



# AGENDA

## STAYTON CITY COUNCIL MEETING

**Monday, April 4, 2016**  
Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

**CALL TO ORDER**

**7:00 PM**

**Mayor Porter**

**FLAG SALUTE**

**ROLL CALL/STAFF INTRODUCTIONS**

### **ANNOUNCEMENTS – PLEASE READ CAREFULLY**

*Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.*

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

### **PRESENTATIONS / COMMENTS FROM THE PUBLIC**

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

- Child Abuse Prevention Month Proclamation
- Stayton Police Department Reserve Recruitment Video

### **CONSENT AGENDA**

- a. March 21, 2016 City Council Minutes

#### ***Purpose of the Consent Agenda:***

*In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.*

***The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.***

**PUBLIC HEARING**

**Land Use File # 5-03/16 – Tranquility Investments Partitioning, 681 W. High Street**

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Proponents’ Testimony
- g. Opponents’ Testimony
- h. Governmental Agencies
- i. General Testimony
- j. Questions from the Public
- k. Questions from the Council
- l. Applicant Summary
- m. Staff Summary
- n. Close of Hearing
- o. Council Deliberation
- p. Council Decision

**UNFINISHED BUSINESS – None**

**NEW BUSINESS – None**

**STAFF/COMMISSION REPORTS**

**City of Stayton Water Quality Update**

**INFORMATIONAL**

- a. Staff Report – Lance Ludwick

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

*Recommended time for presentations is 10 minutes.*

*Recommended time for comments from the public is 3 minutes.*

**BUSINESS FROM THE CITY ADMINISTRATOR**

**BUSINESS FROM THE MAYOR**

**BUSINESS FROM THE COUNCIL**

**FUTURE AGENDA ITEMS – Monday, April 18, 2016**

- Cancelled?

**ADJOURN**

## CALENDAR OF EVENTS

### APRIL 2016

Monday	April 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	April 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	April 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	April 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	April 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	April 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	April 25	Planning Commission	7:00 p.m.	Community Center (north end)

### MAY 2016

Monday	May 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	May 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	May 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	May 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	May 16	City Council	Cancelled	
Monday	May 16	Budget Committee	7:00 p.m.	Community Center (north end)
Wednesday	May 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	May 23	Budget Committee	7:00 p.m.	Community Center (north end)
Tuesday	May 24	Budget Committee	7:00 p.m.	Community Center (north end)
Wednesday	May 25	Budget Committee	7:00 p.m.	Community Center (north end)
Monday	May 30	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MEMORIAL DAY</b>		
Tuesday	May 31	Planning Commission	7:00 p.m.	Community Center (north end)

### JUNE 2016

Monday	June 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	June 7	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	June 10	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	June 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	June 14	PEG Access Commission	12:00 p.m.	City Hall Conference Room
Wednesday	June 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	June 20	City Council	7:00 p.m.	Community Center (north end)
Monday	June 27	Planning Commission	7:00 p.m.	Community Center (north end)

### JULY 2016

Monday	July 4	<b>CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY</b>		
Tuesday	July 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	July 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	July 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	July 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	July 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	July 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 25	Planning Commission	7:00 p.m.	Community Center (north end)



# City of Stayton

Administration • Finance

362 N. Third Avenue • Stayton, OR 97383  
Phone: (503) 769-3425 • Fax (503) 769-1456

*City of Stayton, Marion County, Oregon*

## PROCLAMATION

This matter came before the City of Stayton Mayor and Council at its regularly scheduled meeting of April 4, 2016, to proclaim April as Child Abuse Prevention Month.

WHEREAS, every child deserves to live in a safe, loving and caring family environment;

WHEREAS, in 2015 there were 270 child abuse cases filed with the Marion County District Attorney's office, of which 7 had resulted in death. Of those reported cases, 18 were from Stayton;

WHEREAS, we endeavor to join together as individuals, organizations, and government agencies to prevent child abuse in our county by providing opportunities to educate, train, and support caregivers by raising awareness of relevant topics, including child development, basic-care skills, discipline strategies, and goal-setting for parents; and,

WHEREAS, by strengthening families and providing safe, stable, and nurturing environments that are free from violence, abuse, and neglect, opportunities are created for children's optimal growth and success, ensuring a secure future for our communities, where the needs of children are a priority and the needs of families are met.

NOW THEREFORE, the City of Stayton Mayor and Councilors asks everyone to join together in protecting our children, and do hereby proclaim April 2016, as

### **"CHILD ABUSE PREVENTION MONTH"**

Dated at Stayton, Oregon, this 4th day of April, 2016.

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Henry A. Porter, Mayor

**POLICE**  
386 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-3423  
FAX (503) 769-7497

**PLANNING**  
362 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-2998  
FAX (503) 767-2134

**PUBLIC WORKS**  
362 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-2919  
FAX (503) 767-2134

**WASTEWATER**  
950 JETTERS WAY  
STAYTON, OR 97383  
(503) 769-2810  
FAX (503) 769-7413

**LIBRARY**  
515 N. FIRST AVENUE  
STAYTON, OR 97383  
(503) 769-3313  
FAX (503) 769-3218

**City of Stayton  
City Council Meeting Action Minutes  
March 21, 2016**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

**Time Start:** 7:00 P.M.

**Time End:** 8:00 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Ralph Lewis	Dan Fleishman, Director of Planning & Development (excused)
Councilor Jennifer Niegel	Rich Sebens, Police Chief
Councilor Brian Quigley	Christine Shaffer, Finance Director (excused)
Councilor Joe Usselman (excused)	Lance Ludwick, Public Works Director
	David Rhoten, City Attorney (excused)

