

STAYTON PLANNING COMMISSION AGENDA

7:00 pm Monday, June 29, 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/ykOi3FYICRg>

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.
- **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 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 – April 27, 2020

3. LAND USE FILE #5-04/20 – PUBLIC HEARING Applications for annexation, Comprehensive Plan amendment and preliminary partition plan approval, Stealth Development, LLC, northwest corner Shaff & Golf Club Rds

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

4. OTHER BUSINESS

5. ADJOURN

DATE OF NEXT MEETING: Monday, July 27, 2020

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, April 27, 2020

On-line Meeting held over Zoom

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

STAFF MEMBER: Dan Fleishman, Planning & Development Director

OTHERS PRESENT: Roger Roberts, Alan Kirby

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00.
2. **APPROVAL OF MINUTES:** Hazel moved and Richard Lewis seconded to approve minutes from February 24, 2020 as presented. The motion was approved 4:0.
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** – Chairman Lewis opened the hearing and read the opening statement. There were no objections to the notice provided, or the jurisdiction of the Planning Commission to review the application. There were no declarations of biases, conflict of interest or *ex parte* contact by the Commission.

Commissioner Carmichael joined the meeting.

- b. **Staff Introduction** – Fleishman provided a brief introduction to the application
- c. **Applicant Presentation** – Roger Roberts, Roberts Industries, LLC provided a history of the project and his attempt to obtain about 10,000 sq ft of property. In January 2018, the Planning Commission approved the modification of the subdivision, but imposed a condition of approval to either document or obtain easements for existing public facilities on another portion of the parcel the land he is going to obtain is going to come out of. That parcel is owned by Larry and Gloria Loveberg. Roberts attempted many times to contact Loveberg and was not successful in getting the necessary easements.

Roberts is now requesting the Planning Commission remove the condition from the approval of the subdivision modification.

- d. **Staff Report** – Fleishman informed the Commission that the request for the condition of approval came from the Public works Department, through the City Engineer's review memo at that time. Whereas Roberts has been unsuccessful in getting the Loveberg's cooperation and whereas the easement is needed on the portion of Loveberg's property on the south side of the Salem Ditch and Roberts is hoping to obtain property on the north side of the Salem Ditch, the City Engineer and the Public Works Director have consented to removal of the condition.
- e. **Questions from the Commission** – Richard Lewis asked some questions regarding why the original condition was placed. Fleishman answered the questions.
- f. **Proponents' Testimony** – none

- g. Opponents' Testimony** – none
 - h. Governmental Agencies** – none
 - i. General Testimony** – none
 - j. Questions from the Public** – none
 - k. Questions from the Commission** – none
 - l. Applicant Summary** – none
 - m. Staff Summary** – none
 - n. Close of Hearing**
 - o. Commission Deliberation**
 - p. Commission Decision** – Hazel moved and Carmichael seconded that the Planning Commission approve the application of Roger Roberts to remove the condition from the approval of the modification of the Roberts Industrial Park subdivision and adopt the draft order as presented. The motion as approved 5-0.
- 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**– Chairman Lewis opened the hearing and read the opening statement. There were no objections to the notice provided, or the jurisdiction of the Planning Commission to review the application. There were no declarations of biases, conflict of interest or *ex parte* contact by the Commission.
 - b. Staff Introduction** – Fleishman informed the Commission that this application is for a two-parcel partitioning of a vacant parcel on the east side of N Evergreen Ave, near W High St.
 - c. Applicant Presentation** – Alan Kirby, program supervisor of the construction education program for North Santiam School District, introduced himself and described the plan to partition the property into two parcels. The NSSD for the past several years has run a program in which high school students are involved in home construction. They are completing their second home now and this property will be used for the next two homes. The parcel will be divided into two equal-sized parcels. The filed includes a plan showing the trees to be removed. The District has been in touch with neighbors about tree removal and will cooperate with them to assure that the remaining trees are not at risk.
 - d. Staff Report** – Fleishman presented the staff report and draft order, noting the review comments from the City Engineer regarding the need for additional right of way on N Evergreen Ave and the need to replace the existing sidewalk. The recommendation from staff includes two conditions of approval regarding dedication of additional right of way and submission of engineering plans to accompany applications for building permits. New sidewalk will need to be constructed when homes are built.
 - e. Questions from the Commission** – There were questions from Richard Lewis regarding the tree removal plans. Fleishman responded that the City does not have standards regarding tree removal, so there is not a recommended condition of approval addressing the issue.
 - f. Proponents' Testimony** – none
 - g. Opponents' Testimony** – none
 - h. Governmental Agencies** – none
 - i. General Testimony** – none
 - j. Questions from the Public** – none

- k. Questions from the Commission** – none
 - l. Applicant Summary** – none
 - m. Staff Summary** – none
 - n. Close of Hearing**
 - o. Commission Deliberation** – none
 - p. Commission Decision** – Hazel moved and Carmichael seconded that the Planning Commission approve the application of the School District and adopted the draft order as presented. The motion was approved by 5-0.
- 5. OTHER BUSINESS** – None
- 6. ADJOURN:** Chair Lewis adjourned the meeting at 7:35

DRAFT



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

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: June 29, 2020

SUBJECT: Applications for Annexation, Comprehensive Plan Amendment, and Partitioning – Stealth Development LLC

120 DAYS ENDS: not applicable

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

Attached are applications for annexation, comprehensive plan map amendment, and preliminary partition plat approval of the 9.6-acre parcel of land at the northwest corner of Shaff Rd and Golf Club Rd. The Comprehensive Plan Map designates this parcel as Commercial. The applications propose annexing the property into the City Limits, partitioning the property into two parcels and changing the Comprehensive Plan designation for one of the parcels from Commercial to Residential. The applications request that Commercial General zoning be applied to the parcel at the corner and that High Density Residential zoning be applied to the other parcel, to allow for the future construction of apartments.

The application consists of the application forms and narrative, a preliminary partition plan, a preliminary site plan showing future development of the parcels, and a Transportation Planning Rule analysis.

An aerial photo from March of 2020 showing the property is on the following page.

Review comments were received by from Public Works Department through the City Engineer, from the City's transportation engineering consultant, and from Marion County Public Works which are included in the packet.

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

- Both Shaff Rd and Golf Club Rd are partially improved and do not have rights of way meeting the Design Standards for their functional classification. The applicant has not proposed improvements or right of way dedication for either street. The staff recommendation is require dedication of right of way with the recording of the partition plat

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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



and a development deferment agreement that obligates future owners/developers of the parcels in the partitioning to make the required frontage improvements.

- The 2019 Transportation System Plan notes that the four-way stop at the intersection of Shaff and Golf Club Rds meets warrants for signalization and calls for construction of a roundabout. The roundabout will require additional right of way, as is shown on the applicant's preliminary site plan, but the exact extent of the right of way is yet unknown. The staff recommendation is to require dedication of right of way approximating what is shown on the preliminary site plan but also requiring the partition plat show a reserve area in which construction is prohibited for possible additional right of way acquisition.
- Typically, land division trips the need to construct frontage improvements. Because in this case development of the property will require future site plan review applications and because the design of improvements is unknown at this time, the staff recommendation is to defer the requirement for frontage improvements and to require a Development Deferment Agreement be recorded obligating future owners/developers of these parcels to construct those improvements. This is similar to what was done for the partitioning across Shaff Rd about a year or so ago.

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

One of the criterion for approval of an annexation is that there is need in the community for the land proposed to annexed. The Code provide no guidance as to how to determine need. The application narrative has noted that the Comprehensive Plan identified a deficit of 174 multi-family housing units through the planning horizon and that the annexation and comprehensive plan amendment would address that need. Some additional information, which is reflected in the draft order is presented below.

The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange Development Zones. The Comprehensive Plan noted that three adjacent parcels accounted for 7 acres, leaving 14 acres of land in 28 parcels and that there was a lack of medium-sized vacant

City of Stayton

parcels available for commercial uses. The applicant proposes that 4.4 acres of the property be retained as commercial.

At the time of the 2013 BLI, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the Comprehensive Plan indicates the expected need of additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land. Of the land annexed into the City since 2013, no land has been zoned High Density Residential.

There are currently 83 vacant lots totaling 99 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	42	4

The vacant lots in Phase 2 of the Phillips Estates subdivision may not be built on until the developer rectifies problems with the stormwater system in the subdivision.

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, and the E Virginia St Terrace subdivision with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County. The Lambert Place subdivision is expected to be platted during the summer of 2020.

Though there are 83 parcels totaling 99 acres in the City and residentially zoned, staff estimates that there are only 50 parcels totaling 57 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 34 lots reasonably available for development. In the MD zone there are 15 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City's growth rate from 2000 and 2019 has been at an average annual rate of about 0.8%, with a population change of 1,050 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

As the applicant's narrative notes, the Comprehensive Plan, in Table 6-10, projected the need for an addition 174 units of multi-family housing between 2010 and 2030. Since that time there have been only four units of multi-family housing constructed. The sole vacant parcel in the City Limits zoned High Density Residential has the capacity for 50 to 60 units. Policy HO-1 in

City of Stayton

the Comprehensive Plan is to encourage development of housing that meets the needs of all income groups. One of the implementation actions for this policy is to assure that an adequate supply of land in all residential zones. At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

In reviewing an application for a Comprehensive Plan Amendment, the Planning Commission must find the application is compliant with the Statewide Planning Goals. Pertinent to this application are Statewide Land Use Goals 5, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property. Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Amendment of the Comprehensive Plan Map designation to Residential would potentially decrease the amount of land available for employment opportunities. However, the Comprehensive Plan noted that there were 23 vacant lots zoned commercial with a total area of 19 acres in the City. There are currently 22 vacant commercially zoned parcels with a total area of 28 acres. Two of these parcels have received site plan approval for development, accounting for 9 acres, but the building permits have not yet been issued. The reduction of 5 acres of commercial land will have no noticeable impact on the overall availability of land to promote economic activity. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would provide for additional opportunities for the construction of multi-family housing.

One of the criterion for approval of the Comprehensive Plan amendment is that the current map provides more than the projected need for lands in the existing land use designation. This application proposes changing from Commercial to Residential. There is a total of 147 acres of land in the UGB currently designated as Commercial. The Comprehensive Plan was drafted before the annexation and Comprehensive Plan Map amendment of the Hillyer Ford property on Golf Lane. The Comprehensive Plan indicates that there were 6 buildable acres of land inside the UGB, and outside of the City Limits designated as commercial. Since that time, there have been about 8 acres of land annexed and designated Commercial. Currently, there are 18 acres of land inside the UGB and outside the City designated as Commercial. There are currently 32 acres of vacant land designated Commercial within the City Limits. Since adoption of the Comprehensive Plan in 2013 there have been five new commercial buildings constructed. One was a new building in a shopping center complex. The other four new buildings were on a combined total of 3.7 acres of land.

RECOMMENDATION

The staff recommendation is to forward the applications for annexation and comprehensive plan map amendment to the City Council with a recommendation for approval.

Further, staff recommends approval of the partitioning application, contingent on final enactment of the annexation and comprehensive plan amendment and with several conditions.

A draft order is attached that reflects the findings, recommended conclusions and conditions of approval. There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

City of Stayton

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. Recommend approval of the annexation and comprehensive plan map amendment and approve the partitioning application with conditions, adopting the draft order as presented.

I move the Stayton Planning Commission recommend approval of the applications for annexation and comprehensive plan map amendment, and approve the application for partitioning of Stealth Development LLC (Land Use File #5-04/20) and adopt the draft order presented by Staff.

2. Recommend approval of the annexation and comprehensive plan map amendment and approve the partitioning application with conditions, adopting modifications to the draft order.

I move the Stayton Planning Commission recommend approval of the applications for annexation, comprehensive plan map amendment, and approve the application for site plan review approval of Stealth Development LLC (Land Use File #5-04/20) and adopt the draft order with the following changes...

3. Recommend approval of the annexation and comprehensive plan map amendment and approve the partitioning application with conditions, directing staff to modify the draft order.

I move the Stayton Planning Commission recommend approval of the applications for annexation, comprehensive plan map amendment, and approve the application for site plan review approval of Stealth Development LLC (Land Use File #5-04/20) 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 July 27, 2020 meeting.

4. Recommend denial of the applications for annexation and/or comprehensive plan amendment, directing Staff to develop the findings and conclusions to justify that decision.

I move that the Stayton Planning Commission recommend denial of the application for annexation (*and/or*) comprehensive plan amendment of Stealth Development LLC (Land Use File #5-04/20) 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 July 27, 2020 meeting.

5. Continue the hearing until July 27, 2020.

I move the Stayton Planning Commission continue the public hearing on the applications for annexation, comprehensive plan map amendment, and partitioning approval of Stealth Development LLC (Land Use File #5-04/20) until July 27, 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 applications for annexation, comprehensive plan amendment, and partitioning approval of Stealth Development LLC (Land Use File #5-04/20) but maintain the record open to submissions by the applicant until July 13, 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 July 27, 2020.

City of Stayton

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 applications for annexation and preliminary subdivision approval of Stealth Development LLC (Land Use File #5-04/20) until July 27, 2020.



