



# CITY OF STAYTON APPLICATION FOR PARTITION OR SUBDIVISION

## APPLICATION AND DECISION MAKING PROCEDURES

### 1. PRE-APPLICATION MEETING

Prior to submittal of an application, a pre-application meeting with City Staff is required. A completed pre-application form and sketch plan drawing need to be submitted at least 7 days in advance of the meeting. Meetings are held on Tuesday afternoons and there is no fee for the first required pre-application meeting.

### 2. APPLICATION FEE

Submission of a completed application form, with a plan and attachments, and payment of the application fees are required before the review process begins. The application and fees shall be submitted to the Planning & Development Department during regular business hours. **The fee for this application is \$1,050 if already within the city limits and \$1,550 if accompanied by an application for annexation.** Major annexations require an additional fee of \$4,500 to cover the city's cost of holding a referendum on the annexation. If the cost to the City does not reach the amount of the fee paid, the excess fee will be refunded to the applicant after the file is closed.

If during the processing of the application, the costs to the City exceed 75% of the fee paid, the applicant will be required to pay an additional 50% of the fee amount, to assure that there are adequate funds to continue to process the application.

### 3. REVIEW FOR COMPLETENESS AND SCHEDULING A HEARING

The Planning and Development Director will review the submitted application for completeness and, within 30 days from the date of submittal, determine if the applicant has provided all required information. If the application is incomplete, the Planning and Development Director will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Director will schedule a hearing before the Stayton Planning Commission. Planning Commission meetings are regularly scheduled for the last Monday of the month.

### 4. STAFF REPORT & DRAFT ORDER

Once a hearing date is set, the Planning and Development Director will prepare a staff report and draft order summarizing the applicant's proposal, the decision criteria, comments from other agencies or the public, and address whether the application complies with Code requirements or suggest conditions to meet those requirements. A copy of the staff report and draft order will be provided to the applicant no less than 7 days prior to the public hearing.

### 5. PUBLIC HEARING BEFORE THE STAYTON PLANNING COMMISSION

Prior to the public hearing, notice is required to be sent to all property owners within 300 feet of the property 20 days before the hearing, so the hearing will be scheduled at the first regular meeting following the notice period.

The hearing is to give all interested parties an opportunity to comment on the application. The hearing is conducted by the Chairperson in accordance with the Stayton Rules of Procedure for Land Use Public Hearings. These rules are available at the Planning & Development Department.

At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order stating the decision criteria, findings of fact, conclusions whether the application meets the applicable standards, and the Commission's decision. The Commission may decide to deny, approve, or approve the application with conditions.

### 6. PUBLIC HEARING BEFORE THE STAYTON CITY COUNCIL

An application may be called up by, or be appealed to the City Council. If the application is accompanied by an application for annexation, then the application for partition or subdivision will also be reviewed by the City Council. If called up or accompanied by a request for annexation, the Council will also conduct a public hearing. If appealed, the Council will decide whether to hear the appeal and hold a public hearing. A notice is required 10 days prior to the hearing which will be at a regular Council meeting, held the first and third Mondays of every month. Staff reports, Planning Commission findings, and any new information will be presented to Council for consideration. The purpose of the hearing is to receive further public testimony, to review the application and

consider the Planning Commission's decision and conditions. Generally, the Council will make a decision at the conclusion of the hearing process, but may delay the decision for further information or action by the applicant. The Council will then adopt an order either approving or denying the application.

**7. APPEALS**

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

**8. FOR MORE INFORMATION**

Call or write to City of Stayton Planning & Development Dept., (mailing address) 362 N. Third Avenue, (building address) 311 N. Third Avenue, Stayton, Oregon 97383. (503) 769 2998; email: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us).

## APPLICATION CHECKLIST FOR PRELIMINARY PLANS FOR PARTITIONS AND SUBDIVISION APPLICATIONS

This checklist has been prepared to assist applicants in submitting an application that includes all the submission requirements in Sections 17.24.040.2, 040.3, 040.4, and 17.26.050. Please note that this checklist may paraphrase the requirements from the Code. It is the applicant's responsibility to read and understand the requirements of the Code. Review of an application will not begin until a complete application has been submitted. If you have questions, contact the Planning Department.

- Property Owner Authorization: If the applicant is not the owner of the property, the application must include written indication of the applicant's right to file the application. This may be a purchase and sale agreement, an option or other document that gives the applicant some legal interest in the property.
- Survey Plan: The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor
- Three copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and 12 reduced copies of the plan sized 11 inches by 17 inches with the following information included or accompanying the plan.
  - Appropriate identification clearly stating the drawing is a preliminary plan.
  - North point, graphic scale, and date of preparation of the plan.
  - The proposed name of the subdivision or partition.
  - Names and addresses of the landowners, applicant, the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
  - An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of decision.
  - Map number (township, range and section) and tax lot number or account of the tract being divided.
  - The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract.
  - Existing buildings and any addresses for the buildings.
  - Railroad rights-of-way.
  - Section lines and county or city boundaries.
  - The location of existing sewerage systems for the tract being divided.
  - The approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent to the tract.
  - The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners.
  - A proposed general plan for draining surface water in accordance with the City's Stormwater Master Plan.
- The application shall include a preliminary drainage impact analysis. The analysis shall include a preliminary drainage map and narrative which identifies the impact the development will have on existing stormwater systems. The narrative shall at a minimum include and discuss:
  - The anticipated pre-development and post-development stormwater runoff flow rates.
  - The proposed method for handling the computed stormwater runoff, including the location and capacity of all natural or proposed drainage facilities.
  - The method of discharging stormwater offsite at the naturally occurring location and any anticipated design provisions needed to control the velocity, volume, and direction of the discharge in order to minimize damage to other properties, stream banks, and overall

stormwater quality.