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Announcements</b>	
a. Additions to the Agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
<b>Presentations / Comments from the Public</b>	
a. Janie Magnusson	Ms. Magnusson complained of noise pollution coming from the new business behind her property. She feels it is affecting her health. Another neighbor, Susan Bigelow, echoed Ms. Magnusson's concerns.
	Mr. Campbell provided an update on what staff is doing to address this issue. Further Council discussion of how a resolution can be reached.
b. Stayton Family Memorial Pool – YMCA Update	Aquatics Director Billie Hight-Maurer provided an update on the activities and projects at the Stayton Family Memorial Pool. Also present was Jack Burnett of the Stayton Friends of the Pool who spoke about the recent items they have been able to provide the pool through fundraising, which included a new pool vacuum and a scoreboard.
<b>Consent Agenda</b>	
a. March 7, 2016 City Council Meeting Minutes	Motion from Councilor Lewis, seconded by Councilor Niegel, to approve the Consent Agenda. <b>Motion passed 4:0.</b>
<b>Public Hearing</b>	
	None

<p><b>Unfinished Business</b></p>	<p>None</p>
<p><b>New Business</b></p> <p><b>Award of Contract for 2016 Street Maintenance Program</b></p> <p>a. Staff Report – Lance Ludwick</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p><b>Renewal of Moose Lodge Lease</b></p> <p>a. Staff Report – Keith Campbell</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p> <p><b>Ordinance No. 995, “Garage Sales”</b></p> <p>a. Staff Report – Chief Rich Sebens</p> <p>b. Council Deliberation</p> <p>c. Council Decision</p>	<p>Mr. Ludwick reviewed his staff report included in the Council packet.</p> <p>Brief discussion of extending the project further up Ida Street. Mr. Ludwick is working with Knife River to determine options and possibilities.</p> <p>Motion from Councilor Niegel, seconded by Councilor Lewis, to award the contract to Knife River in the amount of \$59,348.12. <b>Motion passed 4:0</b></p> <p>Mr. Campbell reviewed the staff report.</p> <p>Discussion of the history of the Moose Lodge’s lease of the building. The Council requested staff ask the Moose Lodge to provide financials and to research what a fair lease rate for the building would be.</p> <p>Chief Sebens offered further explanation of OLCC piece.</p> <p>Council deferred decision until future meeting.</p> <p>Chief Sebens briefly reviewed his staff report.</p> <p>Discussion revolving around revenue from the permits and enforcement.</p> <p>Motion from Councilor Quigley, seconded by Councilor Niegel, to approve Ordinance No. 995 as presented.</p> <p><u>Council Discussion</u></p> <p>Discussion of what will be enforceable (i.e. garage sale signage).</p> <p><b>Motion passed 4:0.</b></p>
<p><b>Staff / Commission Reports</b></p> <p><b>Finance Director’s Report – Cindy Chauran &amp; Elizabeth Baldwin</b></p> <p>a. February 2016 Monthly Finance Department Report</p> <p><b>Police Chief’s Report – Chief Rich Sebens</b></p> <p>a. February 2016 Statistical Report</p>	<p>No further discussion.</p> <p>Chief Sebens provided a brief update. Coffee with</p>

<p><b>Public Works Director's Report – Lance Ludwick</b> a. February 2016 Operating Report</p> <p><b>Planning &amp; Development Director's Report – Dan Fleishman</b> a. February 2016 Activities Report</p> <p><b>Library Director's Report</b> a. February 2016 Activities</p>	<p>a Cop will be held on March 30 at Dairy Queen from 11:00 a.m. to 1:30 p.m.</p> <p>Mr. Ludwick gave a brief update. Discussion of parks volunteers.</p> <p>No further discussion.</p> <p>Brief update.</p>
<p><b>Presentations / Comments From the Public</b></p>	<p>None</p>
<p><b>Business from the City Administrator</b></p>	<p>Mr. Campbell spoke about Financial Consultant Andy Parks who was brought on to assist the City through the budget process this year.</p>
<p><b>Business from the Mayor</b> a. Planning Commission Appointments</p> <ul style="list-style-type: none"> <li>• Dixie Ellard</li> <li>• Mark Kronquist</li> </ul>	<p>Motion from Councilor Quigley, seconded by Councilor Lewis, to ratify the appointments of Dixie Ellard and Mark Kronquist to the Planning Commission. <b>Motion passed 4:0.</b></p>
<p><b>Business from the Council</b></p>	<p>Councilor Glidewell provided an update on the Friends of Old Town Stayton group who are working on downtown revitalization in Stayton.</p>
<p><b>Future Agenda Items – April 4, 2016</b> a. Water Update b. Land Use Public Hearing c. Liberty House Presentation and Proclamation</p>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 4<sup>TH</sup> DAY OF APRIL 2016, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Henry A. Porter, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Keith D. Campbell, City Administrator

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_

Alissa Angelo, Deputy City Recorder



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: April 4, 2016**  
**SUBJECT: Public Hearing on Tranquility Investments Partitioning, 681 W High St, Land Use File 5-03/16**

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**ISSUE**

The issue before the City Council is a public hearing on an application for partitioning an existing parcel into two parcels. These applications are typically reviewed by the Planning Commission. However, because of the uncertainty over the ability of the Planning Commission to meet in the month of March, this application has been placed before the City Council in order to avoid delays to the applicant.

**BACKGROUND INFORMATION**

This report presents the Planning Staff's summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

Attached is an application for preliminary plan approval of a 2-lot partitioning. The site is currently developed with a detached single family dwelling. The proposal is to demolish the existing home, split the parcel into two and build new detached single family dwellings on each of the new parcels.

The application consists of the application form and narrative, a proposed preliminary partition plan prepared by the applicant.

The only review comments received by the Planning and Development Department were from the Public Works Department, through the City Engineer. The City Engineer's memo is included.

**ANALYSIS**

W High St is an unimproved street with a gravel surface and no curb, gutter or sidewalk. There is only a 2-inch diameter water main in the street and it is more than 250 feet to the nearest fire hydrant. There are no public storm drainage facilities available to the development. Staff is recommending that the either a half street improvement be required or that an agreement for future financial participation in street improvements be recorded. Staff further recommends that either a new hydrant be installed on an 8-inch water main or that the homes be provided

with fire protection sprinkler systems. Finally, staff recommends that each home have stormwater quality and quantity control facilities in accordance with Public Works Design Standards.

## **RECOMMENDATION**

The staff recommendation for approval with conditions is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

## **OPTIONS AND MOTIONS**

Staff has provided the City Council with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

### **1. Approve the application with conditions, adopting the draft order as presented.**

I move the Stayton City Council approve the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) and adopt the draft order presented by Staff.

