

ORDINANCE NO. 779

AMENDING STAYTON MUNICIPAL CODE 17.12.480 "HISTORIC PRESERVATION PROCEDURE"; 17.12.490 "MOBILE HOME PARKS"; 17.20.910 "OCCUPANCY OF MOBILE HOMES", "TRAVEL TRAILERS", AND "RECREATIONAL VEHICLES"; 17.20.930 "MOBILE HOME PARK OPERATIONAL STANDARDS"; 17.24.1040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS; 17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS; 17.24.1060 APPLICATION AND APPROVAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; 17.24.1070 PLANNED UNIT DEVELOPMENT DESIGN STANDARDS.

WHEREAS, the Stayton Planning Commission conducted a public hearing, and considered SMC 17.12.310 thru 17.12.500, and adopted recommendations for review and action by the Stayton City Council; and

WHEREAS, The Stayton City Council conducted a public hearing on September 9, 1997 at which the Stayton Planning Commission's recommendations, material in the record, and public testimony were received and considered; thus adopting Ordinance No. 767.

WHEREAS, the Stayton City Council desires clarity and definition for manufactured homes and decision authority thus amending SMC 17.20 and 17.24.

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

SECTION 1.: AUTHORITY

This ordinance is adopted under the authority of and pursuant to Oregon laws and the authority of the city under the charter of the City of Stayton.

SECTION 2.: INCORPORATION TO EXISTING ORDINANCES

This ordinance shall be incorporated into the City of Stayton Land Use and Development Code Adopted by the Stayton City Council 12 December 1989 by Stayton City Ordinance No. 670.

SECTION 3.: GENERAL PROVISIONS

City of Stayton Land Use and Development Code shall be revised as follows:

Adopted by the Stayton City Council this 2 day of February, 1998.

Date: 2-3-98

By: 
DAPHNE GIROD, Mayor

Date: 2-5-98

Attest: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: FEB 12 1998


DAVID A. RHOTEN, City Attorney

6. PERMITS: An historic modification permit is required for alteration, demolition, or relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the historic modification permit.
- a. Definition: Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.
7. REVIEW PROCEDURE: A decision shall be made pursuant to the procedures of this chapter
8. DECISION CRITERIA: Decisions on applications for modification of an historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards:
- a. Alteration:
- 1) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - 3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - 4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
 - 5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- 6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - 7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - 8) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be repaired.
 - 9) If an historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shorelands.
- b. Demolition: Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:
- 1) The state of repair of the building and reasonableness of the cost of repair.
 - 2) Whether a program or project may exist that could result in preservation of the structure.
 - 3) Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
 - 4) Effects on the public welfare if the structure were demolished considering the significance of the structure and the economic, cultural, and energy consequences of demolition.
 - 5) Whether any other reasonable alternative exists.
- c. Relocation: Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
- 1) Effects of the relocation on the historic and architectural integrity of the structure.
 - 2) Compatibility with the designated historic resource of the surrounding of the proposed location.

- 3) Other factors considered appropriate by the decision authority.
10. **LAND USE ACTION IMPACTS ON HISTORIC RESOURCES:** Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances, and zone changes. Review and decision on such applications shall be based on:
 - a. The state of repair of the building.
 - b. The reasonableness of the cost of restoration and repair.
 - c. The purpose of preserving such designated historical buildings or sites.
 - d. The character of the neighborhood.
 - e. Other factors considered appropriate by the decision authority .
 11. **EXEMPTION TO DEMOLITION PERMIT REQUIREMENTS:** If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster, a demolition permit may be approved by staff without processing the request as set forth in this chapter (Ord. 707, July 1992)

17.12.490 **MANUFACTURED HOME PARKS**

1. **PURPOSE:** The regulations contained herein are intended to provide a suitable living environment for the residents of manufactured home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a manufactured home park must conform before approval.
2. **METHOD OF ADOPTION:** Manufactured home parks shall be adopted pursuant to the requirements of Sections 17.12.370 through 17.12.390. The decision shall be made in accordance with the requirements of this title.
3. **APPLICATION ON SUBMITTAL REQUIREMENTS**
 - a. All applications submitted for approval of a manufactured home park development shall consist of one reproducible master and two copies of a preliminary development plan. Such plan shall be submitted thirty

(30) days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information.

- 1) Name of the person who prepared the plan.
- 2) Name(s) of person owning and/or controlling the land proposed for the park.
- 3) Name of the manufactured home park and address.
- 4) Scale and north point of the plan.
- 5) Boundaries and dimensions of the manufactured home park.
- 6) Facility map showing relationship of manufactured home park to adjacent properties and surrounding zoning.
- 7) Location and dimensions of each manufactured home site with each site designated by number, letter, or name.
- 8) Location and dimensions of each existing or proposed building.
- 9) Location and width of park streets and pedestrian ways.
- 10) Location of each lighting fixture for lighting the park.
- 11) Location of recreational areas and buildings and common area.
- 12) Location and type of landscaping, fences, walls, or combination of any of these or other screening material.
- 13) Extent, location, arrangement, and improvements of all off-street parking and loading facilities.
- 14) Location of available fire hydrants.
- 15) Enlarged plot plan of a typical manufactured home space showing location of stand, storage space, parking and sidewalk, utility connections, and landscaping.
- 16) The plan shall indicate positions of the manufactured homes on

their stands so that the decision maker may determine entrances, setbacks, etc.

