

ORDINANCE NO. 852

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ADJACENT TO EAST SANTIAM AND EAST JEFFERSON STREETS; AND AMENDING THE CITY OF STAYTON OFFICIAL ZONING MAP FROM MARION COUNTY TRANSITIONAL FARM (UTF) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD); AND APPROVING A SUBDIVISION KNOWN AS BENCHMARK ADDITION.

WHEREAS, Benchmark Enterprises, LLC are owners of a 6.35 acre tract on the south side East Santiam Street and adjacent to East Jefferson Street, Assessor's Tax Lot Number 61085-000 and 61086-000, situated in Marion County, State of Oregon;

WHEREAS, on January 21, 2003, the owners filed with the City of Stayton, Oregon pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.430 and Section 17.12.460, an annexation application and zone map amendment request pursuant to SMC 17.08.220 and preliminary subdivision proposal pursuant to SMC 17.24.1040 for its Benchmark Addition subdivision;

WHEREAS, the City of Stayton Planning Commission held public hearings on May 27, 2003 and June 9, 2003 and the City Council held its public hearing on July 21, 2003, whereupon, the Stayton City Council directed preparation of the order (Land Use File #02-01/03) with findings and conclusions and conditions in support of the Council's action granting approval to the annexation, zone map amendment, and subdivision known as Benchmark Addition, hereto attached as Exhibit A; and

WHEREAS, the property subject to annexation is a part and is contained within the City of Stayton's Urban Growth Boundary (UGB).

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. The Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of approximately 6.35 acres south of East Santiam and East Jefferson Streets by its Order (Exhibit A), the legal description of which is described in Exhibit B, each of which are attached hereto and by reference is incorporated herein.

SECTION 2: The City shall provide to the Oregon Department of Revenue, Cartography Unit a report of the annexation including a copy of this Ordinance, a detailed legal description and a map of the new boundaries established by the City.

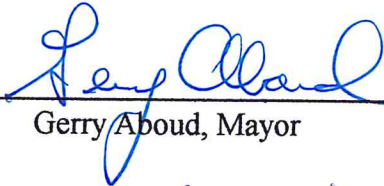
SECTION 3: Upon receipt of approval from the Oregon Department of Revenue, the City shall forthwith file with the Secretary of State, a copy of the approval along with a copy of this Ordinance, a detailed legal description and a map of the new boundaries established by the City.

SECTION 4: The effective date of this annexation shall be upon approval of the Secretary of State's office. Within 10 days from the "effective date" the City shall provide, by certified mail, to the Marion County Clerk, the Marion County Assessor, all public utilities, telecommunication utilities and franchise holders operating within the City, a written notice of each site address to be annexed as recorded on the Marion County assessment and tax roles, a legal description and map of the proposed boundary change, and a copy of this Ordinance.


ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of August 2003.

CITY OF STAYTON


Signed: 8/5/ 2003

By: 
Gerry Aboud, Mayor

Signed: August 5, 2003

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

BEFORE THE STAYTON CITY COUNCIL

In the matter of the) Annexation
Application of) Zone Map Amendment
Benchmark Addition) Subdivision
Land Use File #02-01/03

ORDER

I. NATURE OF APPLICATION

This matter comes before the Stayton City Council in the application of Benchmark Addition for approval of the following actions:

1. Annexation of 6.35 acres into the City of Stayton
2. Zone Map Amendment from (UTF) Urban Transitional Farm, Marion County Zoning to (LD) Low Density Residential
3. Preliminary Plat Approval of a 23-lot Subdivision

The applicants are requesting the annexation of a 6.35 acre parcel into the city of Stayton. Approval of an annexation would allow the applicants the opportunity to subdivide the parcel into a 23-lot subdivision made up of lots ranging in size from approximately 10,000 square feet to more than 14,000 square feet. One of the unique features of this development is that it takes into consideration "Smart" Development features, that is utilizing the best features of older neighborhoods and combining them with the best ideas of the present.

The proposed subdivision incorporates a few of these techniques such as an alley way, no direct access of driveways to streets and mid block pedestrian access.

II. PUBLIC HEARINGS

Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on May 27, 2003 and continued to June 09, 2003. At the hearings the Planning Commission Land Use File #02-01/03 Annexation, Zone Map Amendment, Subdivision and exhibits were made part of the record.