### **2. Approve the application with conditions, adopting modifications to the draft order.**

I move the Stayton City Council approve the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) and adopt the draft order with the following changes...

### **3. Approve the application with conditions, directing staff to modify the draft order.**

I move the Stayton City Council approve the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) and direct staff to modify the draft order to reflect the City Council's discussion and bring a revised draft order for City Council approval at the April 18, 2016 meeting.

### **4. Deny the application, directing Staff to develop the findings and conclusions to justify that decision.**

I move that the Stayton City Council deny the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) and direct staff to modify the draft order to reflect the City Council's discussion and bring a revised draft order for City Council approval at the April 18, 2016 meeting.

### **5. Continue the hearing until April 18, 2016.**

I move the Stayton City Council continue the public hearing on the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) until April 18, 2016.

### **6. Close the hearing but keep the record open for submission of written testimony.**

I move the Stayton City Council close the hearing on the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-

03/16) but maintain the record open to submissions by the applicant until April 18, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on May 1, 2016.

**7. Close the hearing and record, and continue the deliberation to the next meeting.**

I move the Stayton City Council continue the deliberation on the application of Tranquility Investments LLC for preliminary plan approval of a 2-lot partitioning (Land Use File #5-03/16) until April 18, 2016.



CITY OF STAYTON
APPLICATION FOR PARTITION OR SUBDIVISION

Application for: [ ] Subdivision [X] Partition

PROPERTY OWNER: TRANQUILITY INVESTMENTS, LLC
Address: 920 E. SANTIAM ST.
City/State/Zip: STAYTON, OREGON 97383
Phone: (541) 771-8726
Email: MIDWOODHOUSE@AOL.COM

APPLICANT: - SAKE -
Address:
City/State/Zip:
Phone: ( ) -
Email:

APPLICANT'S REPRESENTATIVE: HOMES HANDCRAFTED (TY MOORE)
Address: P.O. Box 3783
City/State/Zip: SALEM OREGON 97302
Phone: (503) 209-6780
Email: HOMESHANDCRAFTED@AOL.COM

CONSULTANTS: Please list below planning and engineering consultants.

Table with 2 columns: PLANNING and ENGINEERING. Rows include Name, Address, City/State/Zip, Phone, and Email.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

[X] owner [ ] applicant [X] applicant's representative [ ] planning consultant [ ] engineer

LOCATION:

Street Address: 681 W. HIGH STREET STAYTON
Assessor's Tax Lot Number and Tax Map Number: 091W10CC00400
Closest Intersecting Streets: EVERGREEN

DESCRIPTION OF PROPOSAL: Total Acreage: 4.92 No. of Lots 2

ZONE DISTRICT: LD

NAME OF PROPOSED SUBDIVISION (does not apply to partitions): -

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: JRG Date: 3/2/16 Fee Paid: \$ 1,050 Receipt No. 10.001970
Land Use File# 5-03/16

**QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT**

The Stayton Planning Commission, with assistance from the Planning and Development Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.24.040.5. Please provide the following information in full and attach to this application.

1. **COMPATIBILITY WITH SURROUNDING AREA:** How is the partition/subdivision compatible with the surrounding area?

2. **PUBLIC SERVICES:** All partitions and subdivisions are required to have all public improvements installed as part of any land division process. Therefore, the applicant must be prepared to install the required street, water, sewer, and storm drainage and other improvements.

a. How will the applicant assure there are adequate water, sewer, street, and storm drainage facilities available to serve the proposed subdivision?

b. List public services currently available to the site:

- Water Supply: 2" - inch line available in W. High Street.
- Sanitary Sewer: 8" - inch line available in W. High Street.
- Storm Sewer: \_\_\_\_\_ - inch line available in none Street.
- Natural Gas: WK - inch line available in W. High Street.
- Telephone:  is (or)  is not available in 4 Street.
- Cable TV:  is (or)  is not available in " Street.
- Electrical:  is (or)  is not available in " Street.

c. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the subdivision?

3. **DESIGN LAYOUT/PATTERN OF DEVELOPMENT:** How does the design layout of the proposed parcels, lots, and roads fit with the existing pattern of development in the area?

4. **NATURAL, PHYSICAL AND GEOGRAPHIC FEATURES:**

b. Flood Hazards:

Is any portion of the property located in a flood plain? Is any portion of the property located adjacent to a waterway? If the answer to either of the above questions is "yes," how will the proposed subdivision comply with all standards for riparian setbacks or flood hazard protection?

c. Wetlands:

Are there any wetlands on the site? If yes, are any of these wetlands identified in the Stayton Comprehensive Plan and how will the proposed subdivision comply with all wetland development requirements?

d. Natural Features:

Are there any other important natural features on the site? If yes, how will the proposed subdivision address potential impacts to those features?

5. **HISTORIC SITES OR STRUCTURES:**

Do any historic sites or structures listed on the City of Stayton Comprehensive Plan Historic Landmarks Inventory exist on the property? If yes, what is the name of the landmark and how will the proposed subdivision comply with all historic preservation standards?

6. **DEED COVENANTS AND RESTRICTIONS:** Will any deed covenants or deed restrictions apply to the proposed master planned development? If yes, attach.