- 17) The plan shall show the topography of the park site with contour intervals of not more than two feet.
- 18) The plan shall indicate the locations of proposed sewerage, water, drainage, and storm sewer systems and all private utilities, including the location and dimensions of all proposed easements.
- 20) Adjacent property owners list.
- 21) Letter or statement from property owner(s) authorizing submittal of the application and development plan.

b. At the time of application the applicant shall submit, in addition to the above and as part of the development plan, one reproducible and two copies of the following supplemental materials:

- 1) A survey plat of the property.
- 2) Schematic design drawings of all new structures.
- 3) A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.
- 4) A sewerage system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Department of Environmental Quality.
- 5) A drainage system plan showing all drainage system improvements on site including stormwater runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.
- 6) Method of garbage disposal.
- 7) Park rules and regulations that will be recorded as deed covenants on the property.

4. APPROVAL CRITERIA: In order to approve a manufactured home park request, the following affirmative findings concerning the action must be able to be made by the decision

maker.

- a. The proposed park is allowable within, and is compatible with the purposes and standards of, the zoning district in which it is proposed.
 - b. The proposed park satisfies all standards and criteria for park manufactured home park development and operation as specified in this code.
5. DESIGN STANDARDS: The following standards and requirements shall govern the application of a manufactured home park development in an area which it is allowed. The City may require that specific standards be included within covenants and restrictions to be recorded on the land.
- a. A manufactured home park shall not be less than five (5) acres in area.
 - b. Lots or spaces within the park shall contain a minimum of 3,500 square feet with a width of no less than thirty (30) feet.
 - c. Only one (1) manufactured home dwelling shall be permitted on a lot or space.
 - d. Manufactured homes within a park shall be Class A, B, C or D manufactured/mobile units as defined in chapter 17.20 of this title. A Class D unit must bear a state insignia of compliance with standards in effect at the time of its manufacturing.
 - e. No building, structure, or land within the boundaries of a manufactured home shall be used for any purpose except for the uses permitted as follows:
 - 1) Manufactured homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
 - 2) Private and public utilities and services as permitted by city approval.
 - 3) Community recreation facilities, including swimming pool, for the residents of the park and guests only.
 - 4) One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
 - f. All manufactured homes shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least ten (10) feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the decision maker may allow ten (10) feet setback to be reduced to five (5) feet, but not the twenty foot setback or the 100 foot setback.
 - g. Manufactured homes shall not be located closer than fifteen (15) feet from any other manufactured home or permanent building within the manufactured home park nor

closer than ten (10) feet to any park or private roadway. Manufactured home accessory buildings, when not attached to the manufactured home, shall not be closer than three (3) feet from any manufactured home or structure.

- h. Ramadas, cabanas, awnings, carports, and other attached structures shall be considered part of the manufactured home for setback purposes.
- i. All manufactured homes not having a concrete perimeter foundation shall be provided with a foundation stand which shall be improved to provide adequate support for the placement of the manufactured home. The stand shall be all-weather surfaced with asphalt, concrete, or crushed rock and must be at least as large as the manufactured home placed upon it. The stand shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.
- j. All manufactured homes shall be required to provide foundation, minimum exterior finishing, and construction of accessories in compliance with the manufactured/mobile home classification standards of chapter 17.20 of this code. All awnings, carports, cabanas, etc., constructed shall be of material, size, and color and pattern so as to be compatible with the manufactured home and shall comply with applicable codes.
- k. A manufactured home park shall have a minimum forty (40) foot wide property line frontage to either a collector or arterial street.
- l. The manufactured home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required for parks over five (5) acres in size to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed to the manager's office or residence. Controlled ingress and egress may be installed subject to decision maker approval of design.
- m. Two (2) off street parking spaces shall be provided at each manufactured home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than one (1) parking space per ten (10) units. All off street parking spaces are to be all-weather surfaces.
- n. Adequate street lighting shall be provided within the park in accordance with a plan approved by the decision maker.
- o. All utilities shall be installed underground unless otherwise approved by the decision maker.
- p. Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the decision maker. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least six (6) feet high.
- q. Fences or windbreaks exceeding forty-two (42) inches high shall be no closer than three (3) feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six (6) feet.

- r. Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it eight (8) feet high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.
- s. There shall be landscaping within the front and side areas of each manufactured home lot setback and in all open areas of the manufactured home not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the decision maker. The maintenance of the open spaces shall be necessary to continue renewals of the park license.
- t. In the manufactured home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis in accordance with city garbage franchise regulations.
- u. If storage yards for recreational vehicles, boats, or trailers is provided, it should be provided at the rate of up to 100 square feet per manufactured home space depending on the clientele served. An eight (8) foot high sight obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries.
- v. Signs identifying the manufactured home park shall be placed at the entry of the park and shall conform with the requirements of the zoning ordinance for the particular zone in which the manufactured home park is located.
- w. Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least three (3) feet wide and be composed of concrete or asphaltic concrete at least three (3) inches thick.
- x. Although it will not be necessary for vehicular ways to be improved and maintained to city standards, all vehicular ways shall be based, graded, and paved with asphalt or concrete and shall be continuously maintained by the owner.
- y. Minimum park street improvement width for unobstructed streets shall be:

	Minor Street	Collectors	Arterials
One Way:	14'	20'	28'
Two Way:	20'	28'	36'

- 6. **RIGHT MUST BE EXERCISED:** Manufactured home park approvals granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that approval, unless a longer period is specified or

thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time filed with the city administrator at least thirty (30) days prior to the expiration date of the approval shall extend the duration of the one year period until the decision authority has taken action on the request.