Submit Via Email

CITY OF STAYTON APPLICATION FOR ANNEXATION

PROPERTY OWNER: State Investments L.L.C.
Address: PO Box 469
City/State/Zip: Salem, OR 97308
Phone: *Please contact Applicant's Consultant Email: _____

APPLICANT: Stealth Development LLC
Address: 3749 Dublin Avenue S
City/State/Zip: Salem, OR 97302
Phone: *Please contact Applicant's Consultant Email: *Please contact Applicant's Consultant

APPLICANT'S REPRESENTATIVE: *Please contact Applicant's Consultant
Address: _____
City/State/Zip: _____
Phone: _____ Email: *Please contact Applicant's Consultant

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: <u>AKS Engineering & Forestry LLC</u>	Name: <u>AKS Engineering & Forestry LLC</u>
Address: <u>3700 River Road N, Suite 1</u>	Address: <u>3700 River Road N, Suite 1</u>
City/State/Zip: <u>Keizer, OR 97303</u>	City/State/Zip: <u>Keizer, OR 97303</u>
Phone: <u>503-400-6028</u>	Phone: <u>503-400-6028</u>
Email: <u>pelzz@aks-eng.com</u>	Email: <u>pelzz@aks-eng.com</u>

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:
StreetAddress: No site address; NW corner of the intersection of Shaff Road SE & Golf Club Road SE
Assessor's Tax Lot Number and Tax Map Number:
09W04C TL 01700
Closest Intersecting Streets: Shaff Road SE & Golf Club Road SE

CURRENT COMPREHENSIVE PLAN DESIGNATION: Commercial
ZONE MAP DESIGNATION PROPOSED WITH ANNEXATION: General Commercial and High Density Residential

SIGNATURE OF APPLICANT:

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 4/29/20 Fee Paid: \$ 4,050 Receipt No. _____
Land Use File# 5-04/20

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT [*See attached Narrative](#)

The Stayton Planning Commission, with assistance from the Planning 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 17.12.210.5. Please provide the following information in full and attach a narrative statement to this application.

1. **NEED:** What is the demonstrated need for this property to be annexed into the City?
2. **ADEQUATE UTILITIES:** How will the proposed annexation obtain or maintain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve the subject property in accordance with accepted City standards? All public improvements must meet City of Stayton standard specifications. All design plans must be approved by the City prior to construction. The City will inspect all construction.
 - a. List public services currently available to the site: [*See attached narrative for responses.](#)
 - 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.
 - b. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the annexation? yes no
3. Is the subject property contiguous to the city limits? yes no
4. Is the proposed annexation compatible with the character of the surrounding area and does it comply with the urban growth program and policies of the City? [*See attached narrative for responses.](#)
5. How does the proposed annexation comply, or will be made to comply with all applicable provisions of state and local law? [*See attached narrative for responses.](#)
6. If the proposed annexation is a contract annexation, does the proposal include the cost of City facility and service extensions as calculated by the Public Works Director? [*See attached narrative for responses.](#)



EXHIBIT A

Annexation Description

A tract of land, and a portion of right-of-way, located in the Southwest One-Quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the south One-Quarter corner of said Section 4, also being on the centerline of Shaff Road SE; thence along said centerline, North 88°42'41" West 45.23 feet; thence leaving said centerline, North 01°17'19" East 25.00 feet to the City of Stayton city limits line and the Point of Beginning; thence along said city limits and the north right-of-way line of Shaff Road SE, North 88°42'41" West 493.93 feet to the westerly line of Reel 4267, Page 94, Marion County Records; thence along said westerly line, North 23°36'32" West 956.62 feet to the northwest corner of said deed; thence along the north line of said deed, South 88°05'06" East 483.76 feet to the westerly right-of-way line of Golf Club Road SE and said city limits line; thence along said westerly right-of-way line and said city limits line, South 24°17'48" East 956.18 feet to the Point of Beginning.

The above described tract of land contains 9.68 acres, more or less.

4/20/2020

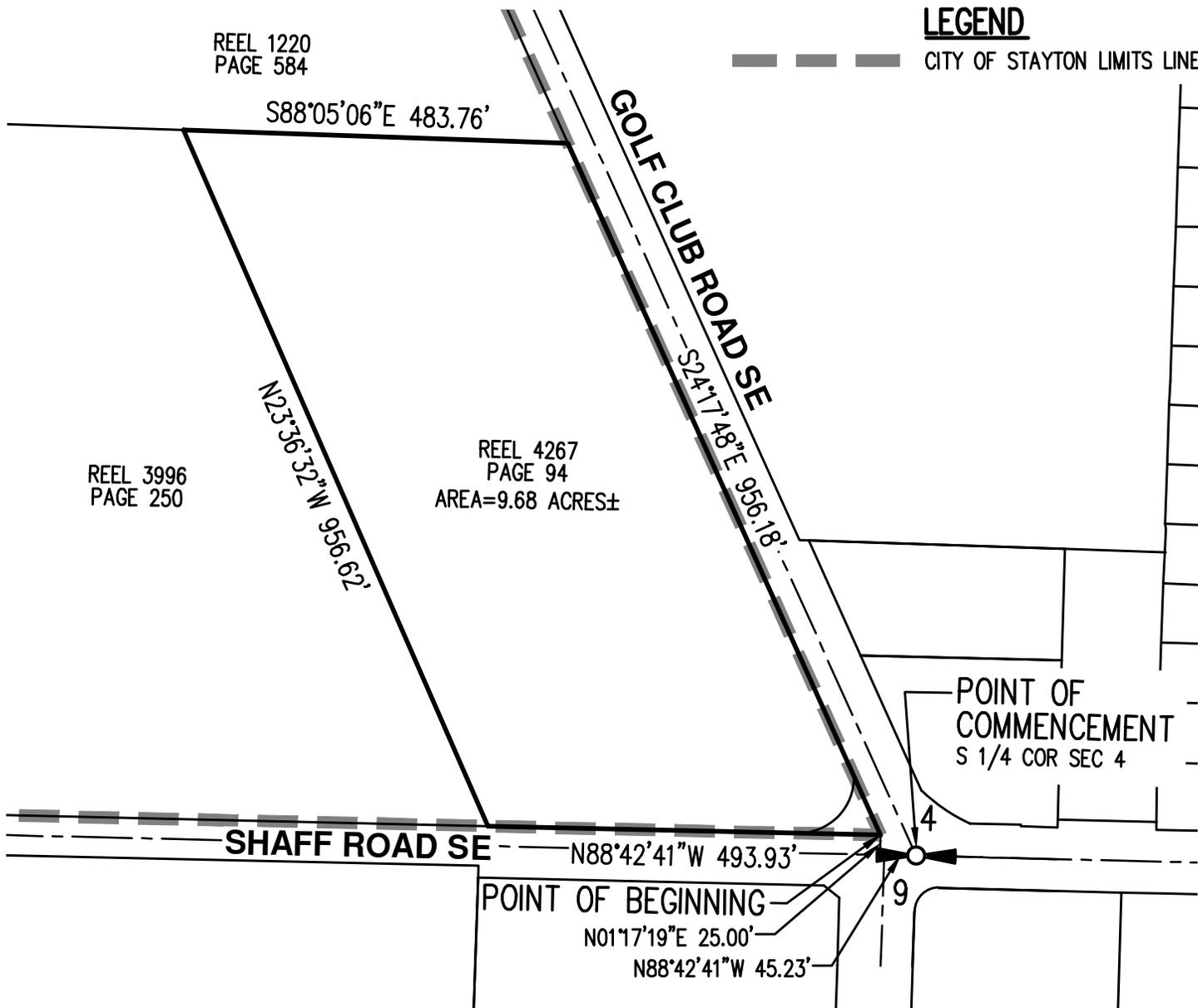
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

EXHIBIT B

A TRACT OF LAND, AND A PORTION OF RIGHT-OF-WAY,
 LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4,
 TOWNSHIP 9 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 MARION COUNTY, OREGON

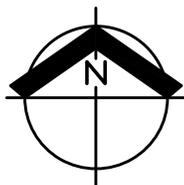


4/20/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PREPARED FOR

STEALTH DEVELOPMENT, LLC
 3749 DUBLIN AVENUE
 SALEM, OR 97302



SCALE: 1" = 200 FEET



Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/20

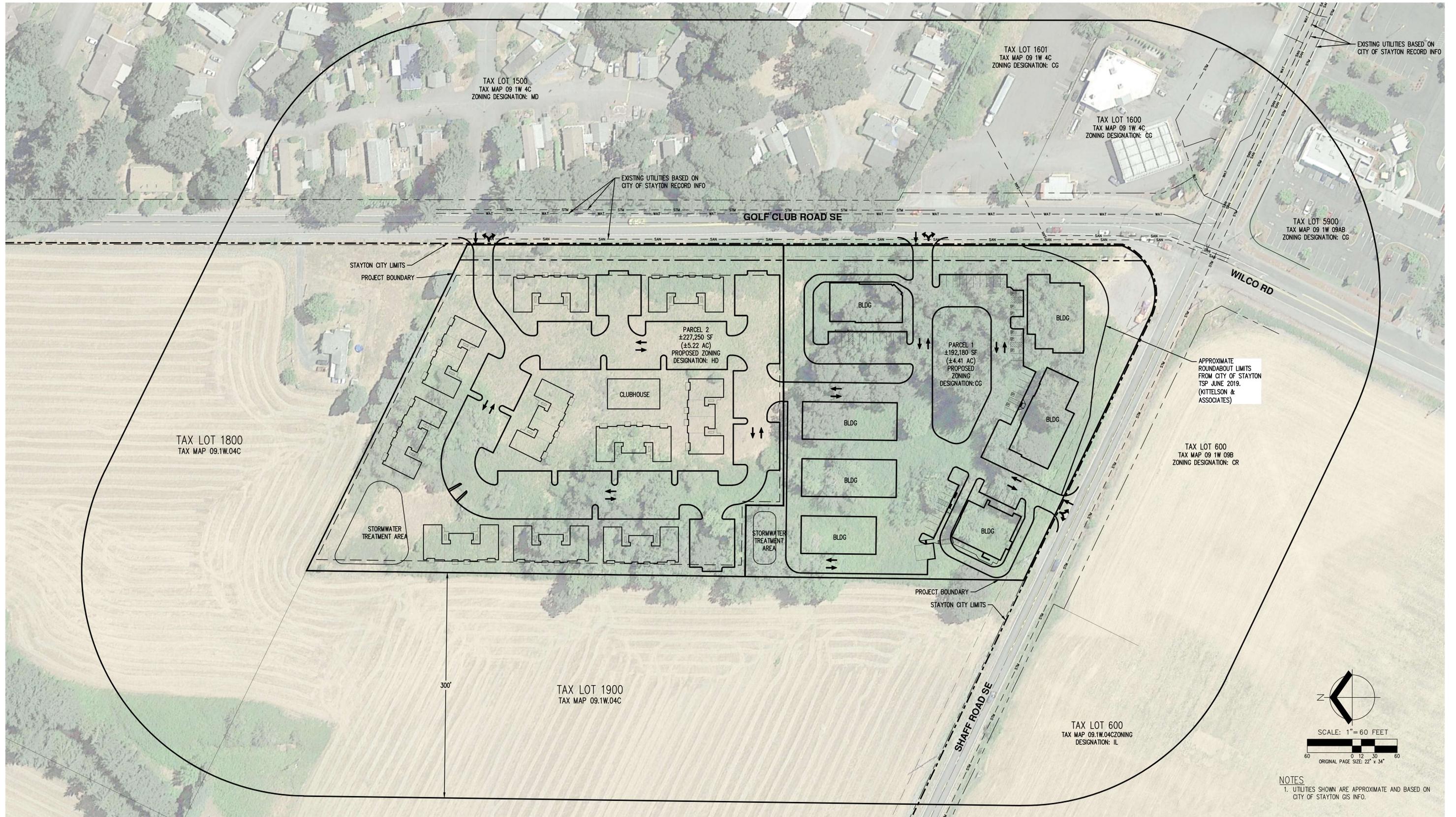
ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEIZER, OR 97303
 503.400.6028 WWW.AKS-ENG.COM



EXHIBIT
B

DRWN: WCB
 CHKD: NSW
 AKS JOB:
 7730



DATE: 4/24/2020 AKS JOB: 7730

AKS ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEIZER, OR 97303
 503.400.6028
 WWW.AKS-ENG.COM



ENGINEERING · SURVEYING · NATURAL RESOURCES
 FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY COMMERCIAL/RESIDENTIAL OVERALL LAYOUT SHAUFF ROAD AND GOLF CLUB SE

STAYTON, OREGON

NOTES
 1. UTILITIES SHOWN ARE APPROXIMATE AND BASED ON CITY OF STAYTON GIS INFO.

Submit Via Email



CITY OF STAYTON APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: State Investments L.L.C.
Address: PO Box 469
City/State/Zip: Salem, OR 97308
Phone: () - Email:

APPLICANT: Stealth Development LLC
Address: 3749 Dublin Avenue S
City/State/Zip: Salem, OR 97302
Phone: () - Email: *Please contact Applicant's Consultant

APPLICANT'S REPRESENTATIVE: *Please contact Applicant's Consultant
Address:
City/State/Zip:
Phone: () - Email: *Please contact Applicant's Consultant

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: <u>AKS Engineering & Forestry LLC</u>	Name: <u>AKS Engineering & Forestry LLC</u>
Address: <u>3700 River Road N, Suite 1</u>	Address: <u>3700 River Road N, Suite 1</u>
City/State/Zip: <u>Keizer, OR 97303</u>	City/State/Zip: <u>Keizer, OR 97303</u>
Phone: <u>(503) 400 - 6028</u>	Phone: <u>(503) 400 6028</u>
Email: <u>pelzz@aks-eng.com</u>	Email: <u>pelzz@aks-eng.com</u>

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

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

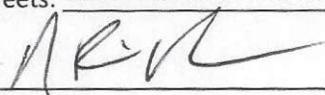
PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial and Residential

LOCATION:

Street Address: No Site address; NW Intersection of Shaff Road SE & Golf Club Road SE

Assessor's Tax Map and Lot Number(s): 09W04C TL 01700

Closest Intersecting Streets: Shaff Road SE & Golf Club Road SE

SIGNATURE OF APPLICANT: 

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 4/29/20 Fee Paid: \$ 4,050 Receipt No.