**Narrative**

**Proposed Lot Partition**

**Land Use File #5-03/06**

**681 W. Hight Street, Stayton**

**The Proposed two lot partition will provide building sites for 2 new residential dwellings to replace the existing uninhabitable residential dwelling now on the parcel. The Stayton fire department will use the existing structure for training purposes, ending in a live fire burn down.**

**The site is located in an existing residential area. All public services currently exist. No upgrade will need to be made to existing public services. The structures will be individually sprinklered at the request of Stayton fire. An on-site storm drainage plan will be created in accordance with the city's storm water master plan and meet acceptable standards set by the city of Stayton and/or Marion County. The method and plan will be submitted with the building plans.**

**We request a waiver of the Transportation Assessment Letter as only 10 new daily trips will be generated.**

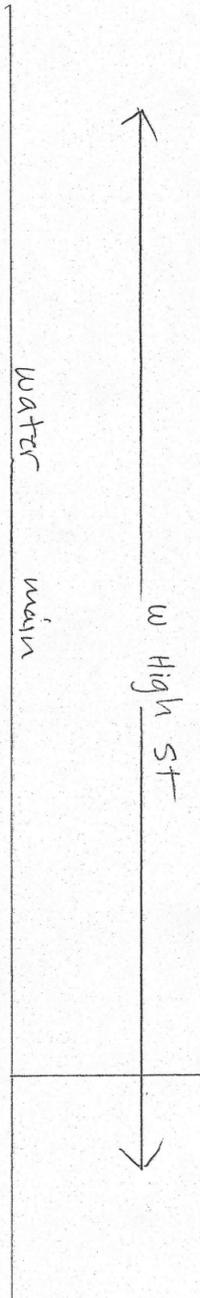
**The parcel split will fit with the existing pattern of development in the area.**

**There are no flood hazards, wetlands or other important natural features of the parcel. There are no historic sites or structures on site.**

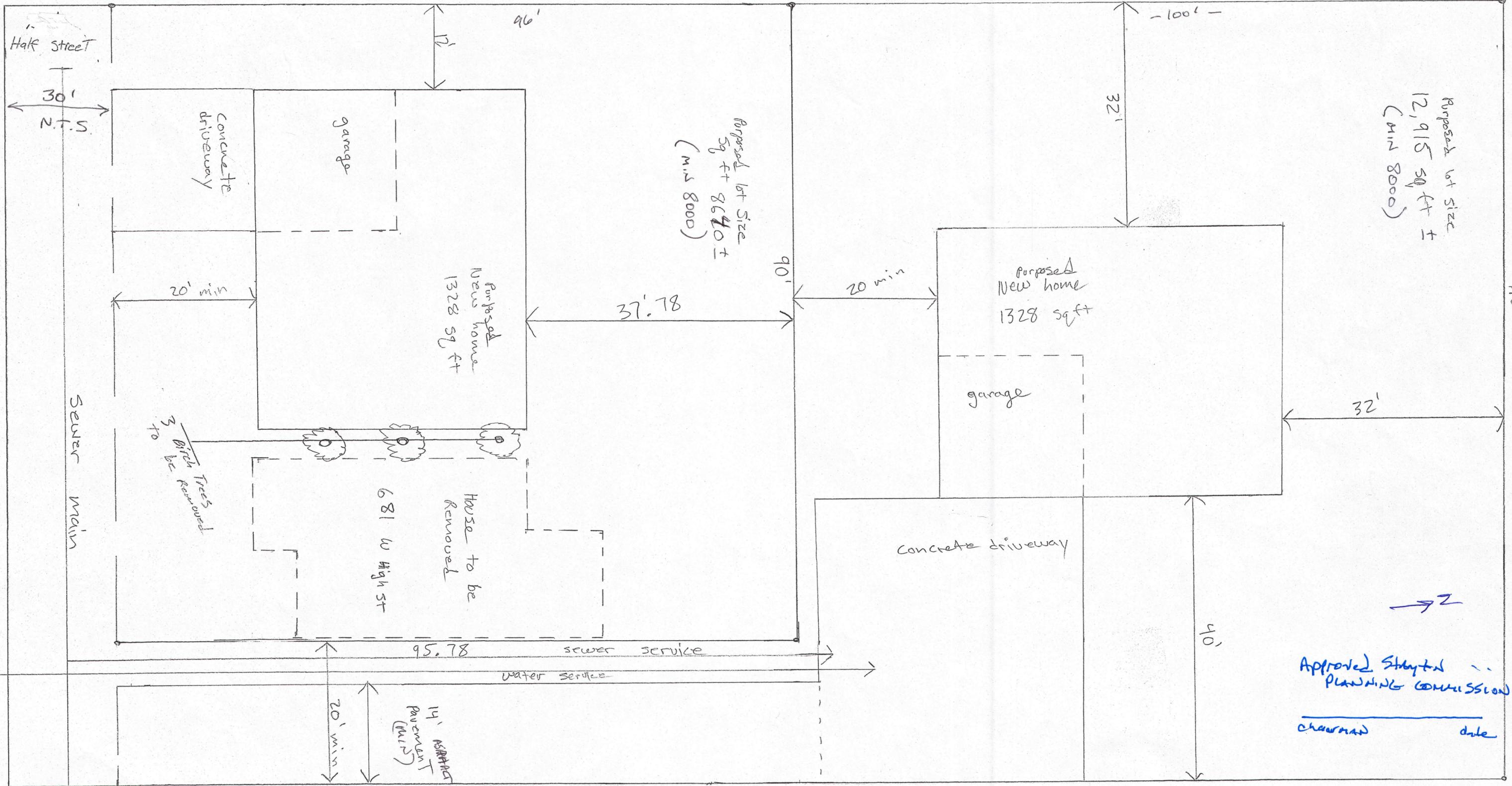
**Respectfully submitted,**

**Tranquility Investments, LLC**

Scale 3/32" = 1'-0"



110'



Proposed lot size  
59 ft ± 8640 ±  
(min 8000)

Proposed lot size  
12,915 sq ft ±  
(min 8000)

Preliminary Plat Plan

Land Use File # S-03/16

3-2-16

Approved by  
 PLANNING COMMISSION  
 chairman \_\_\_\_\_ date \_\_\_\_\_

## **Application – Two Lot Partition at 681 W. High Street City of Stayton – Land Use File No. 5-03-16**

**TO:** Dan Fleishman/*City Planner*

**FROM:** John Ashley, P.E./*City Engineer*

**COPIES:** Lance Ludwick, P.E./*Public Works Director*

**PROJECT:** **681 W. High St. Partition – Application Review for a Two Lot Partition**

**DATE:** March 23, 2016

### **Background**

I received a copy of the application provided by Homes Handcrafted for owner Tranquility Investments, LLC, with a request by the City of Stayton to review and respond. The application is to partition the existing parcel into two lots that currently is developed with a single family dwelling located at 681 W. High St. The applicant intends to demolish the existing home and construct a new home on each of the partitioned parcels.