At the conclusion of the hearing on June 09, 2003, the Planning Commission recommended approval of the application with findings and conditions. The Planning Commission found the application to be consistent with the Comprehensive Plan and the Land Use and Development Code as set forth in the findings incorporated in their Order.

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City Council Action

A public hearing was duly held on this application before the Stayton City Council on July 21, 2003. At the hearing, Land Use File #02-01/03 Annexation, Zone Map Amendment, Subdivision and exhibits were made part of the record.

At the conclusion of the hearing, the City Council recommended approval of the annexation application as presented, approved the subdivision application with modifications to conditions and directed staff to prepare an ordinance for the Council to review. The Council found the application to be consistent with the Comprehensive Plan and the Land Use and Development Code as set forth in the findings incorporated in their Order.

III. FINDINGS

A. FINDINGS OF FACT GENERAL

1. The application is for a request to annex a 6.35 acre parcel into the City of Stayton. This application was submitted concurrently with a Zone Map Amendment and Subdivision Application. The zone map amendment from (UTF) Urban Transitional Farm to (LD) Low Density Residential. The proposed 23-lot Subdivision is made up of lots ranging in size from approximately 10,000 square feet to more than 14,000 square feet.
2. The applicants requesting approval are Lawrence Grames, and Daniel Brammer of Benchmark Enterprises, LLC, 1840 Pacific Court, Stayton, Oregon 97383.
3. The subject property is contiguous with the City's eastern boundary, bordering E. Santiam Street to the north, and E. Jefferson Street to the south. The property is described as tax lot 300, Township 9 south, Range 1 west of the Willamette Meridian, Section 11CA.
4. The property is currently undeveloped, unimproved and is used for seasonal cattle grazing and other agricultural uses.
5. The property lies within the Stayton Urban Growth Boundary (UGB), outside the city limits, and is designated in the Stayton Comprehensive Plan as (LD) Low Density Residential. Current zoning of the property (UTF) Urban Transitional Farm is under the jurisdiction of Marion County.

B. PUBLIC COMMENTS

July 21, 2003 Hearing:

Jason Hofman, 1125 NE Jefferson, Stayton, testified in opposition to the application stating a need for this property has not been established and that the community would not benefit from the development.

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Steve Frank, 1515 E. Jefferson Street, Stayton, testified in opposition to the proposal, stating the need for additional land to be annexed into the city limits has not been proven.

Lois Baller, 1358 E. Jefferson Street, Stayton, testified in opposition to the annexation stating she was concerned about the additional cost to the City.

Susan Brandt, 625 N. Seventh Avenue, Stayton, testified in opposition to the proposal stating the development does not accommodate mixed use housing which is part of the smart development concept.

Sally Welter, 1273 E. Jefferson Street, Stayton, testified in opposition to the annexation stating too many unknowns for the city.

John Brandt, 625 N. Seventh Avenue, Stayton, testified in opposition to the annexation stating the proposed infrastructure improvements are designed to satisfy the needs created by the development, a precedent might be set if the City annexes the property and the density per acre is an issue.

Dan Brummer, 525 W. Burnett Street, Stayton, testified generally to the application stating it was not smart development and the alleyway will not be used as intended.

STAYTON COMPREHENSIVE PLAN ANNEXATION REGULATIONS

Chapter 1, Section A, Goal 4 (Pg. 1):

Promote a desirable balance and location of land uses based on identified needs of the community.

Finding:

The City of Stayton's Buildable Lands Inventory (BLI) shows that between 1998 and 2002 the City consumed 26.8 acres of vacant land for residential purposes.

Of the 186 acres of (LD) Low Density land available for development, 115.76 consists of land that is not improved or land that is larger than one acre in size. The remaining 70+ acres represents infill lots with a single family residence that could be partitioned. Partitioning of these lots result, on average, 3 a year since 1998. Therefore, infill does not play a significant roll in residential development and in a 20 year time frame may not be a significant factor in overall residential growth.

Chapter 1, Section F, Goal 2 (Pg. 2):

Encourage urban development in areas with existing services and in those areas where future extensions of those services can be provided in the most feasible, efficient, and economical manner.

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Finding:

The applicants will be upgrading infrastructure services, water, public facilities and right of way improvements with the development proposal.

