

# STAYTON PLANNING COMMISSION

## AGENDA

7:00 pm Monday, April 27, 2020

### TELECONFERENCE MEETING

City officials request all citizens that are able, to view the live stream on the City of Stayton's YouTube account to view the meeting from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure.

Please use the following option to view the meeting: Live Stream on the City of Stayton YouTube

- <https://youtu.be/C67idmfeHf8>

If you wish to testify as part of a Public Hearing, please read the following:

- **Written Testimony:** It is **strongly encouraged that interested parties provide testimony in writing** prior to the meeting and abstain from attending the meeting in person. Written testimony submitted **at least two hours** prior to the meeting start time will be provided to the Planning Commission in advance of the meeting. Written testimony can be emailed to [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us).
- **Conference Call:** Should it be necessary to provide verbal testimony, it is recommended that interested parties participate via an established City conference call line. Parties interested in participating in this manner shall contact City staff at least **two hours prior** to the meeting start time with their name, address, and phone number they will be calling from. Please reach out to [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us) if you wish to provide verbal testimony.
- **Participate in Person:** Although it is **strongly encouraged that people not attend the meeting in person**, the opportunity will still exist to participate in the meeting at a designated meeting location. The method of this participation may include in person public testimony, access to a phone to call into meeting via a conference call line, or other available public testimony method as allowed by the Oregon State Public Meetings law. Please note that in person meeting attendance will be subject to applicable regulations in place at the time of the meeting and are subject to change.

#### 1. CALL TO ORDER

Chair Lewis

#### 2. MEETING MINUTES – February 24, 2020

#### 3. LAND USE FILE #1-02/20 –PUBLIC HEARING Application for removal of condition of approval, Roberts Industries, LLC, Pacific Ct

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

#### 4. LAND USE FILE #3-04/20 –PUBLIC HEARING Application for Partitioning, North Santiam School District 29J, N Evergreen Ave

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

**DATE OF NEXT MEETING: Monday, May 25, 2020**

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Monday, February 24, 2020**

**COMMISSIONERS:** Jackie Carmichael, Vice-Chair  
Dixie Ellard  
Heidi Hazel  
Ralph Lewis, Chair  
Richard Lewis

**STAFF MEMBER:** Dan Fleishman, Planning & Development Director

**OTHERS PRESENT:** Jesse Lovrien

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00.
2. **APPROVAL OF MINUTES:** Hazel moved and Carmichael seconded to approve minutes from January 27, 2020 as presented. The motion was approved 5:0.
3. **REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING-** Fleishman continued the review of the suggested Code amendments, focusing on a presentation showing the relationship between density, lot width and lot size. Lovrien also made a presentation showing various lot dimension scenarios and discussing the issue of building setbacks as well.  
  
After substantial discussion, the Planning Commission agreed that seeing photos of actual neighborhoods at various densities and lot widths would be helpful. Fleishman will compile a slideshow for that discussion.
4. **OTHER BUSINESS** – None
5. **ADJOURN:** Chair Lewis adjourned the meeting at 8:15



# City of Stayton

*Department of Planning and Development*

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dflleishman@ci.stayton.or.us

www.staytonoregon.gov

## MEMORANDUM

**TO:** Chairperson Ralph Lewis and Planning Commission Members

**FROM:** Dan Fleishman, Director of Planning and Development

**DATE:** April 27, 2020

**SUBJECT:** Roberts Industrial Park Modification

**120 DAYS ENDS:** June 24, 2020

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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 modification of the previous approval of the Roberts Industrial Park Subdivision. The subdivision was originally approved by the Planning Commission as Land Use File #3-02/91 and the plat recorded on September 25, 1991. The applicant proposed to expand two of the lots in the subdivision by obtaining additional adjacent land. In January, 2018 the applicant received approval from the Planning Commission (Land Use File 13-12/17) for that modification with a requirement to either document or obtain utility easements for existing City-owned utilities on another portion of the parcel from which the additional land was going to be obtained.

This application consists of the application form and narrative. Included in the packet is the preliminary plan showing the lot modification from 2017. Lots 7 and 8 in the subdivision would be expanded by a total of about 10,070 square feet. An aerial photo from March of 2020 shows that that area to be added to the subdivision is being used as if it were part of these two lots:



**THE CITY OF STAYTON IS AN EQUAL OPPORTUNITY EMPLOYER AND SERVICE PROVIDER**

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

**PLANNING AND  
DEVELOPMENT**  
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

The applicant reports that after two years of trying, he has been unable to obtain easements from the adjacent property owner and has requested the Planning Commission remove the condition from the 2018 approval. The Public Works Director and the City Engineer have expressed concurrence with removing the previous condition.

## **RECOMMENDATION**

The staff recommendation for approval 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 SUGGESTED MOTIONS**

Staff has provided the Planning Commission 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 Planning Commission approve the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) and adopt the draft order presented by Staff.

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

I move the Stayton Planning Commission approve the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) 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 Planning Commission approve the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the May 25, 2020 meeting.

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

I move that the Stayton Planning Commission deny the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the May 25, 2020 meeting.

### **5. Continue the hearing until May 25, 2020.**

I move the Stayton Planning Commission continue the public hearing on the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) until May 25, 2020.

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

I move the Stayton Planning Commission close the hearing on the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial

# City of Stayton

Park subdivision (Land Use File #1-02/20) but maintain the record open to submissions by the applicant until May 11, 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 25, 2020.

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

I move the Stayton Planning Commission continue the deliberation on the application of Roberts Industries LLC to remove the condition of approval of the modification of the Roberts Industrial Park subdivision (Land Use File #1-02/20) until May 25, 2020.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR MINOR MODIFICATION TO APPROVED PLANS OR
EXISTING DEVELOPMENTS

PROPERTY OWNER: ROBERTS INDUSTRIES LLC
Address: 777 SHAFF RD
City/State/Zip: Stayton OR 97383
Phone: (503) 881-7087 Email: RobindLLC.2@gmail.com
APPLICANT: ROGER ROBERTS
Address: 777 SHAFF RD
City/State/Zip: Stayton, OR 97383
Phone: (503) 881-7087 Email: RobindLLC.2@gmail.com
APPLICANT'S REPRESENTATIVE: UDELL ENGINEERING & LAND SURVEYING, LLC
Address: 63 East Ash St.
City/State/Zip: Lebanon, OR 97355
Phone: (541) 451-5125 Email: Kyle@Udelleng.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING ENGINEERING
Name: Address:
City/State/Zip: Phone: Email:

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

owner applicant applicant's representative planning consultant engineer

LOCATION:

Street Address: 1080 Wilco Rd. Stayton, OR 97383
Assessor's Tax Lot Number and Tax Map Number: 091W09DB LOTS 2700, 2800, + 1000
Closest Intersecting Streets: Wilco Rd. & Pacific Ct.

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: Light Industrial, Industrial
ORIGINAL LAND USE APPLICATION TYPE AND FILE #

NARRATIVE STATEMENT ATTACHED (see other side of application form)

SIGNATURE OF APPLICANT: Roger Roberts

DO NOT WRITE BELOW THIS LINE

Application received by: DBP Date: 2/25/20 Fee Paid: \$500 Receipt No. 10-003-233
Land Use File# 2-01/20

**Dan Fleishman**

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**From:** Roberts Industries,LLC <robindllc.2@gmail.com>  
**Sent:** Tuesday, February 25, 2020 8:17 AM  
**To:** Dan Fleishman; Lisa Meyer  
**Subject:** App for Minor Modification  
**Attachments:** Application Minor Modification .pdf