7. BASIC PROVISIONS AND OPERATIONAL REGULATIONS FOR MANUFACTURED HOME Manufactured home parks shall be operated and maintained in the manner set forth in manufactured home park operational standards in chapter 17.20. of this code.

17.20.910 OCCUPANCY OF MANUFACTURED HOMES ~~MOBILE HOMES~~, TRAVEL TRAILERS, AND RECREATIONAL VEHICLES

1. A manufactured home shall not be occupied, used for sleeping or living purposes, or otherwise used as a dwelling unless the manufactured home is located in a regularly licensed manufactured home park or manufactured home subdivision.
2. Permanent occupancy of a travel trailer, motor home, or recreational vehicle shall not be allowed on any property within the city. Temporary occupancy may be allowed for a period not in excess of fourteen (14) days in a sixty (60) day period, provided the unit is parked on private property. Parking of recreational vehicles shall comply with chapter 8.12 of the Stayton Municipal Code.

17.20.930 MANUFACTURED HOME PARK OPERATIONAL STANDARDS

1. ALTERATIONS AND ADDITIONS. The owner and/or management shall be held responsible for all alterations and additions to a manufactured home, and shall make certain that all permits and inspections are obtained from the proper authorities.
2. ELECTRICAL CONNECTIONS. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.
3. FIRE EXTINGUISHERS. Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.

4. FIRE HAZARDS. The owner of the park shall be responsible to maintain the park free of any brush, leaves, and weeds which might communicate fires between manufactured homes and other buildings in the park. The owner shall also be responsible to insure that no combustible materials are stowed in, around, or under any manufactured home occupying a manufactured home space.
5. FIRE HYDRANTS. Approved fire hydrants shall be installed so that all manufactured homes, recreational vehicles, and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
6. INSIGNIA OF COMPLIANCE. All manufactured homes installed in manufactured home parks developed after the effective date of this ordinance shall have affixed to the manufactured home a State of Oregon insignia of compliance or an HUD insignia of compliance.
7. INSPECTIONS. The building inspector or other designated city official may check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If not in compliance, the owner must make repairs as are required or will be considered to be in violation of this code and subject to enforcement action as provided herein. An extension of no more than one (1) year to make repairs may be made by the decision maker, if it can be shown that risk to public health, safety, or welfare will not be created by this extension.
8. MAIL BOXES. The owner or operator of a manufactured home park shall provide individual mail boxes or distribution facilities for incoming mail, and at least one (1) collection box for outgoing mail which shall be dispatched in coordination with the post office.
9. MANAGEMENT RESPONSIBILITIES. Either the owner, an operator, or resident manager or similar supervisor or representative of the owner shall be available and responsible for direct management of the manufactured home park while it is in use.
10. REFUSE BURNING. Burning of refuse will not be permitted except in an approved device at a designated site as directed by the Stayton Fire Department.
11. REFUSE AND DEBRIS CONTROL. All manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests. All units shall have an adequate garbage container as determined by the Marion County Health Officer.

12. STORAGE OF MATERIALS. Storage of decomposing combustible or other unhealthy or unsafe materials inside or beneath any manufactured home is not permitted, but may be allowed in an outside accessory building if such installation is approved.
13. TELEPHONE. At least one (1) public telephone for the use of the park residents shall be provided and available for use at all times.
14. WATER, AND SEWER CONNECTIONS. All manufactured homes, service buildings, etc., shall be connected to an approved water and sewer system in a manner that provides these services to the same degree as other residents of the city.
15. OWNERSHIP AND MAINTENANCE OF WATER, SEWER AND STORM DRAINAGE FACILITIES. All water and sewer lines within the manufactured home park shall be privately owned, unless the city requests that the lines and public utility easements be granted to the city. Unless the city requires that they be made public, all sewer, water, and storm sewer lines and drainage ways shall be continuously maintained to city standards at the sole obligation and expense of the park owners.
16. UTILITY EASEMENTS. The park owner shall provide ten (10) foot utility easements along sewer, water, and storm sewer lines for the purpose of City inspection.
17. PROHIBITED OCCUPANCY OF RECREATIONAL VEHICLES. No owner or person in charge of a mobile home park shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owners' property in duly designated storage areas.
18. PARK ADMINISTRATION
 - a. It shall be the responsibility of the park owner(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
 - b. Manufactured home park spaces shall be rented or leased only.