Chapter 1, Section H, Goal 1 (Pg. 3):

The existing boundaries of the city should remain relatively unchanged until a major portion of the city's usable land has been developed for urban purposes.

Finding:

Based on the analysis of infill lands, large vacant parcels and a low number of partitions each year in the low density zone, the major portion of the useable land in the city limits will not be developable for urban purposes in the foreseeable future.

Chapter 7 Goal E-2 (Pg. 78):

Residential development shall be located in areas where it is more cost effective to provide public facilities and services.

Finding:

By approving the proposed annexation, it allows a cost effective way of resolving infrastructure problems that exist in this area.

Chapter 7 Goal E-4 (Pg. 78)

Vacant lands within the corporate city limits shall be developed rather than leap-frogging to areas outside the city.

Finding:

It has been observed that residential development has substantially occurred on the north side of East Santiam Street and to the East side of the parcel that is contiguous to the development.

Conclusion:

City infrastructure is available to the site with a proposed housing development pattern similar to the adjoining properties.

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17.08.230 URBAN GROWTH MANAGEMENT/ STAYTON MUNICIPAL CODE

One policy in this section relates to this annexation proposal.

b. Extension of the City's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.

Finding:

It has been estimated by staff that approximately \$200,000 in system development charges (SDC) will be secured in addition to street and infrastructure improvements to Highland Drive, E. Santiam Street and E. Jefferson Street.

17.12.460 ANNEXATIONS

5. Review Criteria: In order to approve an annexation request, the following affirmative findings concerning the action must be able to be made by the decision authority:

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

Finding:

The definition of need is not strictly limited to the consideration of available land within the community. More broadly, need can be defined as the infrastructure enhancements and street connections that are added as the result of an annexation. This annexation approval will result in the construction of Highland Drive between E. Santiam Street and E. Jefferson Street as a 60 foot right-of-way and including a 34 foot pavement width. And to connect a 12" water line or larger on E. Santiam Street from Tenth Avenue to the east City limits, will substantially improve low fire flows in the area.

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:

Infrastructure is available to the site regarding water, sewer, storm drains and streets. However, it is anticipated the 6" water main will have to be upgraded in this area to a 12" main. In turn, Highland Drive would have to be improved to City standards along with the south side of E. Santiam Street. A 21" storm sewer is available at the intersection of Fifteenth Avenue & E. Jefferson Street.

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

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Finding:

The proposed annexation is contiguous to the City limits on its northerly property line, that being E. Santiam Street and the applicants westerly property line adjacent to Highland Drive.

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

Finding:

Properties to the west of the applicants parcel are designated Medium Density Residential (MD) with a minimum lot size of 7,000 square feet. Those properties on the north side of E. Santiam Street consists of Low Density Residential (LD) lots with a minimum lot size of 10,000 square feet. The application is proposing a (LD) Residential use which would be in keeping with the standards and criteria established on the City's Comprehensive Plan map.

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

Finding:

If the determination is made that additional land is required to meet the demands for residential development or the annexation provides infrastructure needs to areas that lack adequate public facilities then the proposed annexation and subdivision can be made to comply with all applicable provisions of Stayton's Municipal Development Codes (SMC) and state and county requirements.

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

Finding:

The applicants are not requesting this be a contract annexation.

Conclusion:

The proposed site can be serviced with the City's infrastructure and need was determined based on information in the buildable lands inventory.

6. Zoning Annexed Territory: As part of its review of proposed annexations, the City Council may recommend a proposed zoning district to be placed upon the property subsequent to completion of the annexation procedure. The proposed zoning district shall exist in the code and shall be

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recommended in compliance with the City Comprehensive Plan designation for the property.

Finding:

- a. The applicants are requesting that 6.35 acres be incorporated into Stayton's City limits.*
- b. Stayton's Comprehensive Plan Map designates this specific property for low density single family residential dwellings.*
- c. The zone map amendment would become (LD) Low Density Residential with a minimum 10,000 square foot lot size, thereby complying with the spirit and intent of Stayton's Comprehensive Plan Map.*
- d. The zone map shall be amended from the Marion County Urban Transitional Farm Zone (UTF) to Low Density Residential (LD).*

Conclusion:

The zone map amendment complies with the City of Stayton's Comprehensive Plan Map Designation.

PART II - SUBDIVISION

REQUEST:

The application is for a request to subdivide a 6.36 acre parcel into a 23-lot subdivision. This application is submitted concurrently with an annexation and zone map amendment application.