Land Use File# 5-04/20

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning 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 17.12.170.5. Please provide the following information in full and attach to this application as Exhibit B.

1. How is the amendment consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City? In the case of a Comprehensive Plan Map amendment, how does the requested designation for the site compare with relevant Comprehensive Plan policies and, on balance, more supportive of the Comprehensive Plan as a whole than the old designation?
[*See attached narrative for responses](#)
2. Why does the current Comprehensive Plan not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation? How is the addition of this property to the inventory of lands for the proposed designated consistent with projected needs for such lands in the Comprehensive Plan?
[*See attached narrative for responses](#)
3. Explain how the amendment is in compliance with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, how does the proposal comply with the applicable criteria in the LCDC Administrative Rules for the type of exception needed? [*See attached narrative for responses](#)
4. Are existing or anticipated transportation facilities adequate for the uses permitted under the proposed designation? Is the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060)? [*See attached narrative for responses](#)
5. How does the current Comprehensive Plan Map provide more than the projected need for lands in the existing land use designation? [*See attached narrative for responses](#)
6. Are the public facilities and services necessary to support the uses allowed in the proposed designation available or likely to be available in the near future? [*See attached narrative for responses](#)
7. How will the uses allowed in the proposed designation affect existing or planned uses on adjacent land?
[*See attached narrative for responses](#)

TECHNICAL MEMORANDUM

DATE: April 24th, 2020

TO: Zach Pelz | AKS Engineering

FROM: Garth Appanaitis, PE and Kelly White | DKS Associates

SUBJECT: Stayton Taxlot #091W04C01700 Annexation TPR Analysis

The purpose of this memorandum is to address Oregon Administrative Rule (OAR) 660-012-0060, Transportation Planning Rule (TPR), requirements related to the proposed zone change of taxlot 091W04C01700 at the northwest corner of Shaff Road and Golf Club Road in Stayton, Oregon. The site is currently located outside the Stayton city limits and has Marion County zoning of Urban Transitional (UT-20). The annexation process would modify the site zoning to a combination of Stayton designated residential and commercial zoning. Based on the analysis summarized in the following sections, the proposed zone change would increase the site's trip potential but would not create a significant effect on the transportation system.

The change in zoning designation from Marion County's existing UT-20 designation to a combination of Stayton residential (HD) and commercial (CR, CG, or CP) zoning would result in a slight increase in the vehicle trip potential for the site. Additional traffic analysis at a nearby intersection determined that there would not be a significant effect to the transportation system. Therefore, TPR requirements are met.

Additional information is presented in this memorandum based on prior coordination and request from Stayton staff and the City's transportation consultant. The content included in this memorandum is intended to address TPR requirements and is not a full traffic impact study prepared for a proposed development application, which may be required later.

TPR OVERVIEW

The TPR provides a means for ensuring that future land use and traffic growth is consistent with the planned transportation system. The TPR requires that a change in land use does not create a significant impact on the transportation system without a reasonable means available to mitigate such impacts. The TPR can be addressed through a variety of means, but typically compares the change in vehicle trip potential between the allowed use (existing zoning) and proposed use (proposed zoning). In many cases, the reasonable worst-case use (for either the existing or proposed zoning) will not reflect the actual existing use for a site or the specific use that may ultimately be developed on a site. Rather, the reasonable worst case considers the allowed trip

potential for either zoning condition and is rarely development specific (e.g., no site plan, nor intent to use the site for that purpose).

SITE TRAFFIC POTENTIAL

The following sections summarize the trip potential for the site for both the existing and proposed zoning scenarios. The site is under the jurisdiction of Marion County and is located at the northwest quadrant of the Shaff Road / Golf Club Road intersection in Stayton. For the purposes of the TPR analysis, the highest and best use allowed within the existing zoning designations are considered. While considering approximate future development potential, the 9.6-acre lot was assumed to accommodate approximately 9.2-acres of developable area after reductions for stormwater needs and potential right of way dedications¹.

EXISTING ZONING (UT-20) TRAFFIC POTENTIAL

The site is currently zoned as Urban Transitional (UT-20) under Marion County zoning regulations.² The following uses are permitted in a UT-20 zone:

- Farm use
- Forest Harvesting purposes
- Child-care home (12 or fewer children)
- Home occupation (one person)
- Wind energy conversion system
- Single-family dwelling or mobile home
- Public utilities
- Bed and breakfast establishments (no more than four rooms and one employee)
- Condominium buildings³

The existing UT-20 zoning allows a wide range of land uses in addition to the uses permitted generally in all zones, which includes condominium buildings. Per coordination with Marion County Planning staff members,⁴ ordinances for condominium buildings in Marion County include:

- One dwelling unit per 1,500 sq. ft. of net lot area
- Maximum height of 50 feet

¹ While these assumptions are the basis for the calculations provided in this memorandum, increasing the developable area to the full 9.6 acres would not change the overall findings.

² Chapter 16.13, Urban Transition Zone, Uses, Marion County Code.

³ Chapter 16.25.100 G, Permitted Uses Generally – Uses permitted in all zones, Marion County Code.

⁴ Phone conversation and emails with Marion County Planning staff on April 21st and 22nd, 2020.

Considering the number of dwelling units that could be achieved within this zone, the reasonable worst-case scenario for additional vehicle trips on the roadway system would result from condominium buildings.

ITE *Trip Generation, 10th Edition* was used to estimate vehicle traffic potential for the permitted condominium use. A reasonable worst-case development for a 9.2-acre site would be 211 dwelling units.⁵ Assuming condominiums are Multifamily Housing (Low-Rise)⁶, the trip potential for the existing zoning in this taxlot is listed in Table 1.⁷

TABLE 1. TRIP POTENTIAL UNDER EXISTING ZONING (UT-20)

	UNITS	PM PEAK HOUR TRIP RATE	AM PEAK HOUR	PM PEAK HOUR	AVERAGE WEEKDAY
CONDOMINIUMS (UT-20) – 9.2 ACRES (ITE CODE 220)	211 DU	0.56 trips/DU	97 trips (22 in, 75 out)	118 trips (74 in, 44 out)	1,545 trips (772 in, 773 out)

PROPOSED ZONING (HD AND CR, CG, OR CP) TRIP GENERATION POTENTIAL

If annexed to the City of Stayton, the proposed zoning for this taxlot would be 5.2 acres of High Density Residential (HD) and approximately 4 acres of either Commercial Retail (CR), Commercial General (CG), or Commerce Park (CP). HD is defined to have a minimum density of 13 units per acre with no upper limit to the maximum allowable dwelling density.⁸ A review of the site determined that the reasonable maximum number of dwelling units is 120.

The range of permitted uses under CR, CG, and CP are generally similar, and include:

- Retail stores (gas stations, food & beverage stores, automobile dealers)
- Office uses (banking, finance, doctors and dentists, real estate, general office)
- Entertainment and Recreation uses (fitness and recreation facilities, hotels, eating & drinking places)
- Educational Uses (day cares, public schools, colleges and universities, technical and trade schools)

While the range of uses allowed in CR, CG, and CP provide different trip rates, a general shopping center would provide the reasonable worst case (highest) vehicle trip generation rate for the PM peak hour for each of the commercial zoning designations. **Therefore, for the purposes of this**

⁵ 9.1 acres * 43,560 sqf/acre * 0.8 (reduction for internal road system) * 1 DU/1500 sqft = 211 DU)

⁶ ITE Land Use Code 220, Multifamily Housing (Low-Rise), defined as apartments, townhomes, and condominiums located within the same building with at least three other dwelling units and one or two levels.

⁷ AM Peak = 0.36 trips/DU, PM Peak = 0.44 trips/DU, Average Weekday = 5.44 trips/DU

⁸ 17.16.060 District Purposes, Title 17 Land Use and Development Code, City of Stayton.

TPR analysis, the findings would not change if either CR, CG, or CP zoning is ultimately selected for the commercial portion of the site.

The 5.2 acres of HD could accommodate 120 multifamily dwelling units.⁹ The remaining approximately 4 acres could accommodate approximately 43,560 sq. ft.¹⁰ of retail shopping center. Trip generation calculations for these uses are listed in Table 2.

INTERNAL AND PASS BY TRIPS

The proposed mix of residential and commercial uses would result in shared internal trips. NCHRP Report 864 methodology was applied to calculate the total internal trip reductions to account for trips that may occur between the two land use types without using the surrounding transportation network. In the PM peak hour, 19 trips were reduced from those entering the residential development and exiting the retail development and 8 trips were reduced from those entering the retail development and exiting the residential development.¹¹

Retail developments also include a portion of “pass-by trips.” These trips come from traffic that is already using the adjacent roadway for another primary trip purpose but will make a stop at the site of interest on their way to their destination. These trips will add traffic to the site driveways but will not add additional new trips to the surrounding network. For that reason, a certain percentage of the total trips generated by the site are reduced to account for pass-by trips. According to the *ITE Trip Generation Manual*,¹² the percentage of pass-by trips for shopping center land uses is 34% on average.

As listed in Table 2

⁹ Refer to footnote 6 for Multifamily Housing (Low-Rise) trip generation equations.

¹⁰ 4 acres * 43,560 sqft/acre * 0.25 FAR = 43,560 sqft

¹¹ NCHRP 684 Internal Capture Estimation Tool, Page 1-P and 2-P. Attached

¹² *ITE Trip Generation Handbook, 3rd Edition.*

Table 2, the proposed site plan's encouragement of mixed-use access between residential and retail land uses increases the overall trip potential for the taxlot from 118 net new PM peak hour trips to 132 net new PM peak hour trips.

TABLE 2. SITE TRIP GENERATION FOR EXISTING AND PROPOSED ZONING

	UNITS	PM PEAK HOUR TRIP RATE	ENTERING TRIPS	EXITING TRIPS	TOTAL TRIPS
EXISTING ZONING					
CONDOMINIUMS (UT-20) – 9.2 ACRES (ITE CODE 220)	211 DU	0.56 trips/DU	74	44	118
PROPOSED ZONING					
MULTIFAMILY UNITS (HD) – 5.2 ACRES (ITE CODE 220)	120 DU	0.56 trips/DU	42	25	67
		<i>Internal Reduction</i>	-19	-8	-27
			23	17	40
SHOPPING CENTER (CR. CG, CP) – 4 ACRES (ITE CODE 820)	43.56 ksf	3.81 trips/KSF	80	86	166
		<i>Internal Reduction</i>	-8	-19	-27
		<i>Pass-By Trips (Retail Only)</i>	-24	-23	-47
			48	44	92
	Total of proposed zoning		71	61	132
DIFFERENCE BETWEEN EXISTING AND PROPOSED			-3	+17	+14

PRELIMINARY TRAFFIC ANALYSIS

The proposed annexation of this taxlot includes a preliminary site plan¹³ and circulation for the 9 acres. Preliminary traffic analysis was conducted to determine the potential impacts to the transportation system under a reasonable worst case of the proposed zoning. The traffic analysis was conducted for the 2040 PM peak hour, consistent with the Stayton Transportation System Plan (TSP)¹⁴ planning horizon. The TSP includes future traffic volume projections and operations.

The intersection of Shaff Road / Golf Club Road was analyzed under 2040 PM peak hour conditions for the following scenarios:

- 2040 Base Scenario (TSP scenario consistent with Comprehensive Plan)¹⁵
- 2040 Proposed Zoning Scenario

While it was determined that the proposed zoning would result in an increase of 14 net new vehicle trip during the PM peak hour (Table 2), the full portion of site trip potential (132 net new trips) was included to provide a conservative analysis of the transportation impacts.

Prior to full site development, a complete Traffic Impact Analysis should be completed.¹⁶

TRIP DISTRIBUTION AND INTERNAL CIRCULATION

Trip distribution patterns were assumed to be consistent with traffic patterns identified at the study intersection in the City's TSP:

- 40% of traffic accessing the site to and from the north
- 25% of traffic accessing the site to and from the east
- 35% of traffic accessing the site to and from the south
- 0% of traffic accessing the site to and from the west (low trip generating land uses to the west of the site)

Three driveways are identified in the preliminary site plan, with two accesses onto Golf Club Road (one directly into the residential development, and one directly into the commercial area), and one access onto Shaff Road (directly into the commercial area).

One access point is identified between the residential acreage and the commercial area, providing internal circulation potential between the two land use types.

The resulting turning movements at the site driveways and study intersection are attached.

¹³ Preliminary site plan provided by AKS Engineering from December 2019. Attached.

¹⁴ City of Stayton Transportation System Plan, Adopted June 2019.

¹⁵ Operations with trip potential from the existing zoning of the taxlot were assumed to be included in the TSP scenarios that are consistent with the Comprehensive Plan.

¹⁶ Chapter 17.26.050 – Traffic Impact Study Requirements, Land Use and Development Code, City of Stayton.