17.24.1040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS

1. APPLICATION FOR APPROVAL OF PRELIMINARY PLANS
 - a. For any proposed subdivision or partition of land, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the city planner, following the general application procedural requirements of chapter 17.12. of this title.
 - b. The city planner shall forward the preliminary plan or map to the decision maker

with copies thereof to the public works director, the city engineer, all affected city, county, state, and federal agencies, and all affected special districts which may attend the decision maker hearing at which the plan is considered.

- c. Preliminary subdivision plans shall include the data set forth in subsections 2. and 3. of this section. Preliminary partition plans shall include the data set forth in subsection 2. of this section.
2. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN INFORMATION REQUIREMENTS. Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:
- a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
 - b. North point, scale, and date of the preliminary plan.
 - c. Names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
 - d. Map number (township, range, and section) and tax lot number or account of the tract being divided.
 - e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet.
 - f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
 - g. The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto.
 - h. Approximate location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
 - i. Proposed plan, if any, for draining surface water from the development.
 - j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys.

- k. Easements, together with their dimensions, purpose, and restrictions on use.
 - l. Proposed means and location of sewage disposal and water supply systems.
 - m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
 - n. Predominant natural features, such as water courses and direction of their flow, marshes, rock outcroppings, and areas subject to flooding, sliding, or other natural hazards.
 - o. Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
 - p. The partition or subdivision plan shall conform with applicable provisions of the design standards within Section 17.24.1050 of this title.
 - q. For parcels of a size to permit subsequent division within the applicable zoning district, an overall development plan.
3. ADDITIONAL INFORMATION REQUIREMENTS FOR SUBDIVISION PLANS. Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited in subsection 2. of this section.
- a. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.
 - b. The location, size and use of all contemplated and existing public areas within the proposed subdivision and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the commission shall be dedicated for such use and indicated on the final plat.
 - c. Topography within and adjacent to the proposed subdivision. If a topographic map or elevations at designated points are required, the base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two (2) feet for slopes of less than 10 percent and no greater than five (5) feet for slopes of more than 10 percent.
 - d. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water, and utility services.
 - e. The location, width, name, and grade and radii of street curves, and the relation-

ship of streets to any existing or proposed streets as shown on the City Comprehensive Plan.

- f. The location and dimensions of lots and the proposed lot and block numbers.
 - g. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
 - h. The relationship of the proposed land division to future streets controlled by the applicant.
 - i. A plan showing soils information and major cuts and/or fills associated with subdivision development.
 - j. Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage, and flood control with profiles of proposed drainage ways and pipe lines.
 - k. Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
 - l. A statement indicating the timing of installation of all proposed improvements.
- m. The plan or map shall otherwise conform to the requirements of ORS 92.090 as amended.
- n. Such additional information as the decision authority deems necessary. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant.
4. REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 17.12.370 through 17.12.390 of this title except where modifications to that procedure are indicated below.
- a. "Preliminary Plan" shall be construed as an application and shall be processed as such.
 - b. Any preliminary approval of the plan by the decision authority shall also be subject to review by the public works director and the city engineer. Reports from the city engineer and city public works director, and responses if any from local and state agencies as noted in 1. of this section, shall be made a part of the city planner's report.
 - c. The action of the decision authority shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the city planner.

- d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
5. PRELIMINARY PLAN APPROVAL CRITERIA: In order to be approved by the decision authority, the proposed preliminary subdivision or partition shall satisfy the following criteria and standards:
- a. It is generally compatible with the surrounding area.
 - b. Adequate urban services are available to the property.
 - c. The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.
 - d. Design standards of Section 17.24.1050 below are satisfied.
 - e. Compliance exists with the provisions of the city plan and the zoning district(s) in which the action is proposed.
 - f. Special-purpose standards where applicable, including flood hazard area regulations and riparian setbacks pursuant to chapter 17.16. of this title, are satisfied.
 - g. No wetlands as identified in the city comprehensive plan are included in the development.
 - h. Compliance exists with the provisions of ORS 92.090 as amended.
8. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS
- a. Procedure. The application for final approval shall be filed with the city planner within one year of the date of approval of the preliminary plan. Approval of final partition plans shall be routine administrative actions.
 - b. Approval Criteria. Final approval of a partition or subdivision plat may take place if the following criteria are found to be satisfied:
 - 1) The final map or plat and any supporting documents are in substantial conformity with the approved preliminary plan; and
 - 2) Any conditions imposed by the decision authority have been satisfied.
 - c. Approval. Final partition and subdivision plats shall be considered finally approved when the administrator's signature and dates thereof have been written on the face of the maps or plats and, where applicable, the maps or plats have been recorded.
 - d. Notice. Approval or denial of final partition or subdivision plats shall be in writing

to the applicant and/or the applicant's representative.

9. PARTIAL PLATTING. If desired by the applicant, the final plat may contain only a portion of the approved preliminary plan, and if such portion is filed and recorded within one year of the date of approval, the approval of the preliminary plan shall remain effective for a period of five (5) years unless extended by the decision authority. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void.
10. COPIES OF RECORDED PLATS TO BE FURNISHED. The final plat shall be recorded pursuant to ORS 92.120. Within fifteen (15) days after the recording of a plat with Marion County, the applicant or his representative shall furnish the city three (3) prints from the reproduction of the recorded plat.
11. EXCEPTIONS TO SUBDIVISION REGULATIONS. The decision authority may authorize a variance of any requirements set forth in these regulations pursuant to the criteria and procedures set forth in chapter 17.12. of this title.