The following review concentrates on the public works aspects and implications of this application and for general conformance with applicable public works portions of the City of Stayton Municipal Code (SMC), Public Works Design Standards (PWDS), and Public Works Construction Standards (PWCS). The City of Stayton Municipal Code and Public Works Standards can be found online at <http://www.staytonoregon.gov>, under the document center menu. It is recommended that City Staff review this memorandum in conjunction with their application review.

### **Project Overview**

#### **Project Site and Access**

The application shows the location of the proposed development to be within Township 9 South, Range 1 West, Section 10CC, Tax Lot 00400. Proposed vehicular access to the two lots are from W. High Street.

#### **Existing Site Topography**

Existing site topography was not provided with the application.

## Existing Utilities

GIS mapping and the application indicates that there are existing utilities available to serve the development with an 8" sanitary sewer main, a 2" domestic water line, and franchise utilities within W. High Street. A public storm drain system does not appear to be available to serve the development.

## Findings

### Transportation

- **TIA** – It is understood that the Public Works Director has waived the requirement for a Transportation Impact Analysis or Transportation Assessment Letter.
- **Right of Way (R/W)** – W. High Street is designated as a Local Street under City jurisdiction. In accordance with PWDS 302.05, W. High Street is currently required to have a 60' R/W. Based on Tax Assessor Mapping, the existing R/W appears to already be 60' wide. As such, additional R/W does not appear to be needed; however, the standard 10' wide public utility easement is recommended to be provided along the frontage of W. High Street in accordance with the PWDS.
- **Street Improvements** – The existing W. High Street is not considered to be developed. As such, a half-street improvement consisting of a widened pavement section, curb and gutters, sidewalks, and storm drainage in accordance with PWDS 303.02 will be required to be installed along the frontage, unless the Public Works Director grants a deferral of the street improvements in accordance with SMC 12.04.080.
  - In situations where a development has little frontage along a street and/or the street improvement does not appear to be beneficial at this time, then in lieu of the street improvement, the City may accept a Deferred Improvement/Non-Remonstrance Agreement. For this development, a Deferred Improvement/Non-Remonstrance Agreement for the street improvement may be appropriate.
  - A Deferred Improvement/Non-Remonstrance Agreement runs with the land and obligates the property owner to financially participate in a street improvement at such time a project is initiated by the City. If deferral is granted by the City, the agreement shall be reviewed and approved by the City prior to recording. Separate agreements are generally required for each parcel that fronts the street to be improved (if multiple frontage lots). The Developer shall be responsible for recording the agreement with the County and having a recorded copy of the agreement returned to the City.
- **Clear Vision Areas** – In accordance with PWDS 303.06.D, adequate sight distance and clearance areas shall be provided.
- **Driveway Spacing** – Adequate driveway spacing shall be provided in accordance with PWDS 303.11.

- **Engineered Plans** – The Developer shall submit engineered site improvement plans to the City for review and approval. If modifications to the existing driveway approaches, sidewalks, storm drainage, or other public improvements are needed within the public right-of-way, the Developer shall also submit engineered plans conforming to Public Works Standards.

## Water

- **Domestic Service** – The application shows that a 2” waterline currently exists along W. High Street. The new lot will require a separate water service and meter to be supplied by the Developer. The existing parcel’s meter and box assembly may also need to be removed and replaced if necessary. Both meters shall be located within the right-of-way in accordance with Public Works Standards.
- **Fire Protection** – Fire hydrant(s) are generally required to be installed within 250’ of any new structure. Based on available GIS mapping, it appears that existing fire hydrants are more than 250’ from the proposed new lot and structure. As such, the Developer shall extend an 8” water main from Evergreen and install the needed fire hydrant.
  - As an alternative to the water main extension and fire hydrant installation, the Developer may require both homes in the partitioning to be provided with a fire protection sprinkler system, as approved by the Fire Marshal. The Developer shall submit proposed language to be included in the CC&Rs placed on the new lots that require the new homes to be provided with a fire protection sprinkler system.
- **Fire District Approval** – The Developer shall provide documentation that the Fire District has reviewed and approved any required fire protection access, devices, and systems.
- **Engineered Plans** – The Developer shall submit to the City for review and approval an engineered water system plan conforming to Public Works Standards. A utility easement in accordance with PWDS 102.08 shall be provided if a water main and/or fire hydrant is extended outside the public right-of-way.

## Sanitary Sewer

- **Sanitary Sewer** – Available GIS mapping shows that an 8” sanitary sewer line exists along W. High Street. The new lot will require a separate sanitary sewer service to be supplied by the Developer. If deemed necessary by Public Works, the existing parcel’s sanitary sewer service shall be televised and inspected prior to reuse. A two-way property line cleanout shall be provided at both the existing and the new sanitary sewer service.
- **Engineered Plans** – The Developer shall submit to the City for review and approval a sanitary sewer plan conforming to Public Works Standards and meeting the requirements of the Building Official.

## **Stormwater**

- **Stormwater Analysis** – Final stormwater calculations shall be in accordance with Public Works Standards and shall be submitted for review and approval.
- **Stormwater Quality and Quantity** – Stormwater quality and quantity provisions will be required in accordance with PWDS 607 and 608, including necessary setbacks.
  - Stormwater quality facilities meeting the requirements of the PWDS will be required. Best management practices shall be used to minimize any degradation of stormwater quality caused by the development.
  - Stormwater quantity facilities will be required to detain post-developed peak runoff rates from the 2-year, 5-year, 10-year, and 50-year 24-hour storm events to the respective pre-developed peak runoff rates, and the post-developed peak runoff rate for the 25-year storm event will be required to be detained to the 10-year pre-developed peak runoff rate. The stormwater facilities shall have an overflow system with the capacity to safely pass the 100-year storm event.
- **Stormwater Operation and Maintenance Plan and Agreement** – A stormwater operation and maintenance plan and agreement will be required (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.
- **Engineered Plans** – The Developer shall submit to the City for review and approval an engineered stormwater conveyance, quality, and quantity facility plan conforming to Public Works Standards.