STUDY INTERSECTION OPERATIONS

The Shaff Road/Golf Club Road study intersection is reported as operating at 25.3 seconds of average delay and LOS D in the TSP¹⁷. The intersection is under the jurisdiction of Marion County and has a mobility standard of LOS E.

Intersection traffic analysis was conducted using Vistro and Highway Capacity Manual version 6 procedures for all-way-stop-control. While all technical data inputs (traffic turn movement volumes, peak hour factor, etc.) remained the same as documented in the TSP, the change in analysis software (using the same HCM 6 base methods) resulted in reporting a nominal difference due to software rounding differences. The calculated 2040 PM peak hour Base Scenario in Vistro resulted in a reported operation of 24.2 seconds of average delay (a decrease in 1.1 seconds that would cross the threshold to LOS C).

The (conservative) Proposed Zoning operation would result in 29.7 seconds of delay and LOS D. The intersection operates within its mobility standard of LOS E in both scenarios. No further mitigation is expected for the proposed development.

PROPOSED SITE DRIVEWAY REVIEW

Proposed site driveways were reviewed for preliminary sight distance and access spacing standards.¹⁸

Intersection sight distance is measured along the major road to the point that coincides with the location of the minor road vehicle. Minimum intersection sight distances must be met at the driveways to ensure the safety of vehicles entering and exiting the development and are calculated using the posted speed of the major roadway. According to AASHTO intersection sight distance requirements for 45mph roadways, the minimum required sight distance is 500 feet.¹⁹ This value applies to all driveways at the proposed site. Given the flat and straight nature of the roadways within study area, intersection sight distance requirements are likely be met at all proposed driveways following site grading and removing/trimming existing vegetation. Prior to full development of the site, AASHTO intersection sight distances should be measured in the field and confirmed by a licensed traffic engineer.

Access spacing standards for the City are described in the TSP by street classification.²⁰ Golf Club Road is classified as a Minor Arterial, which are required to have a minimum of 300 feet between the nearest driveway and/or street. Both proposed driveways on Golf Club Road in the preliminary site plan are spaced further than 300 feet between the nearest driveway and/or street, with the

¹⁷ Table 11 – 2040 Weekday PM Peak hour Intersection Operations, City of Stayton TSP, Volume II, Existing and Future Conditions, page 38. Dated October 9, 2018.

¹⁸ Intersection sight distance and access spacing were approximated using Google Maps on April 22, 2020.

¹⁹ *A Policy on Geometric Design of Highways and Streets, 7th Edition*, American Association of State Highway and Transportation Officials (AASHTO), October 2019.

²⁰ Table 7 – City Access Spacing Standards, City of Stayton TSP, Volume I, page 46.

closest being the intersection of Golf Club Road / Shaff Road at approximately 360 feet south of the southern driveway. Both driveway locations coincide with existing intersection access points on the east side of Golf Club Road.

Shaff Road is classified as a Collector and is required to have 50 feet minimum between the nearest driveway and/or street. The proposed driveway on Shaff Road is located approximately 375 feet from the nearest intersection, and therefore is expected to meet City access spacing standards.

FINDINGS

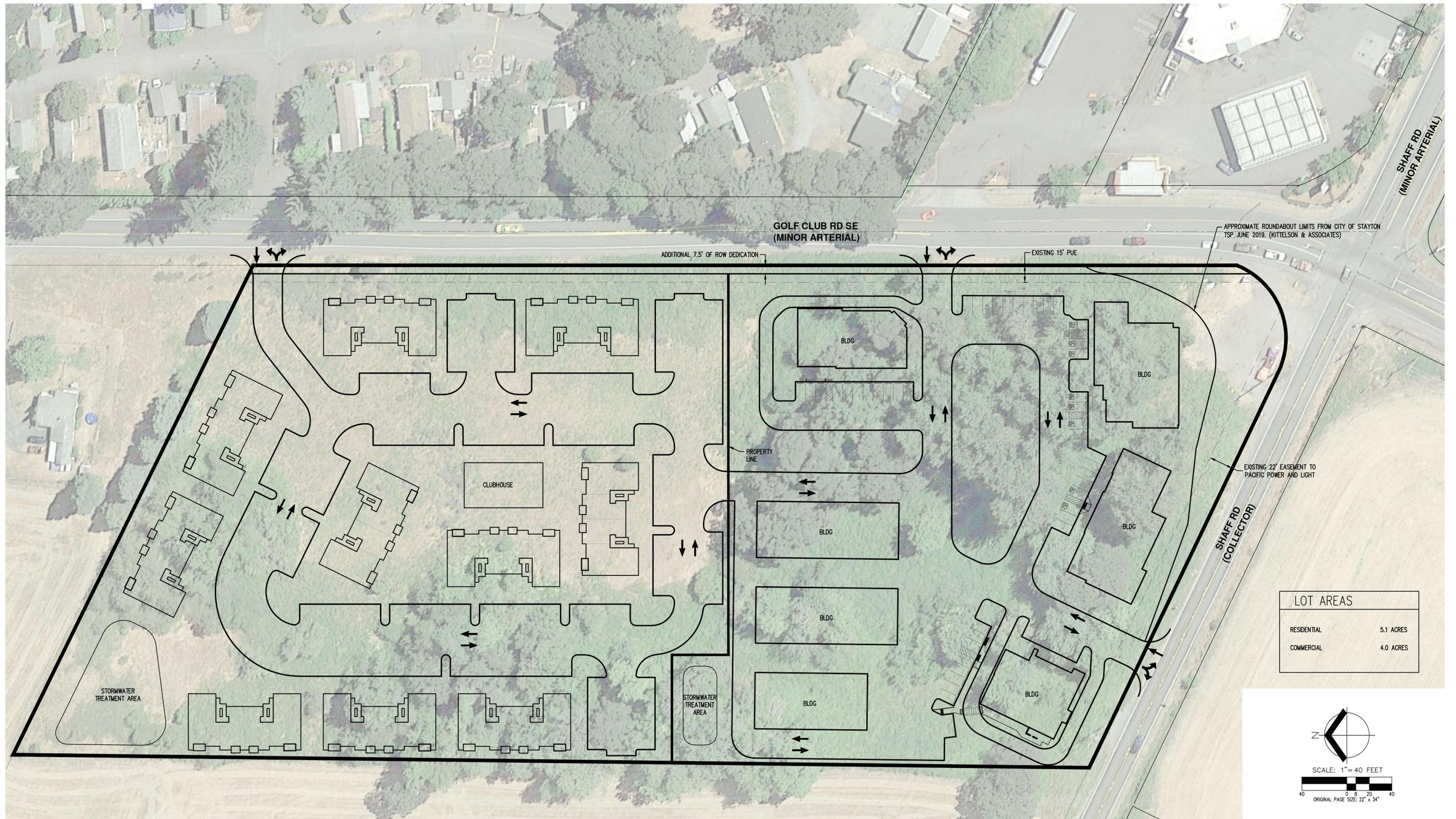
The existing UT-20 zoning under Marion County allows a range of uses for tax-lot 091W04C01700, the reasonable worst-case being condominium buildings. The proposed annexation and zoning from the City of Stayton would allow several uses, including multifamily housing and commercial land uses that would result in a slight increase in trip potential for the site. Preliminary traffic analysis conducted for the adjacent intersection of Shaff Road / Golf Club Road indicates that the intersection would continue to meet Marion County mobility standards with the added traffic of the proposed rezone.

Due to the reported traffic operations at the adjacent intersection continuing to meet mobility standards, the proposed rezone would not result in a significant effect on the transportation system and the TPR requirements of OAR 660-012-0060 are met. Prior to full site development, a complete Traffic Impact Analysis should be completed to address Stayton development requirements.

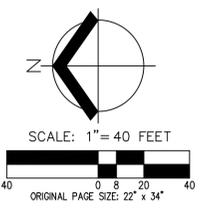
ATTACHMENTS

The following attachments are included:

- Preliminary site plan (Not specific to TPR assumed reasonable worst case)
- 2040 PM peak hour intersection operations
- Internal trip reduction worksheet



LOT AREAS	
RESIDENTIAL	5.1 ACRES
COMMERCIAL	4.0 ACRES



DATE: 12/9/2019 AKS JOB: 7730

AKS ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEIZER, OR 97303
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PRELIMINARY COMMERCIAL/RESIDENTIAL LAYOUT SHAFF ROAD AND GOLF CLUB SE

STAYTON, OREGON

**Intersection Level Of Service Report
Intersection 1: Golf Club Rd / Shaff Rd**

Control Type:	All-way stop	Delay (sec / veh):	29.7
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.882

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach	↵			↵			+			↵		
Lane Configuration	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Turning Movement												
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0	0	0	0	1	0	0
Pocket Length [ft]	60.00	100.0	100.0	150.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Speed [mph]	45.00			45.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Base Volume Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Heavy Vehicles Percentage [%]	0.00	5.00	2.00	1.00	3.00	17.00	0.00	3.00	0.00	7.00	0.00	3.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	8	16	0	9	13	0	0	11	7	0	6	12
Total Hourly Volume [veh/h]	53	280	94	253	344	12	11	77	44	80	49	171
Peak Hour Factor	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890
Other Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Total 15-Minute Volume [veh/h]	15	79	26	71	97	3	3	22	12	22	14	48
Total Analysis Volume [veh/h]	60	315	106	284	387	13	12	87	49	90	55	192
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

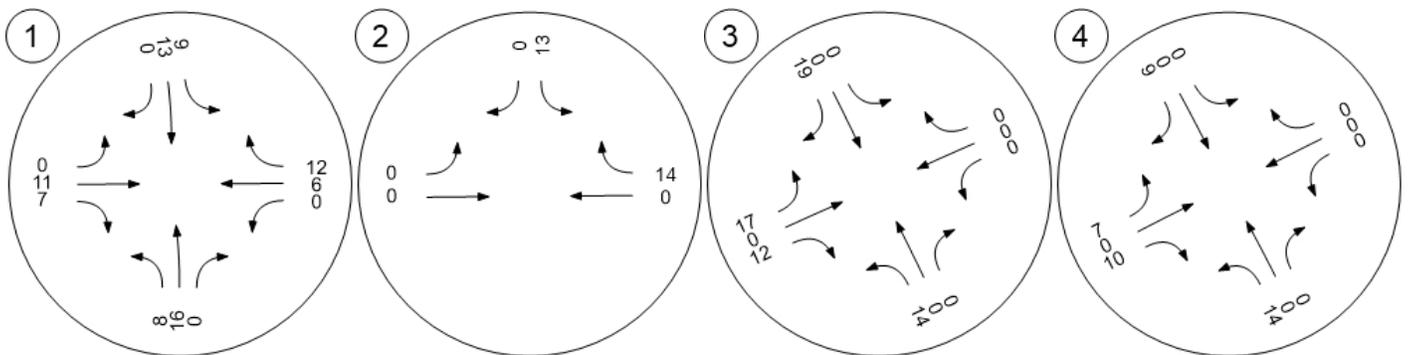
Lanes

Capacity per Entry Lane [veh/h]	441	477	454	483	423	407	467
Degree of Utilization, x	0.14	0.88	0.63	0.83	0.35	0.22	0.53

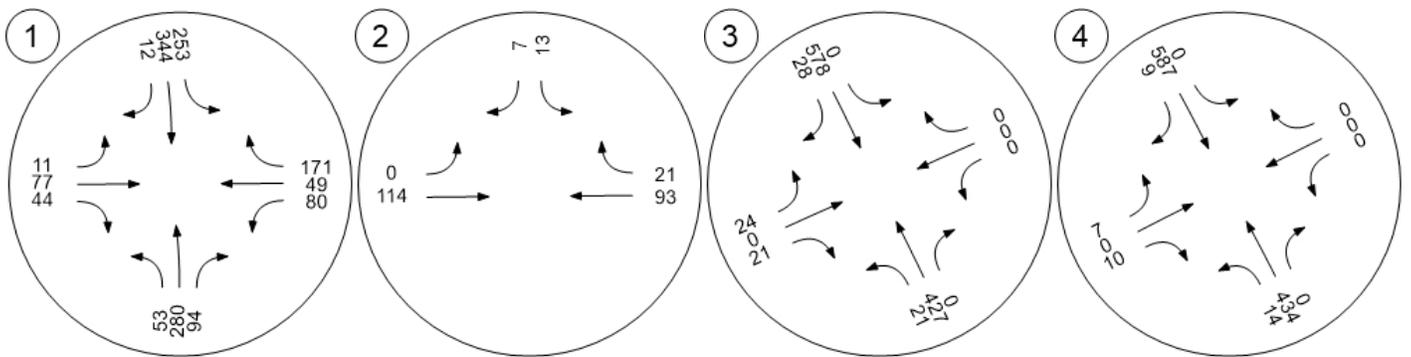
Movement, Approach, & Intersection Results

95th-Percentile Queue Length [veh]	0.47	9.53	4.20	8.10	1.54	0.83	3.03
95th-Percentile Queue Length [ft]	11.69	238.15	104.91	202.43	38.61	20.87	75.74
Approach Delay [s/veh]	40.45		31.05		16.02	17.47	
Approach LOS	E		D		C	C	
Intersection Delay [s/veh]	29.67						
Intersection LOS	D						

Traffic Volume - Other Volume



Traffic Volume - Future Total Volume



Intersection Level Of Service Report
Intersection 1: Golf Club Rd / Shaff Rd

Control Type:	All-way stop	Delay (sec / veh):	24.2
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.808