17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

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

1. STREETS AND HIGHWAYS

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

2. DEDICATION OF A RIGHT-OF-WAY

- a. If a parcel of land to be divided includes any portion of a right-of-way, street, road, or highway, the subdivider shall dedicate such right-of-way for the purpose or use proposed.
- b. Except as provided in subsection 7. of this section, where such dedication is greater than 60 feet in width, the city shall reimburse the owner for that portion of

the right-of-way in excess of 60 feet. Payment, therefore, shall be based on the true cash value of the excess acreage as computed by the Marion County Assessor for the tax year prior to filing the subdivision plat.

3. **DEAD-END STREETS AND CUL-DE-SACS.** When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets should be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, cul-de-sacs shall not exceed 450 feet in length.
4. **RADIUS AT STREET INTERSECTIONS**
 - a. The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals radius in feet. The distance shall be increased to the next full foot above the figure established by such formula.
 - b. The minimum angle of any intersection shall be 40 degrees.
5. **STREET GRADES.** No street grade shall be in excess of 8 percent unless the decision authority finds that because of the size and shape of the property or topographic conditions a steeper grade is necessary.
6. **RESERVE BLOCK**
 - a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the city for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority or such other commission as may have jurisdiction.
 - b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.
7. **STREET WIDTHS**
 - a. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.
 - b. The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties:

	RIGHT-OF-WAY WIDTH	CURB-TO-CURB WIDTH
Major streets/arterials	100 feet	40 feet
Minor streets	60 feet	34 feet

Collector streets	80 feet	40 feet
Cul-de-sac (200 to 400 feet)	50 feet	30 feet
Less than 200 feet	50 feet	30 feet
Turn-arounds	45 feet radius	38 feet radius

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

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

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

- a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the specifications and standards prescribed by the city. All utilities and public agencies shall be made aware of the street construction so that every chance is provided to install conduit where the actual placement of lines is not practical and to advise them of penalties for street excavation during the first five years after construction.
- b. Subdivision plats and final partition plans involving public improvements shall not have final approval until such time as the city in its judgment is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section:
 - 1) Clearing and grading to full right-of-way limits.
 - 2) Storm drainage facilities both within and outside of right-of-way limits.
 - 3) Base and pavement materials for roadways in place and compacted.
 - 4) Concrete curbs and concrete sidewalks, the location and width

hereof shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.

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

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

9. SUBDIVISION BLOCKS

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

10. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install midblock pedestrian walks on a right-of-way at least six (6) feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

11. LOT SIZE, LOT LINES

- a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed. In districts having no minimums, the commission shall assign a minimum based on its consideration of the preliminary plan and the appropriate minimum lot size(s) necessary to satisfy the requirements of the code.

- b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
 - c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
 - d. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.
 - e. Side lot lines shall be as close to right angles to the front street as practicable.
 - f. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.
 - g. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.
12. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.
13. SEWAGE DISPOSAL
- a. All extensions of the existing city sewage facilities including manholes, mains, laterals, and risers shall be in accordance with the specifications and standards prescribed elsewhere in this code. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the public works director.
 - b. Subdivision plans shall not have final approval until such time as the decision authority in their judgment is satisfied that the following sewage disposal facilities will be completed in accordance with the additional specifications and standards set forth as follows:
 - 1) The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.
 - 2) If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing city sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all

lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the city may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.

- 3) In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines.

14. PUBLIC USE AREAS

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

15. WATER SUPPLY

- a. All lots shall be served from the established public water system of the city or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.
- b. The subdivider shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall be done to city specifications and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the public works director.

- c. In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.

16. UNDERGROUND UTILITIES

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

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

- a. Street trees shall be selected from the following list of preferred trees or of a species approved by the director of public works:
 - 1) Red maple (Varieties: Armstrong, Bowhall, Karpic, Scarlet Sentinal).
 - 2) Norway maple (Varieties: Columnar, Crimson Sentry, Cleveland, Omstead).
 - 3) Japanese Selkova

- 4) Flowering pear (Varieties: Aristocrat, Capital, Autumn Blaze, Cleveland Select, Redspire).
 - 5) Red Oak
 - 6) Skyrocket Oak
 - 7) A selection of the listed varieties.
- b. All trees shall have at least a 1½ inch caliper trunk and shall be planted in accordance with city specifications.
 - c. Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.
 - d. The placement of street trees may be waived if the public works director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities (Ord. 741, §4, May 1995).

17.24.1060 APPLICATION AND APPROVAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

1. APPLICATION FOR APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN
 - a. For any proposed planned unit development, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the city planner, following the general application procedural requirements of chapter 17.12. of this title.
 - b. The city planner shall forward the preliminary plan or map to the decision authority with copies thereof to the public works director, the city engineer, all affected city, county, state, and federal agencies and all affected special districts.
 - c. Preliminary planned unit development plan submittals shall include the data set forth in subsection 2. of this section.
2. PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN INFORMATION REQUIREMENTS. Preliminary plans, in the form of maps and written materials, shall show and/or contain all required information cited below. Maps shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed. Written narrative or other written information shall be presented in a clear and understandable manner.
 - a. Map Contents. The maps which are part of the submittal shall be of a size of 18 inches by 27 inches, shall be reproducible, and shall contain the following information:
 - 1) North point, scale, and date of the preliminary plan.
 - 2) Names and addresses of the landowners, applicant, and the

engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.