## **Erosion and Sediment Control Measures**

- **Erosion and Sediment Control Plan** – The Developer shall submit to the City for review and approval an erosion and sediment control plan conforming to Public Works Standards. Erosion and sediment control measures shall be in accordance with PWDS 610.01.

## **Franchise Utilities**

- **Franchise Utility Improvements** – All franchise utility improvements, including but not limited to, telephone, electrical power, gas and cable TV shall meet the current standards of the appropriate agency as well as Public Works Standards.

## **Recommended Public Works Conditions of Approval**

1. The City of Stayton Standard Conditions of Approval shall apply. All required easements, agreements, and other documentation required by the Planning Conditions of Approval, SMC, PWDS and other agencies having jurisdiction over the work shall be provided to the City for review and approval prior to issuance of a Site Development Permit.

2. The following engineered plans and supporting documentation shall be submitted to Public Works for review and approval prior to issuance of a Site Development Permit.
  - a. Site improvement and street improvement plans conforming to Public Works Standards for any work proposed within the existing right-of-way, unless the Public Works Director grants a deferral of the street improvements in accordance with SMC 12.04.080.
  - b. Water system plan conforming to Public Works Standards for the existing and new water service connections. The plan shall also show any needed waterline and fire hydrant improvements, unless the Developer submits proposed language to be included in the CC&Rs placed on the new lots that require the new homes to be provided with a fire protection sprinkler system.
  - c. Sanitary sewer system plan conforming to Public Works Standards for the existing and new sanitary sewer service. If deemed necessary by Public Works, the existing parcel's sanitary sewer service shall be televised and inspected prior to reuse.
  - d. A stormwater analysis conforming to Public Works Standards.
  - e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official.
  - f. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards.
3. Prior to final plat approval, provide and show on the plat a 10' wide public utility easement along the frontage of W. High Street.
4. Prior to final plat approval, provide a stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.

## BEFORE THE STAYTON CITY COUNCIL

In the matter of  
the application of  
Tranquility Investments, LLC,  
Applicant

) Partitioning  
) Land Use File  
) #5-03/16  
)

### ORDER OF CONDITIONAL APPROVAL

#### I. NATURE OF THE APPLICATION

The application is to divide an existing parcel into two parcels.

#### II. PUBLIC HEARING

A public hearing was held on the application before the Stayton City Council on April 4, 2016. The City Council assumed jurisdiction over this application due to vacancies on the Stayton Planning Commission that mean a quorum of the Planning Commission could not be present. At the hearing, Land Use File #5-03/16, application for partitioning, was made part of the record.

At the conclusion of the hearing, the City Council made findings of fact, conclusions of law, and approved the application with conditions. The City Council found the application could be made consistent with the Land Use and Development Code.

#### III. FINDINGS OF FACT

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

##### A. EXISTING CONDITIONS

1. Tranquility Investments, LLC is the owner and the applicant.
2. The property is tax lot 400 Township 9, Range 1 West of the Willamette Meridian, Section 10CC.
3. The parcel is developed with a detached single family dwelling, addressed as 681 W High St.
4. The property has 110 feet of frontage on W High St and is approximately 19,000 square feet in area.
5. The property is zoned Low Density Residential (LD).
6. The property to the west is zoned Medium Density Residential (MD) and is developed as a single family detached dwelling. The property to the south, across W High St, is zoned MD and is developed as an acreage parcel with two single family detached dwellings. The property to the east is zoned Light Industrial (IL) and is a narrow strip of land of a vacant parcel. Across the parcel immediately to the east the property is zoned LD and developed as a single family detached dwelling. The property to the north is zoned IL and is a vacant portion of the parcel mostly on the north side of the Salem Ditch, developed as a food manufacturing facility.
7. W High St has a 60-foot right-of-way. W High St is an unimproved street with 18 feet of gravel-surfaced travel way. There are no curbs or sidewalks on this portion of W High St.
8. There is an 8-inch sewer main in W High St.

9. There is a 2-inch water main in W High St, connected to a 6-inch main in N Evergreen Ave.

B. PROPOSAL

1. The proposal is to divide the existing parcel into two parcels. Parcel 1 will have 90 feet of frontage on W High St and be approximately 8,600 square feet in area. Parcel 2 will be a flag lot, with 20 feet of frontage on W High St and approximately 11,000 square feet of lot area.
2. Each parcel will have a separate driveway onto W High St.
3. The existing single family home will be removed and new homes constructed on each parcel.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, WAVE Broadband, Stayton Telephone Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Santiam Water Control District, Marion County Public Works, Marion County Planning Division, North Santiam School District and the Stayton Police Department.

Review comments were received from the City of Stayton Public Works Department through a memorandum from the City Engineer. Those comments are reflected in the findings below.

D. PUBLIC COMMENTS

The Planning Department has received no public comments on this application prior to the hearing.

E. APPROVAL CRITERIA

Partitioning applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6, Preliminary Plan Approval Criteria and 17.24.050 Design Standards for Subdivisions and Partitions.

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: The City Engineer commented that the property is served by a 2-inch water main and that the nearest fire hydrant is more than 250 feet from the proposed new lot and structure. The City Engineer recommended that either the applicant extend an 8-inch water main from Evergreen Ave and install a hydrant or require both homes in the partitioning to be provided with a fire protection sprinkler system as approved by the Fire Marshall. The City Engineer commented that the existing sewer service available in W High St is adequate. The City Engineer recommended that if the existing sewer lateral is proposed to be used for one of the new homes, it be televised and inspected prior to reuse. The City Engineer commented that a public storm drain system is not available to serve the development. The City Engineer recommended that stormwater quantity and quality facilities be required.

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

Finding: The lots in the neighborhood range from 6500 square feet to 1.5 acres.