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach	↵			↵			+			↵		
Lane Configuration	↵			↵			+			↵		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0	0	0	0	1	0	0
Pocket Length [ft]	60.00	100.0	100.0	150.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Speed [mph]	45.00			45.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Base Volume Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Heavy Vehicles Percentage [%]	0.00	5.00	2.00	1.00	3.00	17.00	0.00	3.00	0.00	7.00	0.00	3.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Peak Hour Factor	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890
Other Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Total 15-Minute Volume [veh/h]	13	74	26	69	93	3	3	19	10	22	12	45
Total Analysis Volume [veh/h]	51	297	106	274	372	13	12	74	42	90	48	179
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

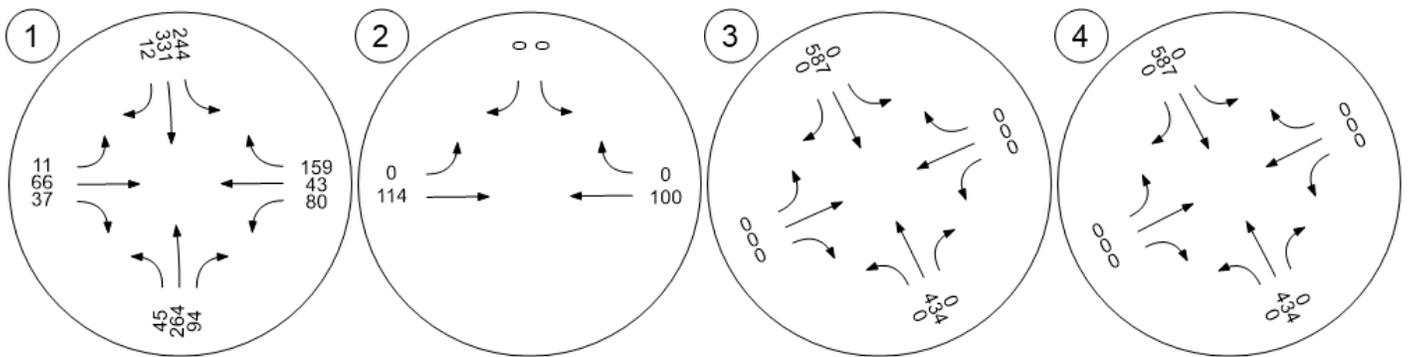
Lanes

Capacity per Entry Lane [veh/h]	459	499	474	507	440	421	487
Degree of Utilization, x	0.11	0.81	0.58	0.76	0.29	0.21	0.47

Movement, Approach, & Intersection Results

95th-Percentile Queue Length [veh]	0.37	7.70	3.59	6.62	1.19	0.80	2.44
95th-Percentile Queue Length [ft]	9.31	192.44	89.87	165.40	29.85	20.00	61.03
Approach Delay [s/veh]	31.29		25.29		14.50	15.60	
Approach LOS	D		D		B	C	
Intersection Delay [s/veh]	24.18						
Intersection LOS	C						

Traffic Volume - Future Total Volume



NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Stayton Shaff Rd TIA Analysis	Organization:	DKS Associates
Project Location:	Stayton, Oregon	Performed By:	GAA
Scenario Description:	Proposed Zoning	Date:	4/24/2020
Analysis Year:	2040	Checked By:	GAA, KMW, SMM
Analysis Period:	PM Street Peak Hour	Date:	4/24/2020

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips ³		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail				166	80	86
Restaurant				0		
Cinema/Entertainment				0		
Residential				67	42	25
Hotel				0		
All Other Land Uses ²				0		
				233	122	111

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ. ⁴	% Transit	% Non-Motorized	Veh. Occ. ⁴	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail	0		0	0	19	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	8	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	233	122	111
Internal Capture Percentage	23%	22%	24%
External Vehicle-Trips ⁵	179	95	84
External Transit-Trips ⁶	0	0	0
External Non-Motorized Trips ⁶	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	10%	22%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	45%	32%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

⁴Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made.

⁵Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

⁶Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

Project Name:	Stayton Shaff Rd TIA Analysis
Analysis Period:	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	79.68	80	1.00	86.32	86
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	42.21	42	1.00	24.79	25
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	2		25	3	22	4
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	11	5	0		1
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		6	0	0	2	0
Retail	0		0	0	19	0
Restaurant	0	40		0	7	0
Cinema/Entertainment	0	3	0		2	0
Residential	0	8	0	0		0
Hotel	0	2	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	8	72	80	72	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	19	23	42	23	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	19	67	86	67	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	8	17	25	17	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR PARTITION OR SUBDIVISION

Application for: [] Subdivision [x] Partition

PROPERTY OWNER: State Investments L.L.C.

Address: PO Box 469

City/State/Zip: Salem, OR 97308

Phone: () - Email:

APPLICANT: Stealth Development LLC

Address: 3749 Dublin Avenue S

City/State/Zip: Salem, OR 97302

Phone: () - Email: *Please contact Applicant's Consultant

APPLICANT'S REPRESENTATIVE: *Please contact Applicant's Consultant

Address:

City/State/Zip:

Phone: () - Email: *Please contact Applicant's Consultant

CONSULTANTS: Please list below planning and engineering consultants.

Table with 2 columns: PLANNING and ENGINEERING. Rows include Name, Address, City/State/Zip, Phone, and Email for AKS Engineering & Forestry LLC.

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

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

LOCATION: Street Address: No site address; NW intersection of Shaff Road SE & Golf Club Road SE

Assessor's Tax Lot Number and Tax Map Number: 09W04C TL 01700

Closest Intersecting Streets: Shaff Road SE & Golf Club Road SE

DESCRIPTION OF PROPOSAL: Total Acreage: ±9.63 (5.22; 4.41) No. of Lots 2

ZONE DISTRICT: Current = Commercial; Proposed = Commercial and Residential

NAME OF PROPOSED SUBDIVISION (does not apply to partitions): N/A

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 4/29/20 Fee Paid: \$4,050 Receipt No.

Land Use File# 5-04/20

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: [*See Attached Narrative for Responses](#)
 - 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? [*See Attached Narrative for Responses](#)
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? [*See Attached Narrative for Responses](#)
4. NATURAL, PHYSICAL AND GEOGRAPHIC FEATURES:
 - b. Flood Hazards: [*See Attached Narrative for Responses](#)

Is any portion of the property located in a flood plain? Is any portion of the property located adjacent to a waterway? [*See Attached Narrative for Responses](#)

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? [*See Attached Narrative for Responses](#)
 - c. Wetlands:

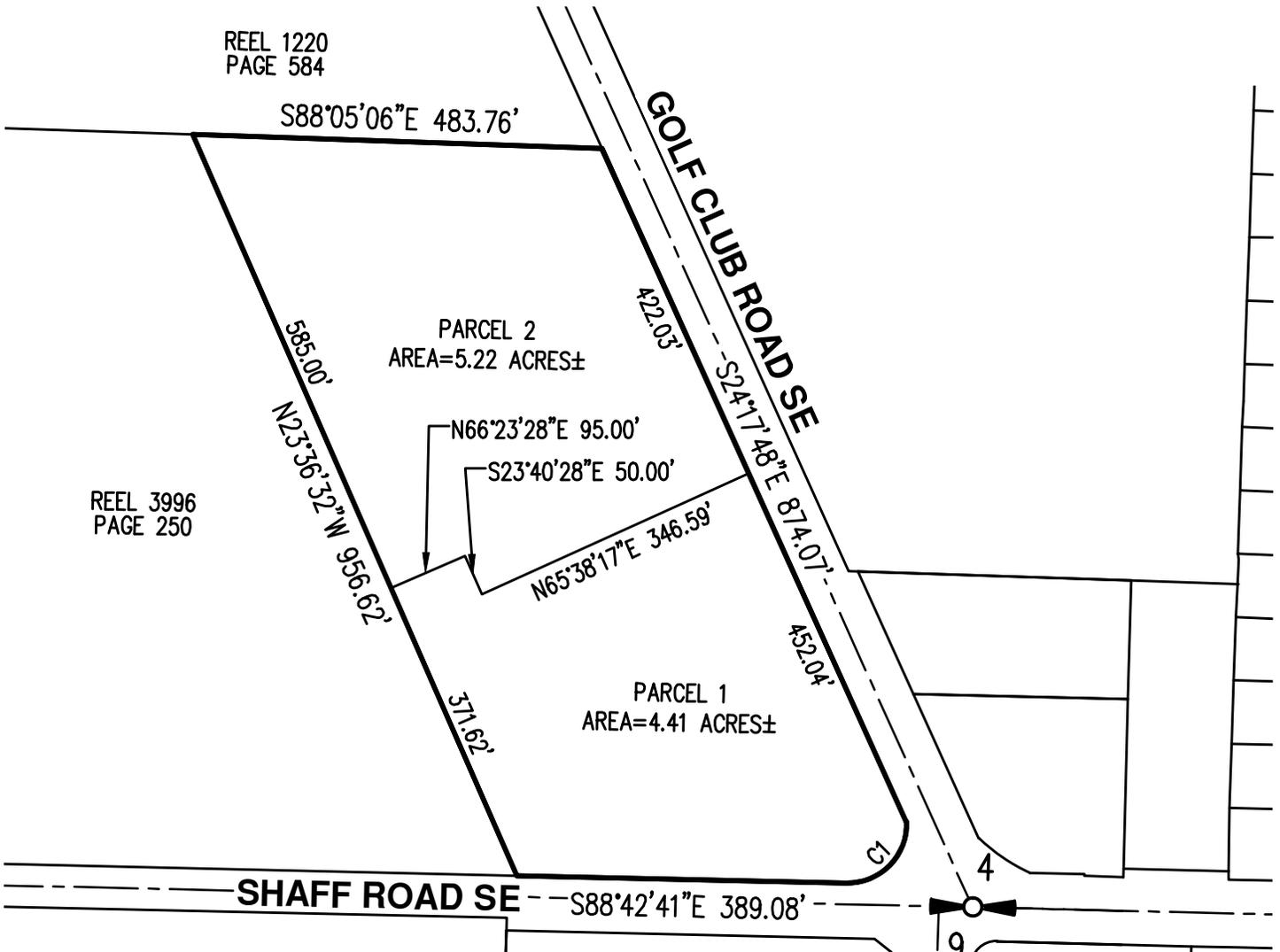
Are there any wetlands on the site? If yes, are any of these wetlands identified in the Stayton Comprehensive Plan and how will the proposed subdivision comply with all wetland development requirements? [*See Attached Narrative for Responses](#)
 - d. Natural Features:

Are there any other important natural features on the site? If yes, how will the proposed subdivision address potential impacts to those features? [*See Attached Narrative for Responses](#)
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? [*See Attached Narrative for Responses](#)
6. DEED COVENANTS AND RESTRICTIONS: Will any deed covenants or deed restrictions apply to the proposed master planned development? If yes, attach. [N/A](#)

PARTITION EXHIBIT

A TRACT OF LAND, AND A PORTION OF RIGHT-OF-WAY,
 LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4,
 TOWNSHIP 9 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 MARION COUNTY, OREGON

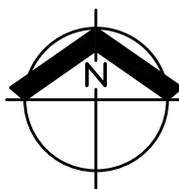


CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	69.54'	93°43'33"	113.76'	S44°25'33"W 101.49'

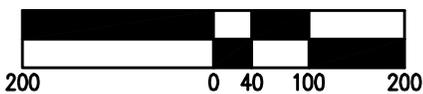
4/20/2020

PREPARED FOR

STEALTH DEVELOPMENT, LLC
 3749 DUBLIN AVENUE
 SALEM, OR 97302



SCALE: 1" = 200 FEET



**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS
 RENEWS: 6/30/20

PARTITION EXHIBIT

AKS ENGINEERING & FORESTRY, LLC
 3700 RIVER RD N, STE 1
 KEIZER, OR 97303
 503.400.6028 WWW.AKS-ENG.COM



EXHIBIT
A
 DRWN: JFS
 CHKD: NSW
 AKS JOB:
 7730

Application Review – 2-Lot Partition of 091W04C, TL01700

City of Stayton – Land Use File No. 5-04/20

TO: Dan Fleishman/*City Planner*

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

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

PROJECT: **Land Use Application Review – 2-Lot Partition at the northwest corner of the intersection of Golf Club Road and Shaff Road, 091W04C- TL01700**

DATE: June 18, 2020

Background

I received a copy of the land use application provided by AKS Engineering and Forestry, LLC., for applicant Stealth Development, LLC., with a request by the City of Stayton to review and respond. The application is for annexation of ± 9.63 acres of vacant land, the partitioning of the property into a ± 4.41 acre parcel and a ± 5.22 acre parcel, and Comprehensive Plan amendment for the ± 5.22 acre parcel from Commercial to Residential. The application requests the City assign Commercial General zoning to the commercial portion of the property and High Density Residential to the residential portion of the property. A request to develop the vacant parcel is not included as part of the application.

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.

Should the applicant decide to pursue continuation of development, the Developer will be required to obtain any and all required reviews, approvals, and permits required by the Planning Conditions of Approval, SMC, PWDS, Marion County, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work. As such, 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 shows the location of the development to be within Township 9 South, Range 1 West, Section 4C, TL 01700. The parcel has frontage along both Golf Club Road and Shaff Road. Future vehicular access is shown to be from new accesses into the site along Golf Club Road and a new access along Shaff Road.