- 3) Map number (township, range, and section) and tax lot number(s) or account(s) of the tract being divided.
- 4) The boundary lines of the tract to be divided and approximate acreage of the property in acres or square feet.
- 5) The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
- 6) The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto.
- 7) The location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
- 8) Proposed plan, if any, for draining surface water from the development.
- 9) The proposed street pattern or layout showing the name and widths of the proposed streets and alleys.
- 10) Easements, together with their dimensions, purpose, and restrictions on use.
- 11) Proposed means and location of sewage disposal and water supply systems.
- 12) Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels to be used for other than residential purposes shall be identified with letters.
- 13) Predominant natural features, such as water courses and their flow, marshes, rock outcroppings, and areas subject to flooding, sliding, or other natural hazards.
- 14) Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
- 15) The location, size, and use of all contemplated and existing public areas within the proposed planned unit development and a description of the adaptability of the area for uses contemplated.

Areas for public use approved by the city shall be dedicated for such use and indicated on the final plat.

- 16) Topography within and adjacent to the proposed planned unit development. If a topographic map or elevations at designated points are required, the base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two (2) feet for slopes of less than 10 percent and no greater than five (5) feet for slopes of more than 10 percent.
- 17) A vicinity map clearly showing the relationship of the proposed planned unit development to surrounding developments, streets, storm drainage, sewer, water, and utility services.
- 18) The location, width, name, and grade and radii of street curves, and the relationship of streets to any existing or proposed streets as shown on the City Comprehensive Plan.
- 19) The location and dimensions of lots and the proposed lot and block numbers.
- 20) An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
- 21) The relationship of the proposed planned unit development to future streets controlled by the applicant.
- 22) A plan showing soils information and major cuts and/or fills associated with the development.
- 23) Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage, and flood control with profiles of proposed drainage ways and pipe lines.
- 24) Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
- 25) A statement indicating the timing of installation of all proposed improvements.
- 26) The location of all pedestrian thoroughfares and walks, their widths, and the nature of the improvement and whether they are to be public or private.
- 27) The location, layout, and the surfacing of all off-street parking areas.

- 28) A landscaping and tree planting plan pursuant to the requirements of chapter 17.20 of this title.
- 29) Common open areas as defined herein, spaces, and facilities, and the particular uses which are intended for them.
- 30) Unless otherwise identified above, those areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic ways, playgrounds, schools, public buildings, and similar public and semi-public uses and whether such areas are to be public or private.
- 31) A plan showing the following for each existing or proposed building or structure:
 - a) Its location on the lot and/or within the planned unit development;
 - b) The intended use;
 - c) The number of dwelling units in each residential building;
 - d) Elevation drawings of all typical proposed structures except single-family detached residences. The drawings shall be accurate and to scale but need not be the final working drawings.
- 32) The location of all buildings on abutting properties.
- 33) The location of comprehensive plan-inventoried significant wetland sites and/or steep slope areas.
 - b. For planned unit developments proposed on sites identified in the city comprehensive plan as steep slope areas, a geotechnical study of the site's characteristics and capability to support development, such study to be prepared by a qualified professional such as a licensed geologist or engineer.
 - c. A statement from the director of public works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
 - d. A development time schedule indicating:
 - 1) The approximate date when construction of the project can be expected to begin.
 - 2) The phases in which the project will be built, areas affected, and the approximate date when construction of each stage will begin and be completed.
 - 3) The area and location of open space that will be provided at each phase.
 - 4) However, if no specific phasing plan has been determined at the

time of the application, the applicant may submit a written statement explaining why the phasing plan is not complete and when a schedule will be made available, determining the phasing detail as required above.

3. REVIEW AND APPROVAL PROCEDURES: PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary planned unit development plan pursuant to the procedures in Sections 17.12.370 through 17.12.390 of this title, except where modifications to that procedure are indicated below.
 - a. Prior to a public hearing on the preliminary plan, an optional commission work session may be scheduled to examine the details of the plan. The work session shall be open to the public; it shall be confined to the presentation of factual information only and shall not involve discussions of the merits of the proposal. A work session shall be held at the discretion of the commission and may be requested by the applicant.
 - b. "Preliminary Planned Unit Development Plan" shall be construed as an application and shall be processed as such. Public hearing(s) may be scheduled and held on preliminary plan requests in the same manner as an application processed according to the requirements of chapter 17.12. of this title.
 - c. Any preliminary approval of the plan by the decision authority shall also be subject to review by the public works director and the city engineer. Reports from the city engineer and city public works director and responses, if any, from local and state agencies as noted in Section 17.24.1060.1 of this chapter, shall be made a part of the city planner's report
 - d. The action of the decision authority shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the city planner.
 - e. Approval of a preliminary planned unit development plan subject to this section shall be valid for a period of one year from the date of approval.
4. PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL CRITERIA. The decision authority may approve the preliminary plan, or approve with conditions if appropriate, if it is found to satisfy the following criteria.
 - a. The applicant's submittal is adequate and complete as required by subsection 2. of this section.
 - b. Definitions and purposes of the planned unit development concept as expressed in this title are satisfied.
 - c. The planned unit development generally complies with applicable provisions of the city comprehensive plan, including the city's urban

growth program and policies.