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>

City of Stayton/Dan Fleishman,

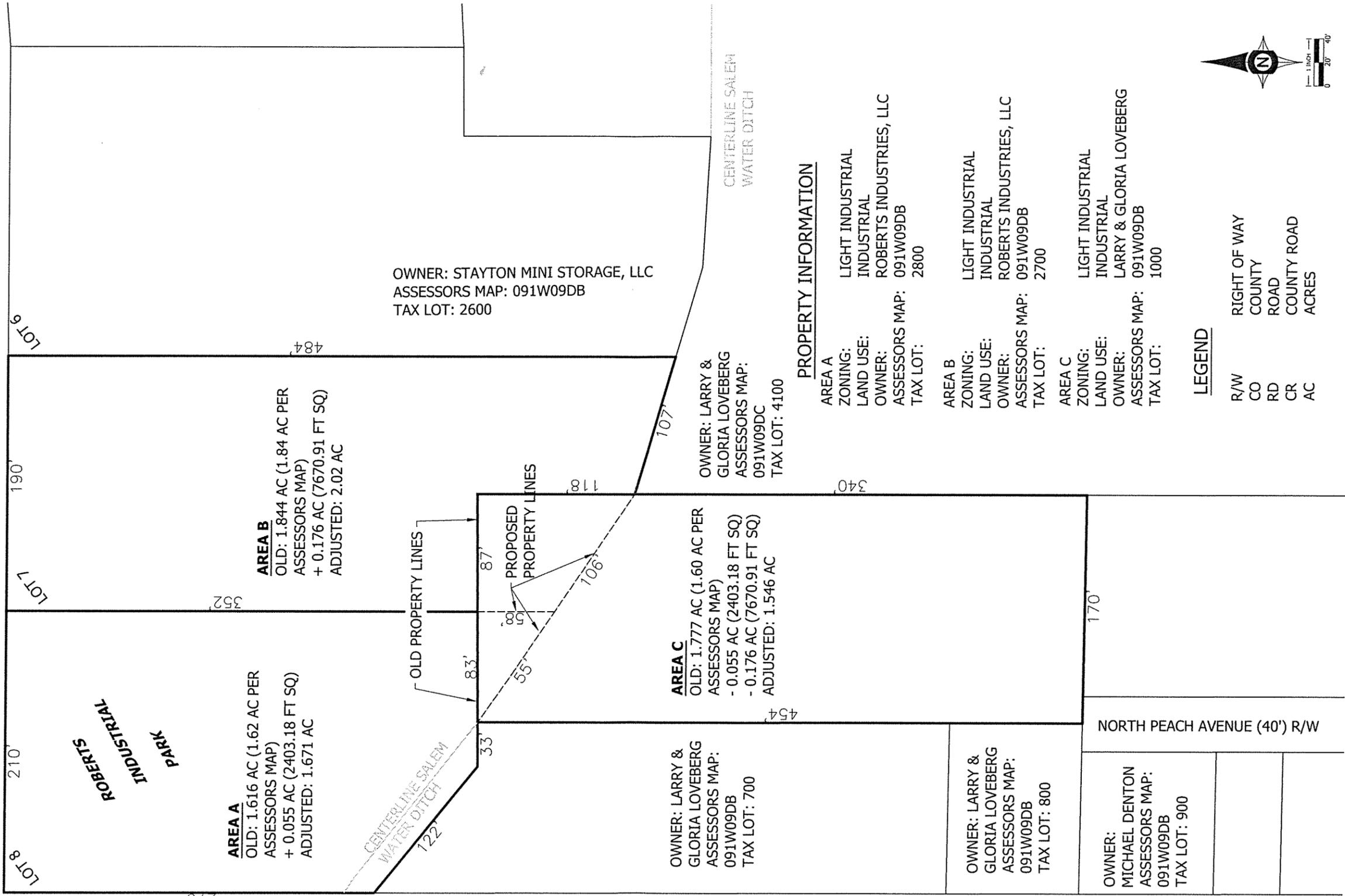
In regards to the previous requirement to obtain easements on the Loveberg Property on the south side of the waterway for the City of Stayton.

After MULTIPLE times and MANY months of trying to contact and achieve an agreement from the owners(Loveberg's) of the Property, have failed. I hold no hope of obtaining an easement. Therefore I am requesting to be relieved from that requirement and to proceed with another application for a minor modification to the existing lot lines. I believe any future development of the property to the south would be the proper and successful time to acquire any easements. Thank you.

Respectfully,

Roberts Industries  
Roger Roberts

PACIFIC COURT (60') R/W



**AREA A**  
 OLD: 1.616 AC (1.62 AC PER ASSESSORS MAP) + 0.055 AC (2403.18 FT SQ) ADJUSTED: 1.671 AC

**AREA B**  
 OLD: 1.844 AC (1.84 AC PER ASSESSORS MAP) + 0.176 AC (7670.91 FT SQ) ADJUSTED: 2.02 AC

**AREA C**  
 OLD: 1.777 AC (1.60 AC PER ASSESSORS MAP) - 0.055 AC (2403.18 FT SQ) - 0.176 AC (7670.91 FT SQ) ADJUSTED: 1.546 AC

OWNER: STAYTON MINI STORAGE, LLC  
 ASSESSORS MAP: 091W09DB  
 TAX LOT: 2600

OWNER: LARRY & GLORIA LOVEBERG  
 ASSESSORS MAP: 091W09DC  
 TAX LOT: 4100

OWNER: LARRY & GLORIA LOVEBERG  
 ASSESSORS MAP: 091W09DB  
 TAX LOT: 700

OWNER: LARRY & GLORIA LOVEBERG  
 ASSESSORS MAP: 091W09DB  
 TAX LOT: 800

OWNER: MICHAEL DENTON  
 ASSESSORS MAP: 091W09DB  
 TAX LOT: 900

**PROPERTY INFORMATION**

<b>AREA A</b>	<b>ZONING:</b> LIGHT INDUSTRIAL
<b>LAND USE:</b> INDUSTRIAL	<b>OWNER:</b> ROBERTS INDUSTRIES, LLC
<b>ASSESSORS MAP:</b> 091W09DB	<b>TAX LOT:</b> 2800
<b>AREA B</b>	<b>ZONING:</b> LIGHT INDUSTRIAL
<b>LAND USE:</b> INDUSTRIAL	<b>OWNER:</b> ROBERTS INDUSTRIES, LLC
<b>ASSESSORS MAP:</b> 091W09DB	<b>TAX LOT:</b> 2700
<b>AREA C</b>	<b>ZONING:</b> LIGHT INDUSTRIAL
<b>LAND USE:</b> INDUSTRIAL	<b>OWNER:</b> LARRY & GLORIA LOVEBERG
<b>ASSESSORS MAP:</b> 091W09DB	<b>TAX LOT:</b> 1000

**LEGEND**

R/W	RIGHT OF WAY
CO	COUNTY
RD	ROAD
CR	COUNTY ROAD
AC	ACRES



WILCO RD. CR 969 (80') R/W

NORTH PEACH AVENUE (40') R/W

REVIEW COPY  
 NOT FOR  
 CONSTRUCTION

HALF SCALE  
 SHEET 1 of 2  
 SCALE: SEE BARSCALE

**PROPERTY LINE ADJUSTMENT**  
 ROBERTS INDUSTRIES LLC  
 1080 WILCO RD  
 STAYTON, OREGON

DATE: 11/01/2017  
 PROJECT: ROBERTS STAYTON BUILDERS MARKET PL  
 DRAWN BY:  
 AWD  
 CHECKED BY:  
 KVL

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**CLIENT:**  
 ROGER K ROBERTS  
 777 SHAFF RD  
 STAYTON, OREGON 97383





# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
the application of  
Roger Roberts, Applicant

) Modification of  
) Previously Approved Subdivision  
) File # 1-02/20

## ORDER OF APPROVAL

### I. NATURE OF APPLICATION

The applicant is requesting removal of a condition of approval placed on the amendment of a previously approved and platted subdivision. In January 2018, the Planning Commission approved the applicant's request to modify lot lines of two lots in the Roberts Industrial Park subdivision, with a condition that the final plat include easements for city-owned utilities in place on the remaining land of the parcel from which the expansion of the lots in the subdivision were being derived. The applicant has been unable to obtain those easements and has requested the condition be removed.

### II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on April 27, 2020. Notice of the public hearing was provided to the owners of all properties within 300 feet of the subject properties. At the hearing there was no objection was raised regarding the notice provided. At the hearing, Land Use File #1-02/20, application for minor modification, was made part of the record.

At the conclusion of the hearing, the Planning Commission made findings of fact, conclusions of law, and approved the application.