Existing Site Topography and Utilities

Existing site topography was not provided with the application site plan; however, the approximate location of existing utilities was provided. GIS mapping and the application narrative indicates that there is an existing 10" sanitary sewer system and an existing 8" water main along Golf Club Road. An adequate storm drainage system is not readily available; however, Golf Club Road and Shaff Road currently have an existing open stormwater ditch system.

Findings

Transportation

- **TIA** – A Transportation Impact Analysis was submitted with the application for the City Traffic Engineer's (Kittelson & Associates) and Marion County Public Work's review. It should be noted that as part of future development, a new TIA will be required in accordance with the most current edition of the PWDS and SMC requirements at the time of development.
- **Right of Way (R/W)** – Right-of-ways shall comply with PWDS 312, Geometric Design Requirements by Street Functional Classification. It should be noted that as part of future development, right-of-ways will need to comply with the most current edition of the City's TSP, PWDS, and SMC requirements at the time of development.
 - **Golf Club Road** – Golf Club Road is designated in Figure-8 of the City's 2019 TSP as a Minor Arterial under Marion County jurisdiction. PWDS 312 requires a minimum of 100' of R/W for Golf Club Road. From the tax assessor's map, additional right-of-way is required along the frontage in order to meet the PWDS right-of-way half-width requirement. The standard 10' wide public utility easement is recommended to be provided along the frontage in accordance with the PWDS. Since the frontage is controlled by Marion County, any additional R/W dedication requirements will be as determined by them.

- **Shaff Road** – Shaff Road is designated in Figure-8 of the City’s 2019 TSP as a Collector under Marion County jurisdiction. PWDS 312 requires a minimum of 80’ of R/W for Shaff Road. From the tax assessor’s map, additional right-of-way is required along the frontage in order to meet the PWDS right-of-way half-width requirement. The standard 10’ wide public utility easement is recommended to be provided along the frontage in accordance with the PWDS. Since the frontage is controlled by Marion County, any additional R/W dedication requirements will be as determined by them.
- **Intersection of Wilco/Shaff/Golf Club Road** – The intersection of Wilco Road, Shaff Road, and Golf Club Road is currently all-way stop controlled. As indicated in the City’s 2019 Transportation System Plan (TSP), this intersection currently meets signal warrants as prescribed in the Manual for Uniform Traffic Control Devices. As such, the City’s TSP recommends a roundabout be provided at this location. Additional right-of-way will be required in order to meet the PWDS right-of-way requirement for the roundabout. Since final engineering design for the roundabout has not yet been completed, it is therefore difficult to establish as part of this partitioning application an actual dedication of right-of-way line requirement that coincides with the final engineering design of the roundabout. Because of this, as part of future development final right-of-ways will need to comply with the City and Marion County approved engineering design for the roundabout and comply with the most current edition of the PWDS and SMC requirements at the time of development.
- **Street Improvements** – It should be noted that as part of future development, street improvements will need to comply with the most current edition of the City’s TSP, PWDS, and SMC requirements at the time of development.
- **Transportation System Plan** – As previously mentioned, there are transportation system improvements identified in the City’s 2019 TSP that are necessary along the frontage of this development.

Public Utilities

- **Public Utility Improvements** – It should be noted that as part of future development, public utility improvements will need to comply with the most current edition of the City’s public utility master plans, PWDS, and SMC requirements at the time of development.
- **Existing Water Well(s)** – It is recommended that as part of future development, any existing water wells on the property be located and abandoned per Oregon Water Resources Department and OHA-DWP requirements. Prior to well abandonment it is recommended that the City work with the Developer to complete the necessary documentation for the City to assume any existing water rights associated with the well, and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.

Recommended Public Works Conditions of Approval

1. The City of Stayton Standard Conditions of Approval shall apply. All required easements, agreements, and other documentation required by the Planning Conditions of Approval, SMC, PWDS and other agencies having jurisdiction over the work shall be provided to the City for review and approval prior to final plat approval.
2. It is recommended that prior to final plat approval, the dedication of additional half-width right-of-way shall be shown on the plat along the frontage of Golf Club Road, Shaff Road, and the additional right-of-way necessary to accommodate the roundabout at the Wilco/Shaff/Golf Club Road intersection in accordance with the City's TSP, PWDS, and SMC requirements. The standard 10' wide public utility easement shall be provided along the frontage in accordance with the PWDS.
3. It is recommended that with submission of the final plat for approval, the Developer shall submit to the City for review and approval a Development Deferral Agreement for the street frontage improvements. The Development Deferral Agreement shall specify that frontage improvements are deferred until such time as each parcel is developed, and that the individual responsible for development of the parcel shall be responsible for improving the street frontages in accordance with the PWDS, SMC, and Marion County Public Works Standards in effect at the time of development. The final executed Development Deferral Agreement shall be recorded with Marion County Oregon Deed Records by the Developer concurrently with the recording of the final plat.
4. It is recommended that any existing water wells on the property be located and abandoned per Oregon Water Resources Department and OHA-DWP requirements. Prior to well abandonment, it is recommended that the City work with the Developer to complete the necessary documentation for the City to assume any existing water rights associated with the well, and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.

Dan Fleishman

From: Bryan Graveline <bgraveline@kittelson.com>
Sent: Thursday, May 14, 2020 12:45 PM
To: Dan Fleishman
Cc: Susan Wright
Subject: RE: Request for Comments on Land Use Application

Hi Dan,

Thanks for sending this our way. Susie and I have reviewed the traffic impact analysis included in the application materials and have found that it satisfies the TPR requirements for the zoning change and comprehensive plan amendment. Specifically:

- We agree with the applicant's decisions regarding reasonable worst-case uses for both existing and proposed zoning and the corresponding trip generations of these uses.
- We agree with the applicant's trip distribution and traffic analysis, and their finding of no significant impact caused by the proposed zone change and comprehensive plan amendment.

Let us know if you have any questions about these findings. Thank you!

Best,

Bryan Graveline, EI
Engineering Associate

I'm working from home in response to COVID-19, but Kittelson is fully operational and responsive to all projects. Please [visit our website](#) for more information, and connect with us before sending hard copy mail.

[Kittelson & Associates, Inc.](#)
Transportation Engineering / Planning
503.535.7473 (direct)

From: Dan Fleishman <dfleishman@ci.stayton.or.us>
Sent: Friday, May 08, 2020 4:45 PM
To: Adam Maurer <amaurer@santiamhospital.com>; Andy Gardner <Andy.Gardner@nsantiam.k12.or.us>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; Brent Tomlinson <brent.tomlinson@wavebroadband.com>; brian.kelley@nwnatural.com; Bryan Graveline <bgraveline@kittelson.com>; Cooper.Whitman@pacificorp.com; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; David Frisendahl <dfrisendahl@ci.stayton.or.us>; Jack Carriger (Jack.Carriger@staytonfire.org) <Jack.Carriger@staytonfire.org>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jasmussen@co.marion.or.us) <jasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@ci.stayton.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@ci.stayton.or.us>; Phil Jones <PRJONES@co.marion.or.us>; Robert Lee <rlee@wavebroadband.com>; Susan Wright <swright@kittelson.com>; Troy Wheeler



Marion County OREGON

PUBLIC WORKS

(503) 588-5036

June 18, 2020

BOARD OF COMMISSIONERS

Colm Willis
Sam Brentano
Kevin Cameron

Via email: DFleishman@ci.stayton.or.us
City of Stayton, Planning Department
Attn: Daniel Fleishman
362 North Third Ave
Stayton OR 97383

DIRECTOR

Brian Nicholas, P.E.

RE: Request for Comments
City Land Use File 5-04/20
ANX / PAR / CP
NWC Shaff Rd / Golf Club Rd consisting of 9.6 Acres

ADMINISTRATION

BUILDING INSPECTION

EMERGENCY MANAGEMENT

ENGINEERING

ENVIRONMENTAL SERVICES

OPERATIONS

PARKS

PLANNING

SURVEY

Dear Dan:

This is for an Annexation and Partitioning into 4.4 and 5.2-Ac parcels, followed by a Comp Plan Amendment of the 5.2-Ac parcel from Commercial to HD Residential. Below are MCPW Engineering's Background, Requested Conditions of Approval and Future Advisories for the current proposal and future developments:

BACKGROUND

- Golf Club Road and Shaff Road are inside city limits. Marion County has maintenance jurisdiction and permitting authority over both.
- Golf Club Road fronting the property's east boundary is classified in the City's 2019 TSP as a Minor Arterial and in the County's TSP as an Arterial. Shaff Road fronting the property's south line is classified as a City Collector and a County Arterial.
- The City has future plans to 3-lane Golf Club Road, and including a traffic circle roundabout at the Shaff Road intersection.
- Given the proposed partitioning and varying land uses, it is estimated that development of the subject property has the potential to be staggered.
- A TPR Traffic Assessment Letter was submitted with the application and concurred with by the City's Traffic Engineering Consultant. Based on the preliminary development plan, a TIA would still be required prior to development.

To: Dan Fleishman, City of Stayton
From: John Rasmussen, MCPW Engineering
RE: ANX/PAR/CP; NWC Shaff/Golf Club
Date: June 18, 2020

Page 2

REQUESTED CONDITIONS OF APPROVAL

MCPW Engineering requests the following Conditions of Approval that may overlap with the City's:

- A. *On the partition plat, dedicate sufficient public R/W along Golf Club Road meeting the City's Minor Arterial half-width standard and along Shaff Road meeting the County's Arterial half-width standard, including property line corner radius.*

Note: Regarding Shaff Road R/W standard, the County's urban Arterial half-width standard of 42' exceeds the City's Collector half-width standard of 40'. The County's standard is therefore the more stringent of the two, and should thus be applied unless otherwise agreed upon by the agencies.

- B. *On the partition plat, 'reserve' sufficient public R/W for the future traffic roundabout outlined in the City's 2019 TSP. Prior to plat recordation, enter into a supporting Agreement with City for future acquisition of the aforementioned additional R/W to be depicted on the plat.*

FUTURE ADVISORIES

- C. In conjunction with future application for site development through the City's SPR process, submit a TIA for both parcels as a whole.
- D. Prior to future issuance of building permits, design and permit the entirety of adjacent road and utility improvements for both parcels. Prior to future issuance of Certificates of Occupancy, construct aggregate improvements in a single event or as otherwise approved by the permitting agencies.
- E. MCPW Engineering will need to co-review future plans for drainage improvements on private property that may outfall to Golf Club Road and/or Shaff Road.

If you have any questions, please contact me at (503) 584-7706.

Sincerely,



John Rasmussen
Civil Engineering Associate

- C: Lance Ludwick, City PWD, LLudwick@ci.stayton.or.us
John Ashley, Ashley Engineering, jashley@ashleyengr.com

G:\Engineering\LDEng&Permits\Planning Actions\2020\Cities\Stayton\File 5-04_20.docx

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
the applications of
Stealth Development LLC

) Annexation
) Comprehensive Plan Amendment
) Partitioning
) File # 5-04/20
)

CONDITIONAL ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted three applications for concurrent review. The applicant is requesting annexation of a 9.6-acre parcel into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of a portion of the parcel be changed from Commercial to Residential and preliminary plat approval for partitioning the property into a 4.4 acre parcel and a 5.2 acre parcel.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on June 29, 2020. Due to the COVID-19 emergency, that public hearing was held remotely. At that hearing the Planning Commission reviewed Land Use File #5-04/20 applications for annexation, comprehensive plan map amendment, and partitioning and it was made part of the record.

III. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The owner of the property is State Investments LLC.
2. The applicant is Stealth Development LLC, who has received authorization from the owner to proceed with the applications.
3. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 4C, Tax Lot 1700.
4. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Commercial by the Comprehensive Plan Map.
5. The property is located at the northwest corner of the intersection of Shaff Rd and Golf Club Rd. The property is approximately 9.6 acres in area with approximately 956 feet of frontage on Golf Club Rd and approximately 494 feet of frontage on Shaff Rd.
6. The property to the west is located outside of the City Limits, is zoned Marion County Urban Transition, and is a portion of a large acreage used for agricultural production. The property to the north, is located outside of the City Limits, is zoned Marion County Urban Transition, and has a single family dwelling and is used for agricultural production. The properties to the east are inside the City Limits, were annexed in 1976,

and are zone Commercial General and Medium Density Residential. One of the properties zoned Commercial General is developed as a convenience store/gas station with car wash. The other property zoned Commercial General is developed as the parking area and driveway for the convenience store. The property zoned Medium Density Residential is developed as a mobile home park. The property to the south is located inside of the City Limits, was annexed in 1976, is zoned Commercial Retail, and is a vacant lot currently used for agricultural production.

7. The property is currently vacant.

B. PROPOSAL

The proposal is to annex approximately 9.7 acres of land into the City, including a small area of right of way at the intersection. The applicant has also applied for a Comprehensive Plan Map amendment from Commercial to Residential for a portion of the property, and for preliminary plat approval of a two-parcel partitioning. The applicant has proposed that Commercial General zoning be applied to the 4.4-acre parcel at the intersection and that High Density Residential zoning be applied to the 5.2-acre parcel at the north portion of the property. The applicant has not proposed development of the parcel at this time, but has submitted a conceptual plan (referred to below as preliminary site plan) for future development of the parcel, as required by Section 17.12.210.3.b. The preliminary site plan shows multiple commercial buildings on the commercial portion of the property and a multi-family residential development on the residential portion of the property.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Sublimity Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, and the North Santiam School District.