- A proposed street plan showing the name and widths of the proposed streets and alleys in accordance with the City's Transportation Systems Plan.
- A proposed plan for means and location of sewage disposal and water supply systems in accordance with the City's Wastewater and Water Master Plans.
- Existing and proposed easements, together with their dimensions, purpose and restrictions on use.
- Proposed parcels, dimensions, sizes and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- An inventory of existing trees and any proposed tree removals, detailing numbers, sizes and species to be removed.

A proposed plan showing access features, specifically:

- 1) Location of existing and proposed access point(s) on both sides of the roadway.
- 2) Distances from proposed access points to any adjacent access points, median openings, traffic signals, intersections or other transportation features.
- 3) All planned transportation features such as sidewalks, bikeways, signs, signals, etc.

Digital versions of all plans, in a Portable Document Format, submitted on a Compact Disk or by email.

Copies of all existing or proposed restrictions or covenants affecting the property.

Five copies of either a Transportation Assessment Letter or a Transportation Impact Analysis. A Transportation Impact Analysis is required if:

- 1) The development generates 25 or more peak-hour trips or 250 or more daily trips.
- 2) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
- 3) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
- 4) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as a school.

The Transportation Impact Analysis shall be based on the standards and requirements in Section 17.26.050. If a Transportation Impact Analysis is not required, a Transportation Assessment Letter shall be submitted that meets the requirements of 17.26.050.2.

#### **ADDITIONAL INFORMATION FOR PRELIMINARY SUBDIVISION PLANS**

In addition to the above preliminary subdivision plans shall also show or include the following information:

If the proposed subdivision is phased, then a plan showing the phases of development and a timeline for the phases.

A plan showing soils information and any proposed cuts or fills of more than 24 inches

Vicinity Map: The vicinity map may be drawn on the same map as the preliminary subdivision plan. The vicinity map shall show the following:

- Topography within and adjacent to the proposed subdivision. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.

- The relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water and utility services.
- The location and functional characteristics of any wetlands on the property as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.
- A statement indicating the timing of installation of all proposed improvements.

Submission of all materials in an electronic format is encouraged.

#### BURDEN OF PROOF

This is a quasi-judicial application in which the applicant has the burden of proof. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every decisional criteria in order to carry out that burden of proof. It is important to remember that there is no assumption that the applicant is entitled to this approval. The burden of proof lies with the applicant to prove how the proposal complies with the land use ordinances, not with the City of Stayton.

Stayton Municipal Code Title 17, Land Use and Development Code, is available online at:  
[www.staytonoregon.gov](http://www.staytonoregon.gov). Click on the Document Center tab and select Municipal Code



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

Application for:  Subdivision  Partition

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

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

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

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

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

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

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

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

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

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

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

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

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

ENGINEERING

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

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

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

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

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

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

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

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

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

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

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

owner  applicant  applicant's representative  planning consultant  engineer

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

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

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

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

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

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

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

DO NOT WRITE BELOW THIS LINE

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

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

### QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

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

1. COMPATIBILITY WITH SURROUNDING AREA: How is the partition/subdivision compatible with the surrounding area?
2. PUBLIC SERVICES: All partitions and subdivisions are required to have all public improvements installed as part of any land division process. Therefore, the applicant must be prepared to install the required street, water, sewer, and storm drainage and other improvements.
  - a. How will the applicant assure there are adequate water, sewer, street, and storm drainage facilities available to serve the proposed subdivision?
  - b. List public services currently available to the site:
    - Water Supply: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Sanitary Sewer: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Storm Sewer: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Natural Gas: \_\_\_\_\_ - inch line available in \_\_\_\_\_ Street.
    - Telephone:  is (or)  is not available in \_\_\_\_\_ Street.
    - Cable TV:  is (or)  is not available in \_\_\_\_\_ Street.
    - Electrical:  is (or)  is not available in \_\_\_\_\_ Street.
  - c. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the subdivision?
3. DESIGN LAYOUT/PATTERN OF DEVELOPMENT: How does the design layout of the proposed parcels, lots, and roads fit with the existing pattern of development in the area?
4. NATURAL, PHYSICAL AND GEOGRAPHIC FEATURES:
  - b. Flood Hazards:

Is any portion of the property located in a flood plain? Is any portion of the property located adjacent to a waterway?

If the answer to either of the above questions is "yes," how will the proposed subdivision comply with all standards for riparian setbacks or flood hazard protection?
  - c. Wetlands:

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

Are there any other important natural features on the site? If yes, how will the proposed subdivision address potential impacts to those features?
5. HISTORIC SITES OR STRUCTURES:

Do any historic sites or structures listed on the City of Stayton Comprehensive Plan Historic Landmarks Inventory exist on the property? If yes, what is the name of the landmark and how will the proposed subdivision comply with all historic preservation standards?
6. DEED COVENANTS AND RESTRICTIONS: Will any deed covenants or deed restrictions apply to the proposed master planned development? If yes, attach.