### III. FINDINGS OF FACT

1. The Roberts Industrial Park subdivision was approved by the Stayton Planning Commission as land use file #3-02/91 and recorded in the Marion County Deed Records on September 25, 1991 in the book of Town Plats in Volume 39, Page 83.
2. The subdivision did not included a small triangle of land adjacent to the Salem Ditch that was not owned by the property owner.
3. The owner of Lots 7 and 8 in the subdivision has the opportunity to purchase the triangle of land and add portions of it to each of those lots.
4. The owner of the Lots 7 and 8 is Roberts Industries LLC.
5. The owners of the adjacent land are Larry C and Gloria Loveberg.
6. The applicant is the Roger Roberts, an owner of Roberts Industries LLC. The application was submitted on February 25, 2020 and was deemed complete.
7. The properties are Lots 7 and 8 of Roberts Industrial Park and a portion of the adjacent property, between Roberts Industrial Park and the Salem Ditch. The properties may also be described as tax lots 1000, 2700, and 2800, Township 9, Range 1 West of the Willamette Meridian, Section 9, Map DB.

8. The properties are zoned Light Industrial (IL)
9. Lots 7 and 8 are addressed as 1080 Wilco Road. Lot 7 has 190 feet of frontage on Pacific Court. Lot 7 has 107 feet of frontage on the Salem Ditch. Lot 8 has 210 feet of frontage on Pacific Court and 276 feet of frontage on Wilco Road. Lot 8 has 122 feet of frontage on the Salem Ditch. Lots 7 and 8 are together used as retail building supply establishment, with a retail showroom/office, two warehouse buildings, and outdoor storage of building materials.
10. Tax lot 1000 is a 1.78 acre parcel of land located at the terminus of Peach Ave, of which 1.55 acres is located on the south side of the Salem Ditch and a 0.23-acre triangle of land is located on the north side of the Salem Ditch. The portion of tax lot 1000 that is north of Salem Ditch is used as part of the outdoor storage of building materials by the neighboring retail building supply establishment.
11. The surrounding properties are zoned IL. The properties to the north, across Pacific Court are gravel-surfaced vacant parcels used for outdoor storage. The property to the east is developed for self-storage warehousing. One of the properties to the south, across the Salem Ditch is developed for self-storage warehousing. The other two properties to the south, across the Salem Ditch, including tax lot 1000, are vacant. The property to the west, across Wilco Road, is developed as an automobile towing business.
12. The previous proposal was to absorb the portion of tax lot 1000 north of the Salem Ditch into Lots 7 and 8. Lot 7 would increase from 1.84 acres in area to 2.02 acres. Lot 8 would increase from 1.62 acres to 1.67 acres.
13. The City has a sewer main and a storm water drainage pipe on the portion of tax lot 1000 that is south of the Salem Ditch, without records of easements for these utilities.
14. The Planning Commission approved the previous application as Land Use File 13-12/17 on January 29, 2018. Based on the recommendations from the City Engineer, a condition was placed on the approval requiring the applicant to obtain the necessary easement for all of the existing public utilities.
15. The applicant reports that he has attempted for two years to obtain the easements and has not been able to do so.

#### A. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Santiam Water Control District, North Santiam School District and Stayton Police Department. Marion County Building Inspection, Marion County Planning Division, and Marion County Public Works replied they were not affected by the proposal. Comments were received from the Stayton Public Works Department. The Public Works Director consented to the lot line adjustment without getting the easement but noted that any future development activity on tax lot 1000 will require granting of the easements.

#### B. ANALYSIS

Partition applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Chapter 24, Sections 040 and 050. The minor modification of the previous approval must meet only those standards affected by the modification. The existing utilities are on the remainder of the property from which the applicant intends to

purchase a portion. The applicant has attempted to meet the condition of approval but the owner of the property has not been cooperative. The Public Works Department has consented to the removal of the condition of approval.

#### **IV. CONCLUSION**

The application meets the requirements established in SMC 17.24.040.6 and SMC 17.24.050.

#### **V. ORDER**

The Planning Commission removes the condition placed on the approval of Land Use File 13-12/17. The final plat, meeting the requirements of Section 17.24.080.2, must be submitted to the Planning and Development Department for approval no later than April 27, 2021.

#### **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.

#### **VII. EFFECTIVE DATE**

This decision is final, but shall not become effective until the 15th day after the mailing of the Notice of Decision in this case, and then only if no appeal to the Stayton City Council is timely filed. In the event of a timely appeal to the City Council, this decision shall not become effective until the appeal is finally resolved, including any appeals from the decision of the City Council to the Oregon Land Use Board of Appeals.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

#### **VIII. APPEAL DATES**

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS. An appeal must be filed within 14 days of the mailing of the notice of decision.

APPROVED BY A VOTE OF THE STAYTON PLANNING COMMISSION ON THE 27<sup>th</sup> DAY OF APRIL, 2020.

---

Ralph Lewis,  
Planning Commission Chairperson

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Date

ATTEST

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Dan Fleishman,  
Planning & Development Director

---

Date

DRAFT

## Standard Conditions of Approval for Land Use Applications

### General

1. **Approved Land Use Plans** - Minor variations to the approved land use plans shall be permitted provided the development substantially conforms to the submitted land use plans, conditions of approval, and all applicable standards contained in the Stayton Municipal Code (SMC) and City of Stayton Public Works Standards. The applicant shall be responsible for all costs relating to the development, including the design and construction of any required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC, and Public Works Standards.
2. **City Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from the City 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 for the development.
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.

### Prior to Engineered Plan Approval

5. **Design Standards** - All public and privately financed public improvements within the project shall be prepared, signed, and stamped by a Professional Engineer registered in the State of Oregon and shall be designed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
6. **Engineered Plans** - The applicant's design engineer shall submit engineered plans for review and approval of all required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC and Public Works Standards. Engineered plans shall be reviewed by the City and signed approved by the City Engineer or Public Works Director, prior to issuance of City permits. All conditions of approval for the project will need to be met to the satisfaction of the City Planner and Public Works Director prior to approval of the engineered plans.
7. **Surveys** – Surveys for public improvements shall be performed under the direction of a Professional Land Surveyor registered in the State of Oregon.
8. **Utility Coordination** - Utility companies and public agencies as applicable shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
9. **Agency Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from all City, State and Federal agencies having jurisdiction over the work. This may include, but is not limited to, the City, Marion County, DEQ, OHA-DWS, DSL, Fire Code Official, Building Code Official, etc. Written

documentation of all required agency approvals as applicable shall be submitted to the City prior to approval of the engineered plans.

### **Prior to Construction**

10. **Developer Agreement** – Where public improvements are required, the applicant shall submit to the City an approved (by City Attorney) Developer-Engineer-City Agreement signed and notarized by the applicant and the design engineer, or a signed Developer-Engineer of Record Agreement (for minor privately financed public improvements) signed by the applicant and the design engineer, prior to issuance of City permits.
11. **Permits, Insurance, and Indemnification** – All required permits, insurance, and indemnification shall be obtained by the applicant and provided to the City in accordance with the Public Works Standards prior to construction. A 1200C permit shall be secured by the applicant if required under the rules of the Oregon State DEQ.
12. **Design Engineer’s Estimate** – Where public improvements are required, an estimate performed by the design engineer of the total estimated project cost shall be provided to the City for review and acceptance. This is needed to determine the amount of bonding required for the project.
13. **Performance Bond** - Where public improvements are required, a performance bond, or other form of performance guarantee acceptable to the City Manager and City Attorney, is required to be in place, prior to issuance of City permits. The applicant shall provide a performance bond in the amount of 125% of the total estimated project cost in accordance with the Public Works Standards. The performance bond shall be in a form acceptable to the Public Works Director.
14. **Pre-Construction Conference** - Where public improvements are required, a pre-construction conference shall be held prior to construction in accordance with the Public Works Standards.