NW Natural Gas and Marion County Planning Division replied with no comments. Comments were received from the Stayton Public Works Department through the City Engineer, from the City's transportation engineering consultant, and from Marion County Public Works. These comments are incorporated into the findings below.

D. PUBLIC COMMENTS

The Planning and Development Department notified all owners of property within 300 feet of the subject property and has not received any written public comment on these applications prior to the public hearing.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4. The amendment of the Official Zoning Map, required to assign a zone to the newly annexed territory, is required to satisfy the approval criteria contained within SMC Section 17.12.180.6.

Comprehensive Plan Map amendment applications are required to satisfy approval criteria contained within SMC Section 17.12.170.6.

Partitioning applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040 and 17.24.050.

F. REVIEW CRITERIA

Annexation Criteria

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange Development Zones. The Comprehensive Plan noted that three adjacent parcels accounted for 7 acres, leaving 14 acres of land in 28 parcels and that there was a lack of medium-sized vacant parcels available for commercial uses. The applicant proposes that 4.4 acres of the property be retained as commercial.

At the time of the 2013 BLI, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the Comprehensive Plan indicates the expected need of additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land. Of the land annexed into the City since 2013, no land has been zoned High Density Residential.

Staff has calculated information on current buildable lands as follows. There are currently 83 vacant lots totaling 99 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	42	4

The vacant lots in Phase 2 of the Phillips Estates subdivision may not be built on until the developer rectifies problems with the stormwater system in the subdivision.

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, and the E Virginia St Terrace subdivision with four lots that have received preliminary plan approval from the Planning

Commission but not yet been platted with Marion County. The Lambert Place subdivision is expected to be platted during the summer of 2020.

Though there are 83 parcels totaling 99 acres in the City and residentially zoned, staff estimates that there are only 50 parcels totaling 57 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 34 lots reasonably available for development. In the MD zone there are 15 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City's growth rate from 2000 and 2019 has been at an average annual rate of about 0.8%, with a population change of 1,050 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection.

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

Finding: The property is contiguous to the existing city limits to the east along the west right of way of Golf Club Rd and to the south along the north right of way of Shaff Rd.

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

Finding: The surrounding area is a mix of undeveloped properties and developed properties. To the north and west of the subject property are farm fields, not yet annexed into the City, but within the Urban Growth Boundary. The surrounding property to the north and west is designated Residential by the Comprehensive Plan Map. To the east, across Golf Club Road is a mix of commercial development and medium density residential development. To the southeast, is a shopping center with a mix of retail and restaurants. To the south is undeveloped land zoned for commercial uses. The Urban Growth Management policies of the City are incorporated into Section 17.08.030. These policies state that the boundaries of the City should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.

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

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

f. *If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

Finding: The proposed annexation is not a contract annexation.

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

1) *The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Finding: The Comprehensive Plan, in Table 6-10 projected the need for an addition 174 units of multi-family housing between 2010 and 2030. Since that time there have been only four units of multi-family housing constructed. The sole parcel in the City Limits has the capacity for 50 to 60 units. Policy HO-1 is to encourage development of housing that meets the needs of all income groups. One of the implementation actions for this policy is to assure that an adequate supply of land in all residential zones. At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Finding: At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, 9, and Goal 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces.

There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property. Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Amendment of the Comprehensive Plan Map designation to Residential would potentially decrease the amount of land available for employment opportunities. However, the Comprehensive Plan noted that there were 23 vacant lots zoned commercial with a total area of 19 acres in the City. The Planning Department reports that there are currently 22 vacant commercially zoned parcels with a total area of 28 acres. Two of these parcels have received site plan approval for development, accounting for 9 acres, but the building permits have not yet been issued. The reduction of 5 acres of commercial land will have no noticeable impact on the overall availability to promote economic activity. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would provide for additional opportunities for the construction of multi-family housing.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Garth Appanaitis, PE. The analysis concluded proposed comprehensive plan amendment and zone map amendment would result in an increase in the site’s trip potential but would not create a significant effect on the transportation system. The analysis was reviewed by the City’s transportation planning consultant who agreed with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Finding: There is a total of 147 acres of land in the UGB designated as Commercial. The Comprehensive Plan was drafted before the annexation and Comprehensive Plan Map amendment of the Hillyer Ford property on Golf Lane. The Comprehensive Plan indicates that there were 6 buildable acres of land inside the UGB, and outside of the City Limits designated as commercial. Since that time, there have been about 8 acres of land annexed and designated Commercial. Staff reports that currently there are 18 acres of land inside the UGB and outside the City designated as Commercial. Staff reports there are currently 32 acres of vacant land designated Commercial within the City Limits. Since adoption of the Comprehensive Plan in 2013 there have been five new commercial buildings constructed. One was a new building in a shopping center complex. The other four new buildings were on a combined total of 3.7 acres of land.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the intersection. There is a 10-inch sewer main on

the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Finding: The property to the west is a farm field that part of a larger parcel, the majority of which is located west of the Salem Ditch and outside of the Urban Growth Boundary. The portion of this parcel that is within the Urban Growth Boundary is designated Residential by the Comprehensive Plan. The property to the north is a farm field, that is designated Residential by the Comprehensive Plan. To the south, across Shaff Road, the property is zoned Commercial Retail and currently used as a farm field.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Finding: A concurrent application for a Comprehensive Plan Map amendment has been filed. The applicant has requested that the portion of the property to be designated Residential by the amended Comprehensive Plan Map be zoned high Density Residential and that the portion of the property to retain Commercial designation be zoned Commercial General.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection. The Stayton Police Department, Pacific Power, North Santiam School District, Stayton Fire District, Stayton Cooperative Telephone, Northwest Natural, and Wave Broadband were all notified of the applications and requested to comment. No comments expressing concerns about the ability to provide service were received.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Garth Appanaitis, PE. The analysis concluded proposed comprehensive plan amendment and zone map amendment would result in an increase in the site's trip potential but would not create a significant effect on the transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Finding: The Comprehensive Plan, in Table 6-10 projected the need for an addition 174 units of multi-family housing between 2010 and 2030. Since that time there have been only four units of multi-family housing constructed. The sole parcel in the City Limits has the capacity for 50 to 60 units. Policy HO-1 is to encourage development of housing that meets the needs of all income groups. One of the implementation actions for this policy is to assure that an adequate supply of land in all residential zones. At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Finding: The Planning Department reports that there are currently 20 vacant parcels zoned Commercial with a total area of 24.6 acres. Two of these parcels have received site plan review approval for development, but a building permit has not yet been issued. The proposed amendment would not eliminate any vacant land zoned commercial, because the subject property is not currently in the City. There is currently only one vacant parcel zoned High Density Residential.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on May 8, more than 35 days prior to the Planning Commission's hearing.

- 7) *The physical characteristics of the property proposed for rezoning are appropriate for the proposed zone and the potential uses allowed by the proposed zone will not have an adverse impact on the surrounding land uses.*

Finding: The property is flat and would allow for a wide variety of development opportunities.

The property to the west is a farm field that part of a larger parcel, the majority of which is located west of the Salem Ditch and outside of the Urban Growth Boundary. The portion of this parcel that is within the Urban Growth Boundary is designated Residential by the Comprehensive Plan. The property to the north is a farm field, that is designated Residential by the Comprehensive Plan. To the south, across Shaff Road, the property is zoned Commercial Retail and currently used as a farm field.

Partitioning

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

b. Availability of adequate urban services.

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection.

c. Lots meet minimum dimensional requirements.

Finding: The minimum lot size in the HD zone is 6,000 square feet. There is no minimum lot size in the CG zone. The proposed residential parcel is 5.2 acres.

d. Streets in accordance with City's Transportation System Plan.

Finding: Golf Club Rd is a minor arterial street. As such, the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with a 6-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Golf Club Rd is currently partially improved with a 30-foot half right of way adjacent to the subject property. The street currently has a 32-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

Shaff Rd is a collector street. As such, the Public Works Design Standards call for a 80 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with an 8-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Shaff Rd is currently partially improved with a 25-foot half right of way adjacent to the subject property. The street currently has a 24-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

While the preliminary site plan submitted with the applications shows the likely needed right of way for the future roundabout, the preliminary partition plat does not include any dedication of right of way.

The City Engineer has commented that whereas both streets are Marion County maintained streets right of way dedication requirements will be determined by Marion County. The City Engineer also noted the need for public utility easements along the frontage, in accordance with the Public Works Design Standards. The City Engineer noted the uncertainty of the final right of way needed for the proposed future roundabout, noting that future development of the parcels will need to comply with the most current Public Works Design Standards and make frontage improvements at the time of development.

Marion County Public Works noted that the County's right of way standards for an urban arterial street is 84 feet, compared to the City's standard of 80 feet for a collector street.

MCPW requested a condition that required dedication of right of way meet the more stringent standard. MCPW noted that the design of the roundabout has not yet been designed and that additional right of way may be needed to accommodate it and the approaches. MCPW requested a condition of approval to require “reservation” of additional right of way of possible future acquisition. MCPW noted that future development of either parcel will require submittal of Transportation Impact Analyses, design and construction of frontage improvements, and that MCPW Engineering will co-review future plans for drainage improvements on private property that may outfall to Golf Club Rd or Shaff Rd.

e. Standards of Section 17.24.050 and Section 17.26.020 are satisfied.

Finding: The standards of Section 17.24.050 and 17.26.020 are addressed below.

f. Compliance with Comprehensive Plan and zoning.

Finding: The applicant has proposed Commercial General zoning for the corner parcel and High Density Residential zoning for the other parcel, with a comprehensive plan amendment from commercial to residential. There are no minimum dimensional requirements for lots in the Commercial General zone. The High Density Residential zone requires a 6,000 square foot minimum lot area with a minimum of 60 feet of lot width. The proposed lot exceeds the minimum requirements.

g. Provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels.

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection. Pacific Power, Stayton Cooperative Telephone, Northwest Natural, and Wave Broadband were all notified of the applications and requested to comment. No comments expressing concerns about the ability to provide service were received. The City Engineer recommended that if there is an existing water well on the property, that it be properly abandoned and that any water rights be transferred to the City.

h. Multiple Access Roads. Multi-family residential projects having more than 100 dwelling units shall be provided with not less than two approved means of access

Finding: The applicant proposes more than 100 dwelling units in the apartment complex. The preliminary site plan submitted shows a driveway on Golf Club Road at the northerly end of the residential parcel and vehicular connection with the commercial development. An access easement will be required as part of the partition plat.

i. Standards of Chapter 17.20

Finding: Both parcels will continue to meet the applicable requirement of Chapter 17.20. Future development of the parcels for commercial and multi-family uses will require site plan review and assurance that the applicable standards in Chapter 17.20 are met. Those standards will include sections 17.20.060 – Off-street Parking and Loading, 17.20.080 –

Special Street and Riparian Areas, 17.20.090 – Landscaping Requirements, 17.20.140 – Signs, 17.20.150 – Tree Preservation, 17.20.170 – Outdoor Lighting, 17.20.190 – Multi-family Residential Design Standards, and 17.20.200 – Commercial Design Standards.

j. Impact on wetlands.

Finding: There are no identified wetlands on the property.

k. Subdivision name and block numbers.

Finding: This is not a subdivision.

l. Compliance with ORS 92.090.

Finding: The partition plat will be required. The Marion County Surveyors Office provided details on the preparation of that document.

m. Impact on North Santiam River, Mill Creek, or Salem Ditch.

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.

Pursuant to SMC 17.24.050, the following criteria must be demonstrated as being satisfied by the application:

1. Streets

Finding: Golf Club Rd is a minor arterial street. As such, the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with a 6-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Golf Club Rd is currently partially improved with a 30-foot half right of way adjacent to the subject property. The street currently has a 32-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

Shaff Rd is a collector street. As such, the Public Works Design Standards call for a 80 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with an 8-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Shaff Rd is currently partially improved with a 25-foot half right of way adjacent to the subject property. The street currently has a 24-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

While the preliminary site plan submitted with the applications shows the likely needed right of way for the future roundabout, the preliminary partition plat does not include any dedication of right of way.

The City Engineer has commented that whereas both streets are Marion County maintained streets right of way dedication requirements will be determined by Marion County. The City Engineer also noted the need for public utility easements along the

frontage, in accordance with the Public Works Design Standards. The City Engineer noted the uncertainty of the final right of way needed for the proposed future roundabout, noting that future development of the parcels will need to comply with the most current Public Works Design Standards and make frontage improvements at the time of development.

Marion County Public Works noted that the County's right of way standards for an urban arterial street is 84 feet, compared to the City's standard of 80 feet for an arterial street. MCPW requested a condition that required dedication of right of way meet the more stringent standard. Following a reply by the applicant, MCPW acknowledged that this section of Shaff Rd is classified as a major collector street. Therefore the 80-foot right of way requirement will apply. MCPW noted that the design of the roundabout has not yet been designed and that additional right of way may be needed to accommodate it and the approaches. MCPW requested a condition of approval to require "reservation" of additional right of way of possible future acquisition. MCPW noted that future development of either parcel will require submittal of Transportation Impact Analyses, design and construction of frontage improvements, and that MCPW Engineering will co-review future plans for drainage improvements on private property that may outfall to Golf Club Rd or Shaff Rd.