*d. All streets shall be in a location and have a right of way and traveled way width in accordance with in the City's Transportation Plan.*

Finding: No new streets are proposed with this application. W High St is an unimproved street within a 60-foot right of way. The Public Works Design Standards for a local street are for a 34-foot improvement in a 60-foot right of way with property line sidewalks. The City Engineer has recommended a half-street improvement consisting of a widened pavement section, curb and gutters, sidewalks, and storm drainage be required to be installed along the frontage, unless the Public Works Director grants a deferral of the street improvements. The City Engineer has recommended dedication of a standard 10-foot wide public utility easement along the frontage of W High St.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

*Section 17.24.050*

*1. STREETS.*

Finding: W High St is an unimproved street within a 60-foot right of way. The Public Works Design Standards for a local street are for a 34-foot improvement in a 60-foot right of way with property line sidewalks. The City Engineer has recommended a half-street improvement consisting of a widened pavement section, curb and gutters, sidewalks, and storm drainage be required to be installed along the frontage, unless the Public Works Director grants a deferral of the street improvements. The City Engineer has recommended dedication of a standards 10-foot wide public utility easement along the frontage of W High St.

*2. DEDICATION OF A RIGHT-OF-WAY.*

Finding: No new streets are proposed with this application. W High St is an unimproved street within a 60-foot right of way. The Public Works Design Standards for a local street are for 60-foot right of way. The City Engineer has recommended a 10-foot wide public utility easement be dedicated along the W High St frontage.

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

Finding: No new streets are proposed with this application.

*4. RESERVE BLOCK.*

Finding: The Public Works director has not required a reserve block for this proposal.

*5. STREET WIDTHS.*

Finding: W High St is an unimproved street within a 60-foot right of way. The Public Works Design Standards for a local street are for a 34-foot improvement in a 60-foot right of way with property line sidewalks. The City Engineer has recommended dedication of a standard 10-foot wide public utility easement along the frontage of W High St.

*6. SUBDIVISION BLOCKS.*

Finding: There are no new blocks created with this proposal.

*7. MID-BLOCK WALKS.*

Finding: No need for a mid-block walk was identified by the City Engineer.

8. *LOT SIZE, LOT LINES.*

Finding: The minimum lot size in the LD zone is 8,000 square feet for single family homes, with a minimum 80-foot lot width. The proposed Parcel 1 will approximately 8,600 square feet in area and will have 90 feet of frontage on W High St. The proposed Parcel 2 is proposed to be a flag lot. Under the terms of the Code, the area of the “pole portion” of the parcel is excluded from calculating the lot area. Parcel 2 will have a lot area of approximately 11,000 square feet.

9. *PUBLIC SURVEY MONUMENTS.*

Finding: There are no public survey monuments in the vicinity of the proposed partition.

10. *SEWAGE DISPOSAL.*

Finding: The property is served by an 8-inch sanitary sewer that runs in W High St.

11. *PUBLIC USE AREAS.*

Finding: There are no proposed public use areas with this partition and no parks planned for the area in the Parks Master Plan.

12. *WATER SUPPLY.*

Finding: There is an existing 2-inch water main in W High St. The City Engineer has recommended the developer extend an 8-inch water main from N Evergreen Ave and install a fire hydrant. As an alternative, the City Engineer has suggested that the developer may require both homes in the partitioning to be provided with a fire protection sprinkler system, as approved by the Fire Marshal.

13. *UNDERGROUND UTILITIES.*

Finding: The application is for partitioning; this section is applicable only to subdivisions.

*17.26.020 criteria*

2. *NUMBER OF ALLOWED ACCESSES.*

Finding: The application proposes each lot will have a separate driveway onto W High St.

3. *LOCATION OF ACCESSES.*

Finding: The Code requires that driveways entering a local street be separated by 50 feet. The application shows the driveways separated by more than more than 60 feet.

*f. The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Finding: Single family homes are an allowed use in the LD zone. The new lots will exceed the minimum lot size requirement.

*g. All applicable standards of Chapter 17.20 are satisfied.*

Finding: There are no applicable standards in Chapter 17.20.

*h. All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Finding: There are no identified wetlands on this property.

- i. *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.*

Finding: The application is for a minor partition.

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

Finding: The requirements of state law for a tentative partitioning plat are that (a) the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern; (b) streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon; and (c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated. There are no streets or roads proposed, public or private. The proposed parcels exceed the minimum lot size of the LD zone.

- k. *When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the proposed project will not have an adverse impact on fish habitat.*

Finding: The subject property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

#### **IV. CONCLUSION**

Based on the findings of fact above, the City Council concludes that the approval criteria in Sections 17.24.040.6 and 17.24.050 are met except for the following:

1. Sections 17.24.040.6.b and 17.24.050.12. The property is served by a 2-inch water main in W High St and the nearest fire hydrant is more than 250 feet away. The Public Works Standards call for a minimum 8-inch water main and buildings to be within 250 feet of hydrant. A public storm drain system is not available to serve the development. This standard could be met if the applicant extends an 8-inch water main from Evergreen Ave and installs a fire hydrant or if the applicant requires both homes in the partitioning to be provided with a fire protection sprinkler system as approved by the Fire Marshall. This standard could be met if stormwater quantity and quality facilities are installed on each lot.
2. Sections 17.24.040.d, 17.24.050.1, and 17.24.050.5. W High St is an unimproved street within a 60-foot right of way, but there is no public utility easement adjacent to the right of way. This standard could be met if the final plat for the partitioning includes dedication of a 10-foot wide public easement and if the developer constructs a half-street improvement consisting of a widened pavement section, curb and gutters, sidewalks, and storm drainage along the frontage or enters into an agreement for the deferral of the street improvements.

## V. ORDER AND CONDITIONS OF APPROVAL

The City Council approves the application as shown on the preliminary plan entitled “Preliminary Partition Plan” dated March 2, 2016 and the accompanying materials on file in the Planning and Development Department subject to the attached standard conditions of approval with the following conditions of approval.

1. Before the submittal of the final plat for approval, the following engineered plans and supporting documentation shall be submitted to Public Works Department for review and approval:
  - a. Either a street improvement plan conforming to Public Works Standards for any work proposed within the existing right-of-way, or an Improvement Deferral and Non-remonstrance Agreement if the Public Works Director grants a deferral of the street improvements in accordance with SMC 12.04.080.
  - b. Water system plan conforming to Public Works Standards for the existing and new water service connections. The plan shall show any needed waterline and fire hydrant improvements, unless the Developer submits proposed language to be included in the document to be recorded referenced below that require the new homes to be provided with a fire protection sprinkler system, as approved by the Building Official and the Fire Marshall.
  - c. Sanitary sewer system plan conforming to Public Works Standards for the existing and new sanitary sewer service. If deemed necessary by the Public Works Director, the existing parcel’s sanitary sewer service shall be televised and inspected prior to reuse.
2. Prior to final plat approval, provide and show on the plat a 10-foot wide public utility easement along the frontage of W High St.