### **During Construction and Project Completion**

15. **Construction Specifications** - Where public improvements are required, all public and privately financed public improvements within the project shall be constructed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
16. **Construction Inspection**- Where public improvements are required, all public improvements shall be inspected by the design engineer, or a qualified individual under their supervision, in accordance with the Public Works Standards to assure the construction is following the approved engineered plans. At least three days prior to construction, the applicant shall notify the Public Works Director in writing of the date when the applicant proposes to commence construction. The written notification shall include the name and phone number of the contracting company and the responsible contact person. Any supplemental inspection by the City does not relieve the applicant or the design engineer of providing the required inspection.
17. **Project Completion** - Where public improvements are required, the public improvements and public utilities shall be fully constructed and a project completion report that certifies to the City that the project was constructed according to the

approved plans and specifications and that the correct required testing and inspections were satisfactorily performed shall be provided by the design engineer in accordance with the Public Works Standards. Unless the required public improvements are deferred under a non-remonstrance or other agreement approved and signed by the City, a notice of final completion and provisional acceptance of the public improvements is to be provided by the City to the applicant following the completion of construction, prior to the recording of the final plat and prior to any building permit applications being accepted or issued. 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.

18. **Warranty Bond** - Where public improvements are required, after completion and provisional acceptance of the public improvements by the City, the applicant shall provide a 1-year warranty bond in the amount of 30% of the performance bond amount in accordance with the Public Works Standards. The warranty bond shall be in a form acceptable to the Public Works Director.
19. **Record Drawings** - Where public improvements are required, the applicant shall submit to the City, reproducible record drawings and an electronic file of all public improvements constructed during and in conjunction with the project within three months of the completion of construction. Field changes made during construction shall be drafted on the plans in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). Record drawings shall be submitted prior to provisional acceptance of the construction, initiating the one-year maintenance period.
20. **Warranty Bond Release and Final Acceptance** – Where public improvements are required, the release of the warranty bond and final acceptance of the public improvements will be in accordance with SMC 12.04.310 and the Public Works Standards
21. **SDCs and Other Utility Fees** - Systems Development Charges and other utility fees (Mill Creek Sewer Interceptor, etc.) as applicable, will be applied to the project at the time of issuance of a building permit.



# City of Stayton

*Department of Planning and Development*  
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Phone: (503) 769-2998 • Fax (503) 769-2134  
dfleishman@ci.stayton.or.us      www.staytonoregon.gov

## MEMORANDUM

**TO:** Chairperson Ralph Lewis and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** April 27, 2020  
**SUBJECT:** 2-Parcel Partitioning 400 Block N Evergreen Ave Preliminary Plan Application  
**120 DAYS ENDS:** August 5, 2020

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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 proposed 2-parcel partitioning of a vacant parcel of land in the 400 block of N Evergreen Ave. The property is zoned Low Density Residential.

The application consists of the application form and narrative, and the proposed preliminary partitioning plat. An aerial photo from March of 2020 shows the property:



*THE CITY OF STAYTON IS AN EQUAL OPPORTUNITY EMPLOYER AND SERVICE PROVIDER*

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386 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-3423  
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**PLANNING AND  
DEVELOPMENT**  
362 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-2998  
FAX (503) 767-2134

**PUBLIC WORKS**  
362 N. THIRD AVENUE  
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(503) 769-2919  
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**WASTEWATER**  
950 JETTERS WAY  
STAYTON, OR 97383  
(503) 769-2810  
FAX (503) 769-7413

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

# City of Stayton

Review comments were received by from the Public Works Department through the City Engineer, which are included in the packet.

Staff has the following concerns about the application, which are noted in the findings and reflected in the recommended conditions of approval:

- The existing right of way for N Evergreen Ave is of substandard width. Additional right of way must be dedicated as part of the partitioning
- The existing sidewalk is in poor condition in places, is of substandard width, and does not meet current ADA standards.

Staff is recommending several conditions of approval addressing the issues outlined above.

## **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 SUGGESTED MOTIONS**

Staff has provided the Planning Commission 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 Planning Commission approve the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) and adopt the draft order presented by Staff.

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

I move the Stayton Planning Commission approve the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) 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 Planning Commission approve the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the May 25, 2020 meeting.

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

I move that the Stayton Planning Commission deny the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the May 25, 2020 meeting.

### **5. Continue the hearing until May 25, 2020.**

# City of Stayton

I move the Stayton Planning Commission continue the public hearing on the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) until May 25, 2020.

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

I move the Stayton Planning Commission close the hearing on the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) but maintain the record open to submissions by the applicant until May 11, 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 25, 2018.

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

I move the Stayton Planning Commission continue the deliberation on the application of North Santiam School District 29J for preliminary plan approval of a two-parcel partitioning (Land Use File #3-04/20) until May 25, 2020.



**CITY OF STAYTON  
APPLICATION FOR PARTITION OR SUBDIVISION**

Application for:  Subdivision  Partition

PROPERTY OWNER: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

APPLICANT'S REPRESENTATIVE: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

ENGINEERING

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

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

owner  applicant  applicant's representative  planning consultant  engineer

LOCATION: Street Address: \_\_\_\_\_

Assessor's Tax Lot Number and Tax Map Number: \_\_\_\_\_

Closest Intersecting Streets: \_\_\_\_\_

DESCRIPTION OF PROPOSAL: Total Acreage: \_\_\_\_\_ No. of Lots \_\_\_\_\_

ZONE DISTRICT: \_\_\_\_\_

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

SIGNATURE OF APPLICANT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

Land Use File# \_\_\_\_\_

### 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: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Sanitary Sewer: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Storm Sewer: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Natural Gas: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Telephone:  is (or)  is not available in \_\_\_\_\_ 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.

## **400 Block Evergreen Partition Proposal Narrative**

*Submitted on behalf of the North Santiam School District to the City of Stayton*

*Written by: Alan Kirby, Coordinator of College and Career Pathways, North Santiam School District.*

The North Santiam School District is currently under contract to purchase the vacant lot on the 400 block of N. Evergreen Ave. The proposed plan is to divide the lot into two lots for the purpose of building single-family homes. These homes will be built in conjunction with the Stayton High School construction class, which allows students to take part in building an actual home and gives them true real-world experience in construction.

The surrounding area and roads are generally single family homes in the same size and scale that we plan to build on these proposed lots. The initial plan is to build single-level, 3 bedroom homes. The homes would fit into the neighborhood and do little to disrupt the area as it now stands.

### Traffic

We ask that the letter of an engineer be waived in regards to traffic impact. The addition of two single-family homes to this street will bring negligible traffic effect.

*Sight-Line Test:* On March 31, 2020, a sight-line test was conducted for cars entering Evergreen from the proposed lots. From both sites where the test was conducted, there was visibility all the way to Washington St on the North (around 1000 feet+). From both sites, there was also visibility to Ida St on the South (around 300 feet from the South lot).

### Public Services

There is an 8-inch water supply available to access on Evergreen street, as well as a 10-inch sanitary sewer line and 10 inch storm water line.

Storm water will be collected in catch basins on site for each of the lots. Each home will have a system designed in accordance with the Portland Stormwater Manual. Infiltration tests were performed on the property in February 14<sup>th</sup> of 2020, and results indicate that there is sufficient absorption of water into the soil to allow for the simplified approach to this issue. Results of the infiltration test are attached.

Cable, Natural Gas, and Electrical are all available to access on Evergreen Street.

### Lot Design

It is proposed that we divide the property into two equal parts. Each lot would have its own driveway and access. The lots would each be approximately 87 feet wide at the street, and 154 feet deep to the back of the lot. Both homes will be designed/engineered to meet the requirements of the city.

There are approximately 40 trees of varying size and age on the property, including some very large fir trees. Some of the fir trees would be removed, as well as some of the other trees on the property (see attached tree inventory and plan). These will be removed by licensed professionals hired by the school district.

Improvements on the sidewalk (widening by one foot) as required by the city would be completed when the first home is completed.

#### Natural, Physical, and Geographic Features

- There is not a flood hazard/flood plain on the property. There is a ditch/creek nearby, but it is not adjacent to the property.
- There are not any wetlands on the property
- There are not important natural features on the property.