If the Annexation is approved, the property's zoning is also amended to (LD) Low Density residential, thereby complementing the City's Comprehensive Plan Map designation of Low Density residential.

GENERAL FINDINGS OF FACT:

1. The applicant is Benchmark Enterprises, LLC.
2. The 23-lot "Benchmark Addition" subdivision proposal, consists of single family lots ranging in size from 10,102 square feet to 14,744 square feet in size.
3. The subject property is contiguous with the city's eastern boundary, bordering E. Santiam Street to the north, and E. Jefferson Street to the south. The property is described as tax lot 300, Township 9 south, Range 1 west of the Willamette Meridian, Section 11CA.

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4. The property is currently undeveloped, unimproved and is used for seasonal cattle grazing and other agricultural uses.
5. The property lies within the Stayton Urban Growth Boundary (UGB), outside the city limits, and is designated in the Stayton Comprehensive Plan as (LD) Low Density Residential. Current zoning of the property (UTF) Urban Transitional Farm is under the jurisdiction of Marion County.
6. The surrounding area is either zoned or designated in the Stayton Comprehensive Plan for residential use. The dominant use in the area is single-family homes. The areas to the north, northeast on E. Santiam Street, west on E. Jefferson Street and south in the Pioneer Meadows subdivision are all developed with single family homes.

The E. Santiam Street area from Tenth Avenue to Highland Drive is a mixed use of single family homes, duplexes, apartments and two businesses. The area east of the proposed subdivision, outside the city limits, is zoned (UTF) and is a mix of large lot residential and farm use.

7. Zoning is established when the property is annexed by the city; in this instance the zoning district (LD) as identified in the Stayton Comprehensive Plan is also the same zoning the applicant's are requesting.

B. AGENCY COMMENTS

1. Responding Agencies

Marion County Public Works, Stayton Fire District, City of Stayton Parks board, Stayton, Stayton Cooperative Telephone Company, Northwest Natural Gas, Stayton Police Department and City of Stayton Public Works Department (Included in Staff Report of Record).

SUBDIVISION PRELIMINARY PLAT FINDINGS

The applicable requirements for a subdivision are found in Stayton Municipal Code (SMC) 17.24.1040.5 approval criteria and 17.24.1050 design standards.

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

Finding:

The dominant use in the area is single-family homes: The areas to the north, northeast on E. Santiam Street, west on E. Jefferson Street and south in the Pioneer Meadows Subdivision are all developed with single family homes. The E. Santiam Street area from N. Tenth

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Avenue to Highland Drive is a mixed use of single family homes, duplexes, apartments and two businesses. The area east of the proposed subdivision, outside the city limits, is zoned (UTF) and is a mix of large residential lots and farm use.

Criteria b. - Adequate urban services are available to the property.

Finding:

The proposed subdivision has access to adequate services as found in the comments from service providers. City facilities such as sewer and water are available to serve the site. Certain infrastructure improvements will have to be made relative to Stayton Public Works comments and will be extended from E. Santiam Street and E. Jefferson Street at the developer's expense.

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

Finding:

The proposed subdivision is laid out as a neo-traditional design, as is found in older neighborhoods of Stayton. This Smart Development Concept is to create an attractive neighborhood with desirable, attractive and pedestrian friendly spaces in front yards, rather than front yards with oversized driveways and parking areas for cars and RV's.

The proposed subdivision fits well with the adjacent residential development on E. Santiam Street which have single-family subdivisions east and south of this site.

Criteria d. - Design standards of the SMC 17.24.1050 below are satisfied.

Finding:

The design standards are met as found in the findings below under section 17.24.1050.

Criteria e. - Compliance exists with the provisions of the City Plan and zoning districts in which the action is proposed.

Finding:

Pursuant to Stayton Municipal Code (SMC) 17.16.660.6, the proposed lots are well over 10,000 square feet, which is the minimum allowed in the (LD) zoning district for this area of the city. The proposal represents twenty (23) lots ranging in size from 10,102 square feet to 14,744 square feet. The total acreage of 6.36 acres, represents 11,000+ square feet per lot size for the overall 23 lot subdivision proposal.

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

Finding:

No special purpose standards of SMC 17.16 apply to this property.