- d. The planned unit development is compatible with surrounding lands, existing and projected public facilities and services, overall growth pattern of the city, and existing development in the area.
 - e. Assurance exists that the planned unit development will be implemented as represented by the applicant.
 - f. The planned unit development conforms with all applicable purposes, criteria, standards of this title, including design standards for planned unit developments as specified in Section 17.24.1070 of this chapter.
 - g. The planned unit development is an effective and unified treatment of the development possibilities of the project site while making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.
 - h. The planned unit development will generate no greater demand on public facilities and services than other authorized uses for the land.
 - i. The applicant files a performance bond pursuant to the procedures of chapter 17.20. of this title sufficient to assure completion of public improvements within the planned unit development.
 - j. The planned unit development complies with special-purpose standards, where applicable, including flood hazard area regulations pursuant to chapter 17.16. of this title.
 - k. The planned unit development will not intrude upon nor adversely impact wetland areas identified as significant wetland resources within the city comprehensive plan, or that all identified adverse impacts can be mitigated through design features of the planned unit development.
 - l. For planned unit developments on steep slope areas identified in the city comprehensive plan as requiring special geotechnical analysis, a finding that the design of the planned unit development, as implemented, will not threaten public safety through accentuating the risk of slope-related hazards or will itself not be adversely impacted by the presence of the slope hazard.
5. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PLANNED UNIT DEVELOPMENT PLANS
- a. Filing Procedure. The application for final approval shall be filed with the city planner within one year of the date of approval of the preliminary plan.
 - b. Approval Criteria. Final approval of a planned unit development may take place if the following criteria are found to be satisfied:
 - 1) The final plan and any supporting documents are in substantial

conformity with the approved preliminary plan; and

- 2) All conditions imposed by the decision authority are satisfied.
- c. Phasing. If desired by the applicant and acceptable to the city, the final plan may contain only the first phase(s) of the approved preliminary plan. Subsequent phases must be filed for final approval in intervals of no more than twelve (12) months. If the planned unit development is subject to an approved phasing schedule, preliminary plan approval shall remain effective until that schedule is completed, or for a period of no greater than five (5) years unless authorized by the decision authority. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void.
- d. Approval. If, following all appropriate actions, the planned unit development is approved by the decision authority, an ordinance shall be adopted setting forth such approval and designating the planned unit development on the comprehensive plan map with any conditions which may be deemed to be necessary by the decision authority.
- e. Notice. Approval or denial of final planned unit development plans shall be in writing to the applicant and/or the applicant's representative.
- f. Final Plat. The final plat shall comply with all standards for a final subdivision plat as set forth in Section 17.24.1040 of this chapter. The final development plat shall be the plat to be recorded. If found to conform to the provisions of the approved final plan, the city administrator shall affix his signature and the date on the face of the plat. The plat shall be recorded pursuant to ORS 92.120. The plat shall be considered finally approved when the administrator's signature and dates thereof have been written on the face of the maps or plats and the maps or plats have been recorded.
- g. Amendments. If the city administrator finds evidence of a material deviation from the approved final development plan, the administrator shall not sign the final plat but shall advise to applicant that an amendment of the planned unit development is necessary.

6. GENERAL REQUIREMENTS

- a. Control of Development After Completion. The final development plan shall continue to control the planned unit development after it is completed. The use of the land and the construction, modification, or alteration of a building or structure within the planned unit development shall be governed by the final development plan. No change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - 1) Minor modifications of existing buildings or structures may be authorized by the city planner if they are consistent with the purposes and intent of the final plan and are not to increase the cubic footage of a building or structure or amendment to a completed planned unit development is to be considered as a

waiver to the covenants limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

- 2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the purpose and intent of the final development plan.
- b. Building Approvals. Following final approval of the planned unit development, the developer is required to make application to the building official and receive approval of plans for building construction and for all site development. The site development plans will include all private thoroughfares and driveways, sidewalks, walls, fences, screen planting, and other permanent installation. Each permanent installation shall be included in a permit issued by the building official.
- c. Amendments. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in city development policy as reflected by the comprehensive plan or this title. Approval of an amendment shall follow the same procedures of this title as are applied to initial approval of a planned unit development.
- d. Covenants. No modification or amendment to a completed planned unit development is to be considered as a waiver to the covenants limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any change permitted by this section are expressly reserved.
- e. Transferability. A planned unit development approval is not transferable except when such transfer is approved by the council as an amendment to the original approval. After the planned unit development is recorded, transfers of individual lots within the development are not subject to this restriction.
- f. Enforcement. Any planned unit development approval is subject to enforcement procedures specified in this title.
- g. Zone Changes. Zone changes for property within a planned unit development may be considered and heard concurrently with the application for a planned unit development. Requirements for the submittal and approval of a zone change shall be satisfied as provided in chapter 17.12. of this title.