Historic Sites or Structures: Not applicable to this property

Deed Covenants or Restrictions: Not applicable to this property

#### **Other documents to be attached (via email)**

1. Lot map with notes regarding partition line, sewer line proposal, and note of sight distance test placement
2. Tree inventory (2)
  - a. General tree placement/key (trees numbered)
  - b. Tree list (size and type, and proposal for removal)
3. Infiltration Test and results

**PRELIMINARY PARTITION PLAT**

CLARENCE J. ADAMS TRUST  
 IN THE SW 1/4  
 OF SEC 10, TOWNSHIP 9 SOUTH, RANGE 1 WEST,  
 WILLAMETTE MERIDIAN, MARION COUNTY, OREGON

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE PROPERTY LINE ADJUSTMENT AS REQUESTED BY THE PROPERTY OWNER. THE PREVIOUS DEED FOR THE PARCELS ARE RECORDED AS REEL 3965 PAGE 157 MARION COUNTY RECORDS. CITY OF STAYTON DOES NOT REQUIRE PRIOR APPROVAL FOR PROPERTY LINE ADJUSTMENT.

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING THE MONUMENTS TIED ON THE EASTERN SIDE OF THE PARCELS SHOWN ON THIS PLAT AND AS MEASURED IN M.C.S.R. 32062.

THE EASTERLY LINE OF EVERGREEN AVE. WAS ESTABLISHED UTILIZING RECORD BEARING AND THE POSITION OF MONUMENT 7.

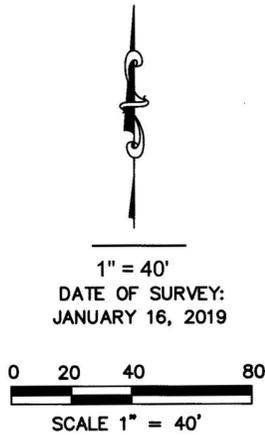
ALL FOUND MONUMENTS ARE IN GOOD CONDITION AND NEAR THE SURFACE UNLESS NOTED OTHERWISE.

**MONUMENT TABLE**

- |   |  |
|---|--|
| 1 | FOUND 3/4" IRON PIPE {4,5} NORTHWEST CORNER OF PARCEL 1, P.P. 2002-35. |
| 2 | FOUND 5/8" IRON ROD {1}  |
| 3 | FOUND 5/8" IRON ROD {1}  |
| 4 | FOUND 5/8" IRON ROD, BENT, NOT TIED THIS SURVEY {1}                    |
| 5 | FOUND 5/8" IRON ROD, GORMAN {2}  |
| 6 | FOUND 5/8" IRON ROD, BADLY BENT, DOWN 0.9', 0.16' EAST OF LINE. {1}    |
| 7 | FOUND 3/4" IRON PIPE, DOWN 0.9' {6}                                    |

**LEGEND:**

- = FOUND MONUMENT
- = SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LULAY PLS 1827"
- ◇ = CALCULATED POINT
- ( ) = DATA OF RECORD
- M.C.S.R. = MARION COUNTY SURVEY OF RECORD
- M.C.R. = MARION COUNTY RECORDS
- P.P. = PARTITION PLAT
- = VACATED STREET
- — — = PROPERTY LINE
- — — = EASEMENT
- I.R. W/Y.P.C. = IRON ROD WITH YELLOW PLASTIC CAP
- REEL 1701 PAGE 65 = DEEDS OF RECORD MARION COUNTY, OREGON

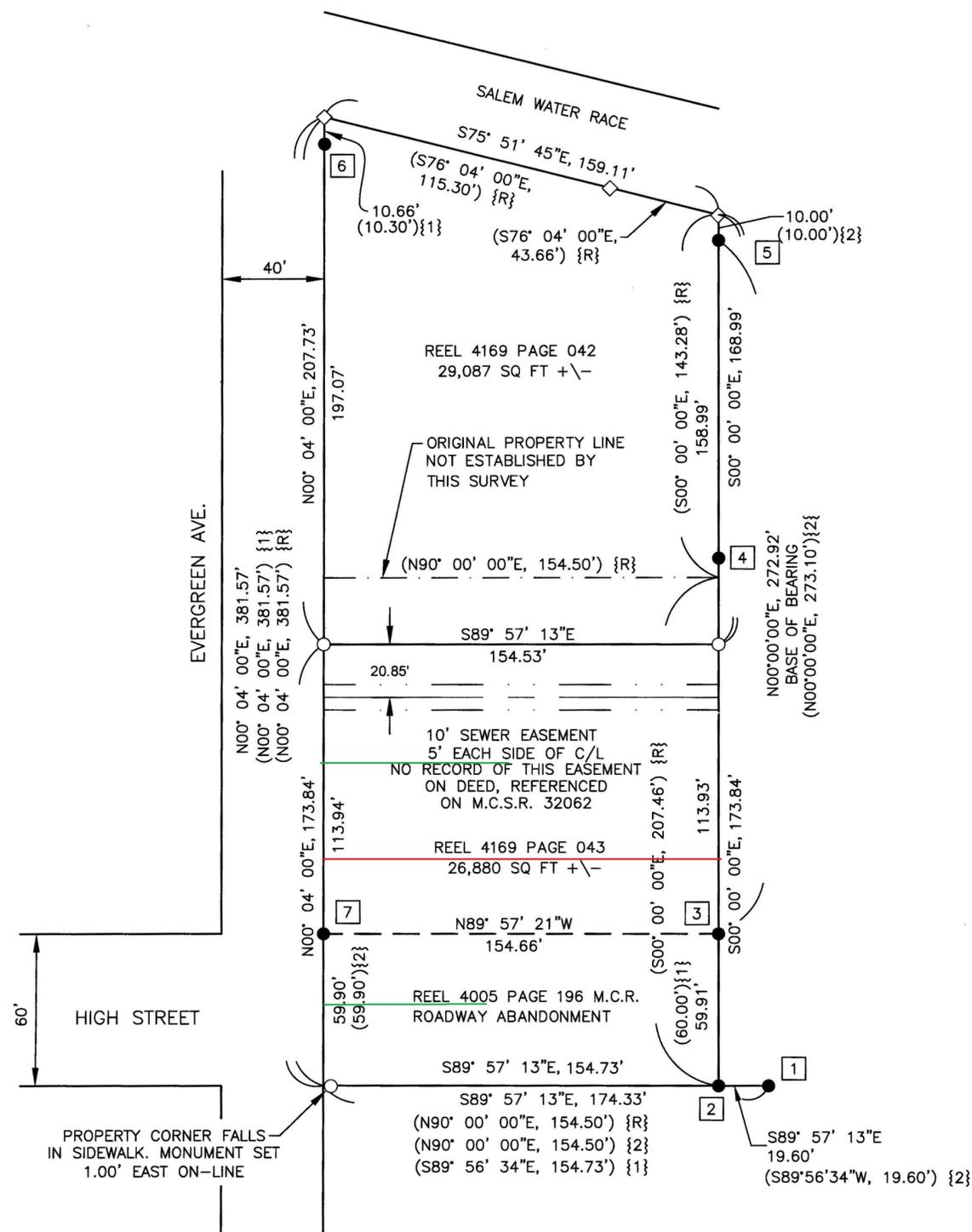


**SURVEYS OF RECORD:**

- {1} M.C.S.R. 23491
- {2} M.C.S.R. 32062
- {3} M.C.S.R. 17418
- {4} P.P. 2002-35
- {5} M.C.S.R. 13297
- {6} M.C.S.R. 13881

**DOCUMENTS OF RECORD:**

- [R] REEL 3965 PAGE 157
- [S] REEL 4005 PAGE 196
- [T] REEL 4169 PAGE 042
- [U] REEL 4169 PAGE 043



SURVEY FOR		CLARENCE J. ADAMS TRUST	
LOCATION:		SEC 10 T.9.S., R.1.W., W.M. STAYTON MARION COUNTY, OREGON	
SCALE:	1" = 40'	DATE: 3/31/2020	SHEET 1 OF 1
DATE:	3/31/2020		
DRAWN BY:	AK	JOB NUMBER:	8094

## **Application – Evergreen Avenue 2-Lot Partitioning TL1100**

### **City of Stayton – Land Use File No. 3-04/20**

TO: Dan Fleishman/*City Planner*

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

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

PROJECT: **Application for two-parcel partitioning of TL1100, located in the 400 block of N. Evergreen Avenue**

DATE: April 17, 2020

### **Background**

I received a copy of the land use application for a partition provided by Developer North Santiam School District, with a request by the City of Stayton to review and respond. The application is for the two-lot partitioning of 091W10CD, Tax Lot 1100. The property is not currently addressed, but is located just south of 480 N. Evergreen Avenue. Tax Lot 1100 is approximately 0.62 acres in size.