Criteria g. - No wetlands as identified in the City Comprehensive Plan are included in the development.

Finding:

No identified or designated wetlands exist on the subject property.

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

Finding:

The subdivision meets the provisions of ORS chapter 92, and the final plat will be conditioned on meeting such provisions.

SMC 17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

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

1. STREETS AND HIGHWAYS

a. Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing center lines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways or as hereafter adopted by the council.

Finding:

The proposed subdivision development will include the construction of Highland Drive from E. Santiam Street to E. Jefferson Street. The construction of this connecting street will comply with the city's construction standards and provide a needed local connector from E. Jefferson Street to E. Santiam Street. Also, E. Jefferson Street will be improved from Highland Drive (½ street) easterly to the applicant's east property line. The Highland Drive intersection will need to comply with Stayton Public Works standards for street alignment.

b. Streets, roads, or highways should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.

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Finding:

The proposed extension of Highland Drive between E. Santiam Street and E. Jefferson Street will form a right angle at the intersection of those streets. The proposal complies with this standard.

c. These regulations may be modified where the decision authority determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

Finding:

No modifications to the requirements in this section are necessary.

d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Master Bikeway Plan.

Finding:

A bicycle and pedestrian path (north of the proposed Highland Drive extension to E. Jefferson Street) and sidewalk/bicycle lane combination is proposed, as called for in the Draft Master Bikeway Plan, the Draft Transportation System Plan (TSP) and the adopted T-16 of the City of Stayton Comprehensive Plan.

2. DEDICATION OF RIGHT-OF-WAY

Finding:

E. Santiam Street is a major collector and requires a 40 foot pavement width. The applicant will be required to dedicate any required right-of-way and construct curb, gutter, catch basin and pavement widening on the south side of the street.

City of Stayton Public Works requests that the applicant shall provide a 60 foot right of way for the Highland Drive extension.

3. DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets should be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, cul-de-sacs shall not exceed 450 feet in length.

Finding:

SMC 17.24.1050.3 does not address the allowable length of an alley. The subdivision will

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create a pedestrian sidewalk.

At such time that the property to the east is developed, the alley will be continued easterly to the proposed 19th Avenue extension and the temporary access to E. Jefferson Street, via Lot 23, will be removed.

4. RADIUS AT STREET INTERSECTIONS

Finding:

The proposed Highland Drive Rights-Of-Way shall be 20 foot property corner radii at it's intersections with E. Santiam Street and E. Jefferson Street.

5. STREET GRADES.

Finding:

Both the street extension of Highland Drive, E. Jefferson Street and the alley, are flat and do not exceed the eight percent grade limitation.

6. RESERVE BLOCK

Finding:

None proposed. The subdivision complies.

7. STREET WIDTHS

Finding:

The proposal provides for a new through street, the extension of Highland Drive running north and south between E. Jefferson Street and E. Santiam Street. Highland Drive is proposed as a 60 foot right-of-way and includes a 34 foot pavement width. East Santiam Street will need to be constructed to county standards with a 40 foot paved width. East Jefferson Street will need to match the existing curb section as a half-street improvement on the north side of the street. The south half will be dedicated and improved by benefitting property owners when it is developed in the future. SMC addresses the issue of alleys. The applicant proposes a 20 foot alleyway with an 18 foot paved surface. It is anticipated no parking signs will be installed.

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

Finding:

The applicant agrees to dedicate areas of E. Santiam Street and Highland Drive as needed. The applicant intends to install property line sidewalks within the subdivision on E. Santiam Street, Highland Drive and E. Jefferson Streets.

Construction of sidewalks on E. Santiam Street and Highland Drive will allow pedestrians to avoid the area of E. Santiam Street that does not have sidewalks. They will be able to walk on Highland Drive and E. Jefferson Street to get to schools and the city center.

9. SUBDIVISION BLOCKS

Finding:

The block between Highland Drive and Nineteenth Avenue (future connection) is less than 1200 feet, which does not exceed the 1200 foot block length maximum as required by SMC.

10. MID-BLOCK WALKS

Finding:

A mid-block pedestrian side-walk is proposed for this development. Pedestrian ways from E. Jefferson Street and E. Santiam Street will be required.

11. LOT SIZE, LOT LINES

Finding:

The minimum lot size requirement in the Low Density Residential District (LD), east of N. Tenth Avenue is 10,000 square feet for all lots, with a street side frontage of 80 feet. The applicant meets this standard.