17.24.1070 PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

The following standards shall be specific to planned unit development proposals only:

1. PLANNED UNIT DEVELOPMENT SITE STANDARDS

- a. Planned residential, commercial, or industrial developments may be established on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with the purpose and objectives of this title.
- b. A planned unit development site shall include not less than four (4) acres of contiguous land, unless the decision authority finds that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is in an isolated problem area.
- c. A planned unit development may be located in any zoning district.

2. DIMENSIONAL, BULK, AND STREET STANDARDS

- a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.
- b. Buildings sharing common walls are permitted within a planned unit development. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this title on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.
- c. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection to uses outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- d. The maximum building height shall in no event exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height.
- e. Streets may be dedicated to the public or remain in the ownership of the homeowners association. All streets shall conform to the City of Stayton's street construction standards except as noted in subsection g. of this section.
- f. Designated arterial or collector streets as identified on the Stayton Compre-

hensive Plan shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way.

- g. Private streets shall be designed and constructed to the following width standards:

STREET TYPE	<u>RIGHT-OF-WAY WIDTH</u>	<u>CURB-TO-CURB PAVEMENT</u>
Minor two-way (less than 200')	22'	18'
Minor one-way (less than 200')	16'	12'
Local	30'	24'

Parking need not be provided on-street; however when it is, seven (7) feet shall be added to the above for each side of the street on which parking will be allowed.

- h. Parking will be required in accordance with the provisions of chapter 17.20.; however, if no parking is to be allowed on-street, the overall parking requirements for the planned unit development will be increased 15 percent.
- i. Sidewalks will not be required adjacent to private streets; however, the overall plan for the planned unit development shall include an acceptable pedestrian circulation system.

3. RESIDENTIAL PROJECT DENSITY

- a. Within a residential planned unit development, the overall density on the development site shall not exceed the density of the zone in which it is located; however, after making proper findings, the decision authority may authorize the following increases in density in excess of the density otherwise allowed in the zone:
 - 1) For an approved plan of managing common open space, a maximum residential density increase of 10 percent is allowable if the space is to be continuously maintained and developed.
 - 2) For distinctiveness and excellence in siting, design, and landscaping that will provide unusual enhancement to the general area, an additional residential density increase of up to 25 percent may be allowed. Examples of distinctiveness and excellence include, but are not limited to, provision of dedication of public park space; provision of public bikeways and pedestrian ways

along a waterway; provision of constructed public parks and recreational facilities; preservation of wetland or open space areas; superior recreational amenities; utilization of natural attributes of the site; provision of a mixture and variety of housing units sharing common design themes; use of distinctive architectural styles and materials; attention to detail; and arrangements of housing units in a manner which clearly enhances overall livability of the development.

- b. If the decision authority finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions:
 - 1) Inconvenient or unsafe access to the planned unit development.
 - 2) Traffic congestion in the streets which adjoin the planned unit development.
 - 3) An excessive burden on sewerage, water supply, parks, recreational area, schools, or other public facilities which serve or are proposed to serve the planned unit development.

4. COMMON OPEN SPACE

- a. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:
 - 1) The location, shape, size, and character of the common open space is suitable for the planned unit development.
 - 2) The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected residential population or work force, topography, and the number and type of structures provided.
 - 3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space. Such improvements shall be made by the developer prior to final approval of the planned unit development, or must be assured pursuant to the provisions of Section 17.20.920

of this title.

- 4) The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the planned unit development.
 - 5) If buildings, structures, or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The staff shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
- b. Land shown on the final development plan as common open space shall be conveyed under one of the following options:
- 1) To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
 - 2) To an association of owners or tenants, created under the laws of the state, which shall adopt and impose bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the city as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. The association bylaws and covenants and restrictions shall be approved by the decision maker, with recommendations by the city attorney, such ability to reasonably provide for the continuing care of the common elements.
- c. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use; however, change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions, using liens or assessments to pay the cost to the city of enforcement.

5. PARK AND RECREATIONAL FACILITIES

- a. For residential developments in addition to common open space provided in subsection 4. of this section, an additional 5 percent of the gross acreage shall be provided for public park and recreation use. This area shall be dedicated to the city and shall be maintained and held by the city for public park and recreation use.
 - b. As an alternative thereto, in cases where such recreation area would not be effectively used because of size, location, or character of the development or where agreed upon by the decision authority, the developer shall pay to the city a fee earmarked for recreation use and development equal to 5 percent of the total assessed value of the land being developed, at the time of development, as computed by the county assessor for the coming calendar year under procedures set forth in ORS 92.095 as amended.
6. ALLOWABLE ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized by the zoning district, accessory uses approved as a part of a planned unit development may include the following uses:
- a. Golf course.
 - b. Private park, lake, or waterway.
 - c. Recreation area.
 - d. Recreation building, clubhouse, or social hall.
 - e. Other accessory structures or uses which the city determines is designed to serve primarily the occupants of the planned unit development, and is compatible with the design of the planned unit development. (Ord. 723 §10, May 1994)

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