In addition to the above conditions that are necessary to assure that the proposed partition is in compliance with the Stayton Municipal Code, the City Council recognizes that the future development of the parcels created by this partition raises potential issues and finds that the following conditions are necessary in order to assure that future development meets the requirements of the Code and the City’s Public Works Standards. The applicant shall prepare a document suitable for recording with the Marion County Clerk containing the following conditions and include reference to that document on the final partition plat. A draft of the document shall be submitted for review and approval by the Planning and Development Director prior to recording.

1. Each parcel will require a separate 4-inch service individually connected to the City sewer. A two-way property line cleanout shall be provided at both the existing and the new sanitary sewer service. Sewer services longer than 100 feet require a cleanout every 100 feet. If the existing sanitary sewer service is proposed for reuse, it shall be televised and inspected.
2. Each parcel will require a separate new water service. The water meters will be located in the W High St right of way.
3. With the application for any building permit, the applicant shall submit a stormwater management plan. Stormwater quality and quantity provisions will be required in accordance with the Public Works Design Standards, including necessary setbacks.

Stormwater quality facilities meeting the requirements of the PWDS will be required. Best management practices shall be used to minimize any degradation of stormwater quality caused by the development.

Stormwater quantity facilities will be required to detain post-developed peak runoff rates from the 2-year, 5-year, 10-year, and 50-year 24-hour storm events to the respective pre-developed peak runoff rates, and the post-developed peak runoff rate for the 25-year storm event will be required to be detained to the 10-year predeveloped peak runoff rate. The stormwater facilities shall have an overflow system with the capacity to safely pass the 100-year storm event.

A stormwater operation and maintenance plan and agreement will be required (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.

4. With the application for any building permit, and prior to any site grading or earth disturbing activities, an erosion and sediment control plan shall be submitted to the Public Works Department for review and approval.

#### **VI. 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.

According to Section 17.12.120.7 this approval shall be effective only when the right granted herein is commenced within one year of the effective date of the decision. Therefore the final partitioning plat must be submitted for recording no later than April 4, 2017.

#### **VII. APPEAL DATES**

The City Council's action may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830, within 21 days of the mailing of the notice of this decision.

APPROVED BY A VOTE OF THE STAYTON CITY COUNCIL ON THE 4<sup>th</sup> DAY OF APRIL, 2016.

\_\_\_\_\_  
Henry A Porter, Mayor

\_\_\_\_\_  
Date

ATTEST

\_\_\_\_\_  
Dan Fleishman,  
Planning & Development Director

\_\_\_\_\_  
Date

## Standard Conditions of Approval for Land Use Applications

1. 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.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also 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, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of 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. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works 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)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. 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.
11. **Street 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.

12. **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. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - 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-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Lance Ludwick, Public Works Director**  
**DATE: April 4, 2016**  
**SUBJECT: City of Stayton Drinking Water Quality**

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**FLINT, MICHIGAN:**

Due to the recent events in Flint, Michigan, drinking water safety has become front page news in City's throughout the Country. The issue in Flint Michigan stems from a money-saving measure for the impoverished city, where 41 percent of the 100,000 residents live at or below the poverty line. A state-appointed emergency manager was put in place in 2011 to help save money, and one solution was to find a cheaper water source. Flint had been purchasing Lake Huron water through Detroit. Plans were made to join a new regional water system that would supply tap water from Lake Huron at a better price; however, that project wouldn't be completed until 2016. So, in April 2014, the city was switched to the local Flint River as a temporary water source until the regional water system was finished. The Flint River water is extremely corrosive, and the older water service lines in Flint contained lead. As a result, the caustic water leached lead off of the pipes and into Flint households. According to federal regulations, the water should have been properly treated with an anticorrosion agent, but it wasn't.

**OREGON DRINKING WATER ACT:**

The Oregon Drinking Water Quality Act was enacted in 1981; the statute (periodically amended) includes Oregon Revised Statute (ORS) 448.119 to 448.285; 454.235; and 454.255. The purpose of the above act is (in part) to:

- Ensure that all Oregonians have safe drinking water.
- Provide a simple and effective regulatory program for drinking water system.
- Provide a means to improve inadequate drinking water systems.
- Provides technical assistance to water systems and provides water system operator training.

## **STAYTON DRINKING WATER:**

The City of Stayton's water source is the North Santiam River via the Santiam Water Control District's Power Canal. The City of Salem also uses the North Santiam River as their primary water source. The water is tested when it comes into the plant for Turbidity, Temperature, and PH. The PH is an indicator to how acidic the water is. Generally the PH is around 7, which indicates a fairly neutral state. After we go through the primary water treatment we add soda ash to raise the PH.

The City of Stayton tests for Copper and Lead every 3-years per the Oregon Health Authority. We first started the testing program in the mid-1990s. In working with the Oregon Health Authority we chose forty homes to draw water from to test for Lead and Copper. The forty homes were chosen because they were constructed in a time where Lead was prevalent in plumbing fixtures and welds. The City had reasonably good results. With ongoing testing we could not get below the minimum required limits for Lead and Copper. The Oregon Health Authority recommended that the City construct the Soda Ash Building so we could add Soda Ash to the outgoing water. The Soda Ash serves to reduce PH (acidity) in the water and thereby reduces the chances of Lead or Copper leeching out of a home's water pipes. Since the City constructed the Soda Ash Plant we have been below the minimum requirements for Lead and Copper.

In the summer of 2015 the City tested twenty homes for copper and lead. Seventeen of the twenty initial tests came back below the minimum requirements. There is a procedure for obtaining water samples and if they are not followed the results can be inaccurate. After discussing the sampling procedures with the three homeowners the City retested the three samples and they came back below the legal limit.