12. PUBLIC SURVEY MONUMENTS

Finding:

These monuments must be shown as a condition of the final plat.

13. SEWAGE DISPOSAL

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Finding:

Public sewer will be extended from the existing 8 inch sewer line in E. Jefferson Street to the proposed development. The development will tie into an existing 21 inch storm sewer at the intersection of N. Fifteenth Avenue and E. Jefferson Street.

14. PUBLIC USE AREAS

Finding:

A 5% park dedication is required, or a fee in the amount of 5% of the land's present value may be submitted in lieu of the land requirement. No neighborhood park has been identified in the City's Master Parks Plan. The applicants plan to pay the 5% fee.

15. WATER SUPPLY

Finding:

The applicant proposes to connect the 12 inch water main from N. Tenth Avenue to the east end of the property. The applicant proposes to loop the 12 inch water main from the intersection of N. Fifteenth Avenue and E. Jefferson Street north to the existing 12 inch main in E. Santiam Street.

16. UNDERGROUND UTILITIES

Finding:

All utilities are proposed to be installed underground with the exception of those services that will come from existing overhead facilities on East Santiam Street and East Jefferson Street.

17. STREET TREES

Finding:

The applicant proposes to install street trees along E. Santiam Street, E. Jefferson Street and Highland Drive. Trees will be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.

Conclusion:

The subdivision proposal meets the standards established in Title 17 of the SMC.

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CONDITIONS OF APPROVAL

City Council recommends approval of the Subdivision with the following conditions of approval:

CITY OF STAYTON PLANNING DEPT. CONDITIONS

1. A subdivision plat for the Benchmark Addition Subdivision, complying with the Stayton Municipal Code (SMC) requirements, and suitable for recording by Marion County shall be submitted for final approval within one (1) year of the date of the City Council Order of Approval granting tentative plat approval. The Final Plat shall comply with the platting requirements is SMC 17.24.1040.7 and 8, and with ORS Chapter 92.
2. The applicant shall obtain all necessary building permits from Marion County Building Inspection Division. Permit applications may be obtained from City of Stayton Public Works Department, 311 N. Third Avenue, Stayton.
3. The applicant shall meet all requirements of the Uniform Fire Code as determined necessary by the Stayton Fire District. And, must meet both the "Fire Apparatus Access Road Requirement/Private Street" standards. And the requirements for coverage of the water distribution system development, 4 fire hydrants are required.
4. All debts to the City of Stayton associated with land development of the subject site shall be paid prior to the issuance of any building permits.
5. Northwest Natural Gas requests a ten foot utility easement on all front lot lines.
6. All public survey monuments shall be shown on the final plat.
7. Street radius shall be shown on the final plat.

STAYTON PUBLIC WORKS DEPT. CONDITIONS

1. Applicants engineer shall submit design plans for approval of any public improvements needed. All design plans must meet City of Stayton Standards and Specifications as outlined in SMC 12.08 and 17.24.1050, and be reviewed by the City Engineer and stamped approved by the Stayton Public Works Department prior to construction.
2. The applicant shall provide evidence that the plans have been submitted to the applicable State and County agencies before final approval is given for construction.
3. All public improvements shall meet City of Stayton Standards and Specifications. In reference to E. Santiam Street, Marion County Public Works Staff has confirmed this and will provide a written confirmation regarding this project.

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4. Alley length shall meet recognized Engineering Standards and be approved by the City Engineer. To accomplish this, a mid-block pedestrian access way will be extended between E. Santiam Street and E. Jefferson Street along the property line between lots 5 & 6 and lots 18 & 19. The walk shall be paved with concrete and shall be a minimum of 6 feet wide on a 8 foot easement or right of way (8 foot improvement on 10 foot easement or right of way preferred (SMC 17.24.1050.10)). In addition, a temporary alley will be extended to E. Jefferson Street on a temporary easement access Lot 23.

5. Applicant shall construct the proposed alleys per City of Stayton Standards and Specifications drawing #304.

Alley improvement shall be a maximum of 20 feet in width on a 20 foot right-of-way as required by SMC and Public Works Standards. Stayton standards require alley construction of Portland Cement concrete.