The following land use application review concentrates on the public works aspects and implications of the application, including anticipated impacts to existing public utilities and recommended public improvements. The review findings and public works recommendations are based on a review of the applicable public works portions of the City of Stayton Municipal Code (SMC) and Public Works Design Standards (PWDS), and does not include a review of any other agency's requirements, or any building or other specialty code requirements covered under such building, plumbing, mechanical, electrical, fire, or any other applicable codes and regulations that may be required for the project.

The Developer is required to obtain any and all required reviews, approvals, and permits required by the Planning Conditions of Approval, SMC, PWDS, Marion County, ODOT, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work. The Developer shall coordinate with Public Works, Fire Code Official, Building Official, and other appropriate agencies as necessary.

The City of Stayton Municipal Code and Public Works Standards are available online at <http://www.staytonoregon.gov>, under the document center and the public works department menus. It is recommended that City Staff review this memorandum in conjunction with their application review.

## **Project Overview**

### **Project Site and Access**

The application and GIS mapping show the location of the development to be within Township 9 South, Range 1 West, Section 10CD, Tax Lot 01100. Proposed vehicular access will be from new driveway approaches constructed along N. Evergreen Avenue.

### **Existing Site Topography and Utilities**

Existing site topography and utilities were not provided with the application. GIS mapping indicates that there is an existing 10" sanitary sewer system, an 8" water main, and an 8" storm drainage system within N. Evergreen Avenue.

## **Findings**

### **Transportation**

- **TIA/TAL** – A Transportation Assessment Letter was waived by the Public Works Director.
- **Right of Way (R/W)** – Right-of-ways shall comply with PWDS 312, Geometric Design Requirements by Street Functional Classification.
  - **N. Evergreen Avenue** – N. Evergreen Avenue is designated as a Local Street under City jurisdiction. From the tax assessor's map, it appears that approximately 10' of additional R/W dedication is needed along N. Evergreen Avenue to meet half of the required 60' standard width requirement. In addition, the standard 10' wide public utility easement is recommended to be provided along the frontage in accordance with the PWDS. The additional R/W dedication and standard public utility easement shall be shown on the plat.
- **Street Improvements** – Street sections shall comply with PWDS 312, Geometric Design Requirements by Street Functional Classification. It shall be the responsibility of the Developer to preserve and protect the current pavement condition index rating and the structural integrity of the existing roadways from construction traffic to the satisfaction of the Public Works Director throughout all phases of development. Failure to preserve and protect the roadways may result in the Developer being responsible for replacing and reconstructing the damaged roadways at the Developer's expense. It should be noted that final asphalt concrete pavement and sidewalk sawcut lines for all street improvements will be established by the City Inspector with the Design Engineer and Contractor during construction.
  - **N. Evergreen Avenue** – N. Evergreen Avenue along the frontage is considered to be developed; therefore, additional street improvements will not be required with the exception of the removal and replacement of the existing substandard sidewalks, the removal of the existing driveway approach (if it will not be used), and

construction of the new driveway approaches. The sidewalk replacement should be with a 5' wide curbside sidewalk per the PWDS.

- **Sight Distance and Clearance Areas** – Adequate sight distance and clearance areas shall be provided in accordance with PWDS 303.06. Landscaping shall be located and designed to prevent obstruction of the sight distances and clear vision areas.
- **Driveway Spacing** – PWDS 303.11.D requires the driveway spacing to be 50' on Local Streets from another driveway or from a nearby street intersection. The new driveway approaches along N. Evergreen Avenue shall comply with the PWDS.
- **Streetscape Appurtenances** – All public and private items that currently exist or will be placed in the right-of-way that will impact the sidewalk and/or the landscape strip shall be coordinated and shown on the plans as necessary. Franchise utility poles and other utility structures shall be coordinated with rightful utility owners and located in accordance with the PWDS. Street trees shall be provided in accordance with PWDS 309.05; however, they shall be located and designed to prevent obstruction of the sight distances and clear vision areas.
- **Engineered Plans** – With the application for any Building Permit, the Developer shall submit to the City for review and approval engineered site and street improvement plans conforming to Public Works Standards.

## Water

- **Domestic Service and Backflow Prevention** – Each parcel will require a separate water service. Modifications to the existing water system shall comply with Public Works Standards and meet the requirements of the Building Official and Fire Code Official. Appropriate backflow prevention devices shall be provided as necessary and will need to be reviewed and approved by the City, Building Official and the Fire Code Official, as applicable. Only Oregon Health Authority – Drinking Water Services (OHA-DWS) approved backflow devices shall be used. All private utilities will need to be reviewed and approved by the Building Official.
- **Fire Protection** – Generally, fire hydrant(s) are required to be installed within 250' of any new structure, unless otherwise approved by the Fire Code Official. GIS mapping indicates that there is an existing fire hydrant located at the southeast corner of the intersection of W. High Street and N. Evergreen Avenue. The Developer shall review and coordinate with the Fire Code Official to ensure compliance with applicable fire codes and regulations. Any necessary water system improvements shall comply with the Public Works Standards and shall be shown on the engineered plans.
- **Fire Code Official Approval** – Prior to Site Development Permit final plan approval, the Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
- **Engineered Plans** – With the application for any Building Permit, the Developer shall submit to the City for review and approval an engineered water system plan conforming

to Public Works Standards and meeting the requirements of the Building Official and Fire Code Official. A utility easement in accordance with PWDS 102.08 shall be provided if a public water main and/or public fire hydrant is extended outside the public right-of-way.

## Sanitary Sewer

- **Existing Sanitary Sewer Easement** – There is an existing 10' wide sanitary sewer easement near the north property line through this lot that will need to remain. The existing 10' sanitary sewer easement is to be clearly identified on the plat along with any declaration of restrictions and grant of easement document.
- **Sanitary Sewer** – Each parcel will require a separate sanitary sewer service. Modifications to the existing sanitary sewer system shall comply with Public Works Standards and meet the requirements of the Building Official. All private utilities will need to be reviewed and approved by the Building Official.
- **Engineered Plans** – With the application for any Building Permit, the Developer shall submit to the City for review and approval an engineered sanitary sewer plan conforming to Public Works Standards and meeting the requirements of the Building Official.

## Stormwater

- **Stormwater Analysis and Report** – A stormwater analysis, drainage report and supporting documentation will be required in accordance with PWDS 603.01. Existing site topography, off-site contributing areas, and all proposed open water surfaces shall be considered and included in the design. Careful review and consideration of the site's high seasonal groundwater elevation and any impacts it may have on the stormwater management facility (including the vertical separation requirements) will need to be included in the analysis as applicable.
- **Stormwater Quality and Quantity** – Stormwater quality and quantity provisions will be required in accordance with PWDS 607 and 608 at the time of construction of new homes on the two parcels. All private utilities will need to be reviewed and approved by the Building Official.
  - 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. See PWDS 607 for stormwater quality facility requirements.
  - If detention is proposed, 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. See PWDS 608 for stormwater quantity facility requirements.

- If retention is proposed, then the stormwater retention facility shall be designed to retain a 50-year storm event per PWDS 602.05.C.
- Provisions for an adequate and approved emergency overflow system are required to convey the un-detained, post-developed 100-year storm event flows to an acceptable point of discharge. Additional provisions shall be provided at all locations where the overflow system will create ponding to hazardous depths. Emergency access shall be provided at all times.
- Appropriate setbacks from the edge of the stormwater management facility's maximum water surface to the property lines shall be provided, unless an easement with adjacent property owners is provided, in accordance with the SWMM requirements.
- **Acceptable Point of Discharge** – It shall be the responsibility of the Developer to provide a suitable discharge location for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
- **Stormwater Operation and Maintenance Plan and Agreement** – Stormwater operation and maintenance of the facilities will be the obligation of the Developer. As such, a City approved stormwater operation and maintenance agreement will be required from the Developer and approved by the City to ensure future operation and maintenance of the facility. See the Public Works Standard forms.
- **Engineered Plans** – With the application for any Building Permit, the Developer shall submit to the City for review and approval engineered stormwater conveyance, quality, and quantity plans, stormwater analysis and report, and an O&M plan and agreement conforming to Public Works Standards, and meeting the requirements of the Building Official.

