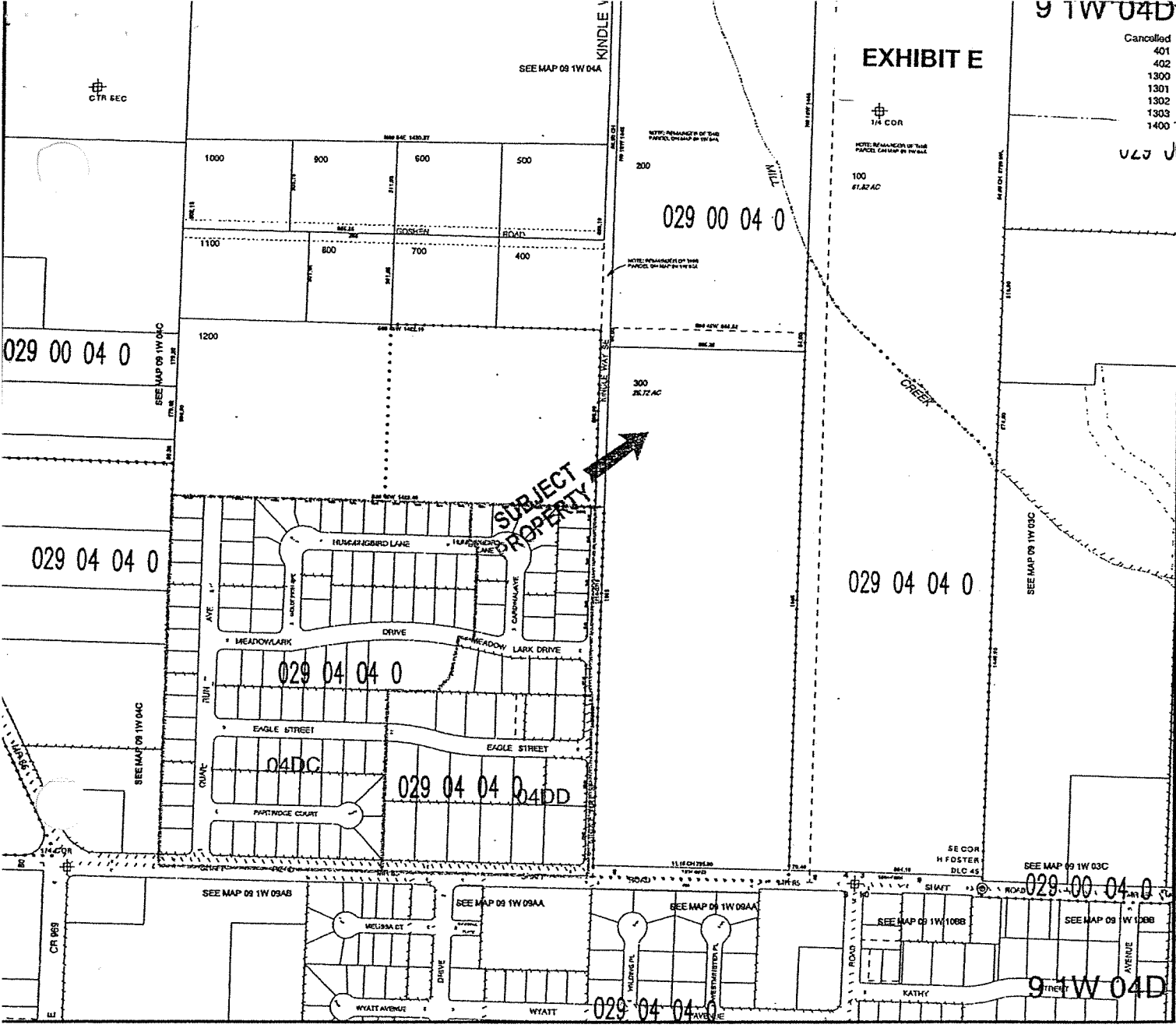


9 1W 04D

EXHIBIT E

Cancelled  
401  
402  
1300  
1301  
1302  
1303  
1400

VZJ J



SUBJECT PROPERTY

029 00 04 0

029 00 04 0

029 04 04 0

029 04 04 0

04DC

029 04 04 0 04DD

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029 04 04 0





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

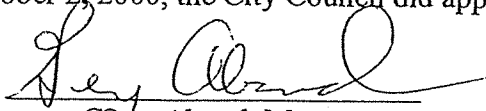
Finding: The proposed annexation is not a contract annexation.

#### IV. CONCLUSION

The proposal complies with all applicable review criteria.

#### V. ORDER

It is hereby found that application meets the requirements established in SMC 17.12.450.5 and on October 2, 2006, the City Council did approve the annexation.



Gerry Aboud, Mayor

October 3, 2006

Date



Chris Childs, City Administrator

10/3/2006

Date