The temporary connection to E. Jefferson Street on Lot 23 may be paved with asphaltic concrete. The above right-of-way and improvement widths will apply to the connecting alley to E. Jefferson Street except the connector on Lot 23 will be an easement that may be vacated once the alley is extended to a connecting street to the east. A minimum 20 foot property line radius will be required for the easement at the intersection of the alley with the connecting AC alley to E. Jefferson Street. (SMC 17.24.1050.8.a)

6. All public improvements and utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any residential building permit applications being accepted or issued. Punch list 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. (SMC 17.24.1040.8.b.2).

7. The developer shall submit to the City reproducible as-built drawings, meeting the drafting and media requirements for subdivision plats contained in SMC 17.24.1040.6 .d including an electronic file of all public utilities constructed during and in conjunction with this project.

8. The developer shall be responsible for all costs associated to the required public improvements identified herein and within the City Ordinances and Standard Specifications. (17.12.220.5a.and 17.24.1050.16)

9. The developer shall provide a construction bond in the amount of 100% of the total project costs. Double bonding will not be required on elements of the project where in Marion County requires bonding.

10. After completion of the project and acceptance by the City, the developer shall provide a 1 year warranty bond in the amount of 30% of the construction bond amount. Double

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bonding will not be required on elements of the project where Marion County requires bonding. (SMC 13.08.150.b. and 17.24.1040.8.b.2)

11. Acceptance of the streets in this project shall be in accordance with SMC 12.04.210 and 12.04.160.12.

12. The applicant shall construct ½ street improvements on E. Jefferson Street along the entire length of subject property as required by SMC 12.04.080. The improvement shall meet City of Stayton Street Design Standards and Specifications for its street classification. This improvement will require a half street improvement plus 10 feet for the opposite traffic lane.

The applicant shall complete E. Santiam Street improvements as outlined in Marion County's correspondence of April 25, 2003 to the Stayton Public Works Director.

13. The applicant shall obtain all necessary Permits and approvals from Marion County to perform work within any County Rights-Of-Way.

14. Applicant shall provide a 60 foot Right-Of-Way for the Highland Drive extension. The proposed Highland Drive Rights-Of-Way shall have a 20 foot property corner radii at its intersections with E. Santiam Street and E. Jefferson Street. (SMC 17.24.1050.7.b (minor streets)).

15. The applicant shall install "No Parking" signs along the length of the alley at 200 foot intervals. The signs shall address traffic driving alley in both directions. (SMC 17.24.1050.8)

16. Applicant's Engineer shall submit a design plan to the Public Works Department and to all necessary State agencies for review and approval of the water system serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.15)

17. The developer shall install the following water system improvements:

- Install approximately 800 feet of 12-inch ductile iron (DI) water main, with all necessary appurtenances, replacing the existing undersized 6-inch main on E. Santiam Street from approximately 200 feet west of Highland Drive to Green Acres Court.
- Install an 8-inch DI main, with all necessary appurtenances, in the new section of Highland Drive within the subdivision between E. Santiam Street and E. Jefferson Street.
- Install an 8-inch DI main, with all necessary appurtenances, in E. Jefferson Street

EXHIBIT A

from Highland Drive to the existing 12-inch main at 15th Avenue.

- Install an 8-inch DI main, with all necessary appurtenances, on E. Jefferson Street from Highland Drive to the east end of the subject property. This line shall be temporarily terminated with a blow-off until property develops to the east permitting looping of the line.
 - Oversize participation by the City will be extended per city oversize policy. (SMC 127.24.1050.15.)
18. Applicant's Engineer shall submit a design plan to the City of Stayton Public Works Department for review and approval of the sanitary sewer system serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.13)
 19. The applicants engineer shall submit a design plan to all necessary State agencies for review and approval of the sanitary sewer system serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.13)
 20. The applicants engineer shall submit a design plan to the City of Stayton Public Works Department for review and approval of the Storm Drainage Detention System serving the proposed property and providing for extensions into adjacent future property development. (SMC 17.24.1050.8)
 21. The City of Stayton Systems Development Charges shall be assessed upon development of the home on the newly created parcels, at the time of application for building permits.
 22. The applicant shall provide the 5% fee in lieu of park land dedication per Public Use Area provisions of the SMC 17.24.1050.14.
 23. Applicants Engineer shall provide to the City of Stayton Public Works Department a Traffic Impact Analysis (TIA) for the proposed project. The TIA shall provide adequate information for City staff to evaluate the development proposal. (SMC 17.24.1040.8.b.2)
 24. Applicant shall install Street and Stop signs as directed by the City Engineer. (SMC 17.24.1050.8)
 25. Applicants Engineer shall submit a street lighting design plan for approval. All design plans must be reviewed by the City Engineer and stamped approved by the