## **Erosion and Sediment Control**

- **Erosion and Sediment Control Plan** – With the application for any Building Permit, an erosion and sediment control plan shall be submitted for review for any site grading or earth disturbing activities 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 with the application for any Building Permit and prior to issuance of a Site Development Permit.

2. The following engineered plans and supporting documentation shall be submitted to the City for review and approval with the application for any Building Permit and prior to issuance of a Site Development Permit.
  - a. Site and street improvement plans conforming to Public Works Standards. The existing substandard sidewalks along the frontage of N. Evergreen Avenue will need to be removed and replaced at the time of construction of new homes on the two parcels. The new driveway approaches along N. Evergreen Avenue shall comply with the PWDS.
  - b. Water system plans conforming to Public Works Standards and meeting the requirements of the Building and Fire Code Official. Prior to Site Development Permit final plan approval, the Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
  - c. Sanitary sewer system plans conforming to Public Works Standards and meeting the requirements of the Building Official.
  - d. A stormwater analysis conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts will need to be included in the analysis as applicable.
  - e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
  - f. A stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of the stormwater management facilities.
  - g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards.

# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
the application of  
North Santiam School District 29J,  
Applicant

) Partitioning  
) Land Use File  
) #3-04/20  
)

## 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 Planning Commission on April 27, 2020. At that hearing the Planning Commission reviewed Land Use File #3-04/20, application for partitioning, and it was made part of the record.

### III. FINDINGS OF FACT

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

#### A. EXISTING CONDITIONS

1. The Clarence J Adams Living Trust is the owner.
2. The North Santiam School District 29J, who has an executed sales agreement, is the applicant.
3. The property is tax lot 1100 Township 9, Range 1 West of the Willamette Meridian, Section 10CD.
4. The property is zoned Low Density Residential (LD).
5. The property is an unaddressed lot located in the 400 block of N Evergreen Ave.
6. The property is 26,880 square feet in area and has 174 feet of frontage on N Evergreen Ave.
7. The property is currently vacant.
8. The surrounding property to the east is zoned LD and is developed with a single family dwelling. The property to the south is zoned LD and is developed with a single family dwelling. To the west, across N Evergreen Ave, one property is zoned LD and developed with a single family dwelling and one property is a small portion of the vacant property that was part of the NORPAC Inc, facilities. The property to the north is zoned LD and is developed with a single family dwelling.

#### B. PROPOSAL

The proposal is to divide the existing parcel into two parcels. Each parcel will have approximately 87 feet of frontage on N Evergreen Ave and be approximately 13,440 square feet in area.

#### 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 Stayton Public Works Department through the City's Engineer. Those comments are reflected in the findings below. A response from Pacific Power, indicating they are not impacted was also received.

#### 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: There is an 8-inch water line on the west side of N Evergreen Ave.

There is a 10-inch sewer main on the east side of N Evergreen Ave.

There is a 10-inch storm drain line on the west side of N Evergreen Ave. There is a catch basin on the east side of N Evergreen Ave feeding an 8-inch storm drain line to a catch basin on the west side of the street and the 10-inch line.

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

Finding: The developed residentially zoned lots in the area range in size from 8,069 square feet to 55,233 square feet in area. The plan proposes the creation of two 13,400-square foot parcels.

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. N Evergreen Ave is designated as a Residential Local Street in the adopted Transportation System Plan. The designated right of way width for N Evergreen Ave is 60 feet. The existing right of way is 40 feet wide. The Public Works Department has indicated that, dedication of an additional 10 feet of right of way is required, with a 10-foot public utility easement behind the new right of way line. N Evergreen Ave is currently improved with 30 feet of travel way, curb, gutter and sidewalk. In front of the subject property there is an existing four-foot curbside sidewalk. The Public Works Department has indicated that no street improvements are required, but that the sidewalk will need to be replaced with a 5-foot wide curbside sidewalk at the time of construction of the homes.

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

Findings: See the Findings below regarding Section 17.24.050 and 17.26.020.

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

Findings: The LD zone requires an 8,000 square foot minimum lot size with a minimum of 80 feet of frontage. The proposal is create two lots with approximately 13,400 square feet of lot area and 87 feet of frontage.

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

Findings: There are no standards of Chapter 17.20 applicable to this partitioning.

- 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.*

Findings: As a partition, there is no name.

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

Finding: The applicable provisions of ORS 92.090 are that a tentative plan for a proposed partition shall not be approved unless 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; 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 the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044. There are no streets proposed as part of the partitioning. The LD zone establishes an 8,000 square foot minimum lot size with a minimum of 80 feet of frontage. The proposal is create two lots with approximately 13,400 square feet of lot area and 87 feet of frontage.

- 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.

**Section 17.24.050 Design Standards for Partition Preliminary Plans.** Pursuant to SMC 17.24.050 the following criteria and objectives must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

1. *STREETS.*

- a. *Streets 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. Streets*

*shall conform to the location, alignment, and width as indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.)*

- b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*
- c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*
- d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.*
- e. Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks 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, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.*

Findings: No new streets are proposed. The Non-Motorized Plan does not call for any non-motorized facilities near this property.

The Public Works Department has noted that the existing sidewalks do not meet the width requirements, are in poor condition, and do not meet ADA standards. The Public Works Department has recommended that the sidewalks be replaced across the frontage of the entire parcel.

- 2. DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Findings: N Evergreen Ave is designated as a Residential Local Street in the adopted Transportation System Plan. The designated right of way width for N Evergreen Ave is 60 feet. The existing right of way is 40 feet wide. The Public Works Department has indicated that, dedication of an additional 10 feet of right of way is required, with a 10-foot public utility easement behind the new right of way line. N Evergreen Ave is currently improved with 30 feet of travel way, curb, gutter and sidewalk. In front of the subject property there is an existing four-foot curbside sidewalk. The Public Works Department has indicated that no street improvements are required, but that the sidewalk will need to be replaced with a 5-foot wide curbside sidewalk at the time of construction of the homes.

- 3. DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall 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, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Findings: No dead-end streets are proposed.

4. *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.*
- b. *In no case shall a reserve block be platted along a street that is dedicated to the required full width.*

Findings: No reserve blocks are proposed.

5. *STREET WIDTHS.*

- a. *The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*
- b. *In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.*
- c. *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.*
- d. *The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.*

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

e. *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 width may be required.*

Findings: No new streets are proposed. N Evergreen Ave is designated as a Residential Local Street in the adopted Transportation System Plan. The designated right of way width for N Evergreen Ave is 60 feet. The existing right of way is 40 feet wide. The Public Works

Department has indicated that dedication of an additional 10 feet of right of way is required, with a 10-foot public utility easement behind the new right of way line. N Evergreen Ave is currently improved with 30 feet of travel way, curb, gutter and sidewalk. In front of the subject property there is an existing four-foot curbside sidewalk. The Public Works Department has indicated that no street improvements are required, but that the sidewalk will need to be replaced with a 5-foot wide curbside sidewalk at the time of construction of the homes.

6. *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. *Block length and perimeter standards are specified in Section 17.26.1020.5.c.*

c. *Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Findings: The application is for a partitioning. No blocks will be created.

7. *MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 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.*

Findings: The application is for a partitioning. No blocks will be created.

8. *LOT SIZE, LOT LINES.*

a. *Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*

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. *Side lot lines shall be as close to right angles to the front street as practicable.*

e. *Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.*

f. *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.*

Findings: The LD zone requires an 8,000 square foot minimum lot size with a minimum of 80 feet of frontage. The proposal is create two lots with approximately 13,400 square feet of lot area and 87 feet of frontage. Lot side lines are approximately perpendicular to the front lot lines.

9. *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.*

Findings: There are no public survey monuments on the parcel.

10. *SEWAGE DISPOSAL.*

- a. *All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*
- b. *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.*

Findings: No sewer extension is proposed.

11. *PUBLIC USE AREAS.*

- a. *Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition 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 partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.*

Findings: 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.*

- 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. *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 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.*

Findings: There is an 8-inch water line on the west side of N Evergreen Ave.