2. *Dedication of Right of Way.*

Finding: Golf Club Rd is a minor arterial street. As such, the Public Works Design Standards call for a 100 foot right of way. Golf Club Rd currently has a 30-foot half right of way adjacent to the subject property.

Shaff Rd is a collector street. As such, the Public Works Design Standards call for a 80 foot right of way. Shaff Rd is currently partially improved with a 25-foot half right of way adjacent to the subject property.

While the preliminary site plan submitted with the applications shows the likely needed right of way for the future roundabout, the preliminary partition plat does not include any dedication of right of way.

The City Engineer has commented that whereas both streets are Marion County maintained streets right of way dedication requirements will be determined by Marion County. The City Engineer also noted the need for public utility easements along the frontage, in accordance with the Public Works Design Standards. The City Engineer noted the uncertainty of the final right of way needed for the proposed future roundabout, noting that future development of the parcels will need to comply with the most current Public Works Design Standards.

Marion County Public Works noted that the County's right of way standards for an urban arterial street is 84 feet, compared to the City's standard of 80 feet for an arterial street. MCPW requested a condition that required dedication of right of way meet the more stringent standard. Following a reply by the applicant, MCPW acknowledged that this section of Shaff Rd is classified as a major collector street. Therefore the 80-foot right of way requirement will apply. MCPW noted that the design of the roundabout has not yet

been designed and that additional right of way may be needed to accommodate it and the approaches. MCPW requested a condition of approval to require “reservation” of additional right of way of possible future acquisition.

3. *Dead-End Streets and Cul-De-Sacs.*

Finding: The application will not change the alignment or location of any existing streets and does not propose any new streets.

4. *Reserve Block*

Finding: The application does not create a reserve block or lot.

5. *Street Widths*

Finding: Golf Club Rd is a minor arterial street. As such, the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with a 6-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Golf Club Rd is currently partially improved with a 30-foot half right of way adjacent to the subject property. The street currently has a 32-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

Shaff Rd is a collector street. As such, the Public Works Design Standards call for a 80 foot right of way with 46-foot improvement of two 11-foot travel lanes with a 12-foot center turn lane, two 6-foot bicycle lanes, and six-foot sidewalks with an 8-foot landscape area between curb and sidewalk. The Transportation System Plan calls for future construction of a roundabout at the Shaff Rd/Golf Club Rd intersection. Shaff Rd is currently partially improved with a 25-foot half right of way adjacent to the subject property. The street currently has a 24-foot wide improvement, with no curb, gutter or sidewalk adjacent to the subject property.

While the preliminary site plan submitted with the applications shows the likely needed right of way for the future roundabout, the preliminary partition plat does not include any dedication of right of way.

The City Engineer has commented that whereas both streets are Marion County maintained streets right of way dedication requirements will be determined by Marion County. The City Engineer also noted the need for public utility easements along the frontage, in accordance with the Public Works Design Standards. The City Engineer noted the uncertainty of the final right of way needed for the proposed future roundabout, noting that future development of the parcels will need to comply with the most current Public Works Design Standards.

Marion County Public Works noted Shaff Rd is classified as an arterial street by the County and that the County’s right of way standards for an urban arterial street is 84 feet, compared to the City’s standard of 80 feet for an arterial street. MCPW requested a condition that required dedication of right of way meet the more stringent standard. Following a reply by the applicant, MCPW acknowledged that this section of Shaff Rd is

classified as a major collector street. Therefore the 80-foot right of way requirement will apply. MCPW noted that the design of the roundabout has not yet been designed and that additional right of way may be needed to accommodate it and the approaches. MCPW requested a condition of approval to require “reservation” of additional right of way of possible future acquisition. Following a reply by the applicant, MCPW acknowledged that this section of Shaff Rd is classified as a major collector street. Therefore the 80-foot right of way requirement will apply.

6. *Subdivision Blocks*

Finding: The application will not change the size, shape or location of any blocks.

7. *Mid-Block Walks*

Finding: The application will not change the alignment or location of any mid-block walks.

8. *Lot Size, Lot Lines*

Finding: The minimum lot size in the HD zone is 6,000 square feet. There is no minimum lot size requirement in the CG zone. Both parcels will meet the minimum lot size requirements.

9. *Public Survey Monuments*

Finding: There are no donation land claim, corner, section corner, or other official survey monuments within or on the boundary of this property. There is a section corner in the intersection of Golf Club Rd and Shaff Rd.

10. *Sewage Disposal.*

Finding: These parcels will be served by City sewage.

11. *Public Use Areas.*

Finding: The multifamily development will be contributing Parks System Development Charges upon construction for the acquisition of future public park spaces.

12. *Water Supply.*

Finding: These parcels are served by City water.

13. *Underground Utilities.*

Finding: This application is for a partitioning.

Section 17.26.020 –Access Management Requirements and Standards

The following are the applicable provisions from Section 17.26.020

1. *ACTIONS REQUIRING ACCESS PERMITS AND AUTHORITY TO GRANT ACCESS PERMITS.*

d. *Marion County Roadway Access Permits.*

Permits for access onto Marion County roadways shall be subject to review and approval by Marion County, except where the county has delegated this responsibility to the City of Stayton, in which case the City of Stayton shall determine whether access is granted based on adopted City of Stayton standards.

Finding: Both Shaff Rd and Golf Club Rd are Marion County maintained streets. Permits from Marion County will be required for accesses onto these streets and improvements within the rights of way.

2. NUMBER OF ALLOWED ACCESSES.

b. Number of Allowed Accesses for Multi-Family Uses.

The number of driveways allowed for multi-family residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 1,000 daily trips generated. A maximum of two accesses shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves a significant traffic operations hardship to justify more accesses. Emergency access requirements shall be determined by the fire marshal and/or the Public Works Director or his/her designee. Each driveway/access shall meet the spacing standards defined in 17.26.020.3.h.

Finding: The preliminary site plan shows only one driveway from the residential parcel onto Golf Club Rd.

c. Number of Allowed Accesses for Non-Residential Uses.

The number of driveways allowed for non-residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 2,500 daily trips generated with a maximum of two driveways.

Finding: The preliminary site plan shows one driveway from the commercial parcel onto each Golf Club Rd and Shaff Rd.

3. LOCATION OF ACCESSES.

Vehicle access locations shall be provided based on the following criteria:

a. Corner Lot Access.

Corner lots on arterial or collector streets shall have driveways located on the minor cross street. If this is not feasible, then the corner lot driveway on an arterial or collector street must follow the minimum access spacing standard in Table 17.26.020.3.h. or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line.

Finding: Golf Club Rd is a minor arterial street. Table 17.26.020.3.h requires the driveway to 300 feet from the intersection. Shaff Road is a collector street. Table 17.26.020.3.h

requires the driveway to 150 feet from the intersection. The preliminary site plan submitted shows these separation distances are likely to be able to be met when the development of the commercial street is designed.

h. Access Spacing Standards

The streets within Stayton are classified as arterials, minor arterials, collectors, and local streets. The access spacing standards are shown in Table 17.26.020.3.h. for both full intersection spacing and driveway spacing. Table 17.26.020.3.h requires a driveway to be a minimum of 300 feet from an intersection and from another driveway on a minor arterial street. Table 17.26.020.3.h requires a driveway to be a minimum of 150 feet from an intersection and from another driveway on a collector street.

Finding: The preliminary site plan submitted shows these separation distances are likely to be able to be met when the development of the commercial street is designed.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the applications meet the criteria for approval in SMC 17.12.210.4, Section 17.12.170.6, 17.24.050, and 17.26.020 except

1. Section 17.24.040.6.d. This section requires that streets have a right of way and travel lane width in accordance with the City's Transportation System Plan. Golf Club Rd is a minor arterial street. As such the TSP and the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement. There currently appears to be a 30-foot half right of way adjacent to the subject property with a 32-foot wide improvement. Shaff Rd is a collector street. As such, the TSP and the Public Works Design Standards call for an 80-foot right of way with 46-foot improvement. There is currently a 25-foot half right of way adjacent to the subject property with a 24-foot wide improvement. The TSP calls for the future construction of a roundabout at the intersection. Additional right of way will be needed to accommodate the roundabout. This section could be met if the partition plat were modified to provide for a dedication of additional right of way along Golf Club Rd to provide a 50-foot half right of way, a 15-foot dedication of right of way along Shaff Rd, and dedication of additional right of way at the intersection to accommodate the roundabout, as shown on the preliminary site plan submitted by the applicant.
2. Section 17.24.040.6.d. This section requires multiple access to a public street from multi-family residential projects of more than 100 dwelling units. The preliminary site plan submitted by the applicant showed only one driveway entrance to Golf Club Rd from the residential parcel, though vehicular access was also shown from the residential parcel to the commercial parcel. This section could be met if the partitioning plat is modified to provide for an access easement from Parcel 2 over Parcel 1 to a public street.
3. Section 17.24.050.1.a. and 17.24.050.2. These sections require that streets have a roadway design in accordance with the City's Transportation System Plan and that the preliminary plan for partitioning show right of way dedication. Golf Club Rd is a minor

arterial street. As such the TSP and the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement. There currently appears to be a 30-foot half right of way adjacent to the subject property with a 32-foot wide improvement. Shaff Rd is a collector street. As such, the TSP and the Public Works Design Standards call for an 80-foot right of way with 46-foot improvement. There is currently a 25-foot half right of way adjacent to the subject property with a 24-foot wide improvement. The TSP calls for the future construction of a roundabout at the intersection. Additional right of way will be needed to accommodate the roundabout. These sections could be met if the partition plat were modified to provide for a dedication of right of way along Golf Club Rd adequate to provide a 50-foot half right of way, a 15-foot dedication of right of way along Shaff Rd, and dedication of additional right of way at the intersection to accommodate the roundabout, as shown on the preliminary site plan submitted by the applicant.

4. 17.24.050.5.a and 17.24.050.5.d. These sections require that streets conform to the standards in the City's Transportation System Plan and Public Works Design Standards. Golf Club Rd is a minor arterial street. As such the TSP and the Public Works Design Standards call for a 100 foot right of way with 46-foot improvement. There currently appears to be a 30-foot half right of way adjacent to the subject property with a 32-foot wide improvement. Shaff Rd is a collector street. As such, the TSP and the Public Works Design Standards call for an 80-foot right of way with 46-foot improvement. There is currently a 25-foot half right of way adjacent to the subject property with a 24-foot wide improvement. The TSP calls for the future construction of a roundabout at the intersection. Additional right of way will be needed to accommodate the roundabout. These sections could be met if the partition plat were modified to provide for dedication of right of way adequate to provide a 50-foot half right of way along Golf Club Rd, a 15-foot dedication of right of way along Shaff Rd, and dedication of additional right of way at the intersection to accommodate the roundabout, as shown on the preliminary site plan submitted by the applicant.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council, recommends approval of the application for Comprehensive Plan Map amendment, and amendment of the Official Zoning Map to designate a portion of the property as Commercial General and portion of the property as High Density Residential, as requested by the applicant.

Contingent on the final approval of the annexation and the Comprehensive Plan Map amendment by the City Council, the Planning Commission approves the application for preliminary partition plat approval as shown on Exhibit G of the application entitled "Partition Exhibit" prepared by AKS Engineering & Forestry, Inc., dated April 20, 2020 and the accompanying materials on file in the Planning and Development Department subject to the attached standard conditions of approval and with the following additional conditions of approval.

1. Prior to the submittal of a draft final partitioning plat to Marion County Surveyors Office, the applicant shall submit to the City a revised partitioning plat that dedicates a right of way along Golf Club Rd adequate to provide a half right of way of 50 feet and a

minimum of 15 feet of right of way along Shaff Rd. Dedication of additional right of way to accommodate the planned roundabout shall be included at the intersection, as shown on the preliminary site plan submitted by the applicant. Development of either parcel will require Site Plan Review and the City reserves the right to require additional dedication of right of way during the Site Plan Review process. Further, the revised partitioning plat and the final plat shall include an access easement benefitting Parcel 2 over Parcel 1 to provide a second means of access to a public street. The standard 10-foot wide public utility easement shall be provided along the street frontages in accordance with the Public Works Design Standards.

2. Prior to the submission of the final plat for approval, the applicant shall locate any existing water wells on the property and they shall be abandoned in accordance with Oregon Water Resources Department and Oregon Health Authority Drinking Water Program requirements. Prior to well abandonment, the Developer shall complete the necessary documentation for the City to assume any existing water rights associated with the well, and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.
3. With submission of the final plat for approval, the applicant shall submit an executed Development Deferral Agreement to the City. The Development Deferral Agreement shall specify that frontage improvements are deferred until such time as each parcel is developed, that final right of way dedication required for the roundabout and its approaches has not yet been defined, and that the individual responsible for development of the parcel shall be responsible for improving the street frontage in accordance with requirements of the City Public Works Department and Marion County Public Works in effect at the time of development. The Development Deferral Agreement shall be recorded concurrently with the recording of the final plat.

VI. OTHER PERMITS AND RESTRICTIONS

The applicant is herein advised that the use of the property involved in this application will require additional permits and land use approvals from the City or other and may require approvals from 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 in regards to the applications for annexation and comprehensive plan Map amendment is only advisory to the Stayton City Council. The Stayton City Council shall hold a public hearing on these applications and render a final decision.

This decision regarding the site plan 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 above, in accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. A final plat must be submitted to the Planning and Development Department no later than one year from the effective date of the partitioning approval. 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 on the partitioning application 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 and 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.