EXHIBIT A

City of Stayton Public Works Department prior to construction. (SMC 17.24.1040.8.b.2)

- 26. Applicant shall provide street trees on public streets consistent with the provisions of SMC 17.24.1050.17.
- 27. All utilities and public agencies shall be notified in advance to provide coordination for the installation of their facilities with the construction of the subdivision. (SMC 17.24.1050.8)
- 28. During periods of construction, construction vehicles will utilize East Santiam Street and Highland Drive as primary access.

V. ORDER

It is hereby found the application meets the relevant standards and criteria for a Annexation and Zone Map Amendment.

APPROVED BY A 3:2 VOTE OF THE STAYTON CITY COUNCIL ON THIS 21st DAY OF JULY 2003.

It is hereby found the application meets the relevant standards and criteria for a Subdivision application.

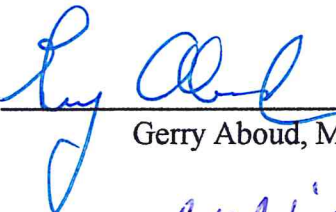
APPROVED BY A 3:1 VOTE OF THE STAYTON CITY COUNCIL ON THIS 21st DAY OF JULY 2003.

Dated at Stayton , Oregon, this 4th day of August, 2003

ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of August 2003.

CITY OF STAYTON

Signed: August 6, 2003

By: 
Gerry Aboud, Mayor

Signed: 8-7, 2003


ATTEST: 
Chris Childs, City Administrator

EXHIBIT A

Attachment I

The following is a list of individuals who testified at the public hearing for Land Use File #02-01/03, Benchmark Addition, July 21, 2003.

Larry Grames, 1900 E. Burnett Street, Stayton, Oregon 97383

David W. Kinney, Community Development Consultant, 791 E. Hollister Street, Stayton, Oregon 97383

Jason Hofman, 1125 E. Jefferson, Stayton, Oregon 97383

Steve Frank, 1515 E. Jefferson Street, Stayton, Oregon 97383

Lois Baller, 1358 E. Jefferson, Stayton, Oregon 97383

Susan Brandt, 625 N. Seventh Avenue, Stayton, Oregon 97383

Sally Welter, 1272 E. Jefferson Street, Stayton, Oregon 97383

John Brandt, 625 N. Seventh Avenue, Stayton, Oregon 97383

Dan Brummer, 525 W. Burnett Street, Stayton, Oregon 97383



Benchmark Addition
January 14, 2002

Property Description:

Beginning at a point on the Southerly right-of-way line of East Santiam Street which bears South $89^{\circ}11'00''$ West 297.00 feet and South $00^{\circ}07'46''$ West 60.01 feet from a county monument marking the Northeast corner of the Southwest Quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian in Marion County, Oregon;

thence South $00^{\circ}07'46''$ West 311.31 feet to the North right-of-way line of Jefferson Street;

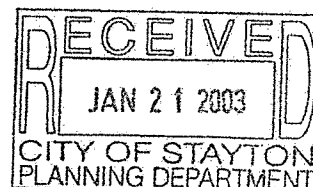
thence South $89^{\circ}19'00''$ West along said right-of-way line, a distance of 1029.81 feet to the West line of the Southeast Quarter of the Southwest Quarter of said Section 11;

thence North $00^{\circ}37'20''$ West along said line, a distance of 148.16 feet to a point on the South line of Parcel 3 of Partition Plat No. 1996-10;

thence North $89^{\circ}14'41''$ East along the South line of said Parcel 3, a distance of 84.74 feet to the Southeast corner of said Parcel 3;

thence North $00^{\circ}24'00''$ West along the East line of said Parcel 3, a distance of 160.80 feet to the Southerly right-of-way line of said East Santiam Street;

thence North $89^{\circ}11'00''$ East along said right-of-way line, a distance of 948.54 feet to the Point of Beginning.



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Exhibit B