### 13. 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 used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*
- b. *The subdivider shall 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 are available within 500 feet of the proposed subdivision.*

Findings: The application is for a partitioning.

**Section 17.26.060 Access Management Requirements and Standards.** The following are the applicable sections of Section 17.26.020:

*17.24.020.3.h Access Spacing Standards. The driveway separation requirements in Table 17.26.020.3.h apply only on corner lots.*

Findings: The proposed parcels will not be corner lots.

## IV. CONCLUSION

Based on the findings of fact above, the Planning Commission concludes that the approval criteria in Sections 17.24.040.6, 17.24.050, and 17.26.020 are met except for the following:

1. Section 17.24.050.5. The Public Works Department noted that N Evergreen Ave does not have the required right of way width for a Residential Local Street and that the existing sidewalks do not meet the minimum width requirements and ADA standards. The City Engineer recommended the Final Plat include a 10-foot wide Public Utility Easement along the east side of N Evergreen Ave along the entire frontage of the partitioning. This standard could be met if the final plat is revised to dedicate 10 feet of additional right of way for N Evergreen Ave and provides a 10-foot wide public utility easement along the east side of N Evergreen Ave.

## V. ORDER AND CONDITIONS OF APPROVAL

The Planning Commission approves the application as shown on the preliminary plan entitled "Preliminary Partition Plat Clarence J Adams Trust" dated March 31, 2020 prepared by Alan Kirby 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. With the submittal of the final plat for approval, revise the final plat to
  - a. Include a dedication of 10 feet of additional right of way for N Evergreen Ave.
  - b. Provide and show on the final plat a 10-foot wide public utility easement along the frontage of both parcels on N Evergreen Ave.
2. The following engineered plans and supporting documentation shall be submitted to the Public Works Department for review and approval with the application for any Building Permit on the parcels established by this partitioning:
  - a. Site and street improvement plans conforming to Public Works Standards. The existing substandard sidewalks along the frontage of N. Evergreen Avenue will need to be removed and replaced at the time of construction of new homes on the two parcels. The new driveway approaches along N. Evergreen Avenue shall comply with the PWDS.
  - b. Water system plans conforming to Public Works Standards and meeting the requirements of the Building and Fire Code Official. Prior to Site Development Permit final plan approval, the Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
  - c. Sanitary sewer system plans conforming to Public Works Standards and meeting the requirements of the Building Official.
  - d. A stormwater analysis conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts will need to be included in the analysis as applicable.
  - e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
  - f. A stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of the stormwater management facilities.
  - g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards.

## **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.

## VII. EFFECTIVE DATE

This decision regarding the subdivision application is final, but shall not become effective until the 15th day after the mailing of the Notice of Decision in this case, and then only if no appeal to the Stayton City Council is timely filed. In the event of a timely appeal to the City Council, this decision shall not become effective until the appeal is finally resolved, including any appeals from the decision of the City Council to the Oregon Land Use Board of Appeals.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

## VIII. APPEAL DATES

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS within 14 days of the notice of decision.

\_\_\_\_\_  
Ralph Lewis, Chairperson

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## Standard Conditions of Approval for Land Use Applications

### General

1. **Approved Land Use Plans** - Minor variations to the approved land use plans shall be permitted provided the development substantially conforms to the submitted land use plans, conditions of approval, and all applicable standards contained in the Stayton Municipal Code (SMC) and City of Stayton Public Works Standards. The applicant shall be responsible for all costs relating to the development, including the design and construction of any required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC, and Public Works Standards.
2. **City Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from the City 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 for the development.
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.

### Prior to Engineered Plan Approval

5. **Design Standards** - All public and privately financed public improvements within the project shall be prepared, signed, and stamped by a Professional Engineer registered in the State of Oregon and shall be designed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
6. **Engineered Plans** - The applicant's design engineer shall submit engineered plans for review and approval of all required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC and Public Works Standards. Engineered plans shall be reviewed by the City and signed approved by the City Engineer or Public Works Director, prior to issuance of City permits. All conditions of approval for the project will need to be met to the satisfaction of the City Planner and Public Works Director prior to approval of the engineered plans.
7. **Surveys** – Surveys for public improvements shall be performed under the direction of a Professional Land Surveyor registered in the State of Oregon.
8. **Utility Coordination** - Utility companies and public agencies as applicable shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
9. **Agency Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from all City, State and Federal agencies having jurisdiction over the work. This may include, but is not limited to, the City, Marion County, DEQ, OHA-DWS, DSL, Fire Code Official, Building Code Official, etc. Written documentation of all required agency approvals as applicable shall be submitted to the City prior to approval of the engineered plans.

### Prior to Construction

10. **Developer Agreement** – Where public improvements are required, the applicant shall submit to the City an approved (by City Attorney) Developer-Engineer-City Agreement signed and notarized by the applicant and the design engineer, or a signed Developer-Engineer of Record Agreement (for

minor privately financed public improvements) signed by the applicant and the design engineer, prior to issuance of City permits.

11. **Permits, Insurance, and Indemnification** – All required permits, insurance, and indemnification shall be obtained by the applicant and provided to the City in accordance with the Public Works Standards prior to construction. A 1200C permit shall be secured by the applicant if required under the rules of the Oregon State DEQ.
12. **Design Engineer's Estimate** – Where public improvements are required, an estimate performed by the design engineer of the total estimated project cost shall be provided to the City for review and acceptance. This is needed to determine the amount of bonding required for the project.
13. **Performance Bond** - Where public improvements are required, a performance bond, or other form of performance guarantee acceptable to the City Manager and City Attorney, is required to be in place, prior to issuance of City permits. The applicant shall provide a performance bond in the amount of 125% of the total estimated project cost in accordance with the Public Works Standards. The performance bond shall be in a form acceptable to the Public Works Director.
14. **Pre-Construction Conference** - Where public improvements are required, a pre-construction conference shall be held prior to construction in accordance with the Public Works Standards.

#### During Construction and Project Completion

15. **Construction Specifications** - Where public improvements are required, all public and privately financed public improvements within the project shall be constructed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
16. **Construction Inspection**- Where public improvements are required, all public improvements shall be inspected by the design engineer, or a qualified individual under their supervision, in accordance with the Public Works Standards to assure the construction is following the approved engineered plans. At least three days prior to construction, the applicant shall notify the Public Works Director in writing of the date when the applicant proposes to commence construction. The written notification shall include the name and phone number of the contracting company and the responsible contact person. Any supplemental inspection by the City does not relieve the applicant or the design engineer of providing the required inspection.
17. **Project Completion** - Where public improvements are required, the public improvements and public utilities shall be fully constructed and a project completion report that certifies to the City that the project was constructed according to the approved plans and specifications and that the correct required testing and inspections were satisfactorily performed shall be provided by the design engineer in accordance with the Public Works Standards. Unless the required public improvements are deferred under a non-remonstrance or other agreement approved and signed by the City, a notice of final completion and provisional acceptance of the public improvements is to be provided by the City to the applicant following the completion of construction, prior to the recording of the final plat and prior to any building permit applications being accepted or issued. 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.
18. **Warranty Bond** - Where public improvements are required, after completion and provisional acceptance of the public improvements by the City, the applicant shall provide a 1-year warranty bond in the amount of 30% of the performance bond amount in accordance with the Public Works Standards. The warranty bond shall be in a form acceptable to the Public Works Director.

19. **Record Drawings** - Where public improvements are required, the applicant shall submit to the City, reproducible record drawings and an electronic file of all public improvements constructed during and in conjunction with the project within three months of the completion of construction. Field changes made during construction shall be drafted on the plans in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). Record drawings shall be submitted prior to provisional acceptance of the construction, initiating the one-year maintenance period.
20. **Warranty Bond Release and Final Acceptance** – Where public improvements are required, the release of the warranty bond and final acceptance of the public improvements will be in accordance with SMC 12.04.310 and the Public Works Standards
21. **SDCs and Other Utility Fees** - Systems Development Charges and other utility fees (Mill Creek Sewer Interceptor, etc.) as applicable, will be applied to the project at the time of issuance of a building permit.

DRAFT