

## BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of  
The application of  
Brandie Dalton, Multi-Tech Engineering, Applicant

) Conceptual Master Planned  
) Development Plan  
) File # 11-07/24

### ORDER OF APPROVAL

#### I. NATURE OF APPLICATION

The application is for a Conceptual Master Planned Development Plan to subdivide 1601 Oriole Street a 7.11-acre property in Low Density Residential (LD) zone into 22 single-family lots.

#### II. FINDINGS OF FACT

##### A. GENERAL FINDINGS

1. The owner is JCNW Family LLC, 15556 Coon Hollow Road SE, Stayton, OR 97383.
2. The applicant is Brandie Dalton, Multi-Tech Engineering, 1155 SE 13th Street, Salem, OR 97302.
3. The properties can be described on Marion County Assessors Map as 1601 Oriole Street (tax lot 091W04DB03300).
4. The property has access from Junco and Oriole Streets. The property is approximately 7.11 acres.
5. The property is zoned Low Density (LD) Residential.
6. The neighboring properties to the north are located outside the city limits but within the Urban Growth Boundary. To the east are Low Density Residential (LD) parcels that are part of the Phillips Estates subdivision. The parcels to the south are also zoned LD. To the west, the adjacent properties are zoned Light Industrial (IL).
7. Per the City's Local Wetland Inventory (LWI) and the Oregon Rapid Wetland Assessment Protocol (ORWAP), a mapped wetland bisects the Subject Property from the northwest to the southeast. This LWI-mapped wetland area was significantly expanded per a wetland delineation/determination in 2016, with which the Oregon Department of State Lands (DSL) concurred on August 3, 2016, under WD #2016-0230, to encompass approximately 1.86 acres of the Subject Property.
8. The parcel was previously included in a subdivision application, the approvals for which have since expired. It is now being developed as a stormwater detention facility intended to manage runoff not only from the Phillips Estates I and II subdivisions but also from other surrounding areas within the city. In accordance with the Stayton Public Works Design Standards, stormwater detention facilities that serve multiple areas outside of a specific subdivision must be publicly owned. As such, upon completion, ownership of the detention facility will be transferred to the City.
9. Phillips Estates III is directly tied to the June 6, 2013, Development Agreement between the City of Stayton and JCNW Family LLC, which was the subject of a final arbitration decision issued on August 12, 2015.

10. Although the Final Award issued on August 12, 2015, in *City of Stayton v. JCNW Family LLC* states that “Respondent may not submit plans for Phase III of the development until the issues involved in Phase II have been resolved,” the city interpreted the language as ambiguous regarding which types of plans are restricted. Specifically, the clause does not clearly distinguish whether it applies to construction plans, land use applications, or both. Based on this interpretation, the application for the Phillips Estates III subdivision was accepted and deemed complete.
11. Regarding streets, Oriole Street, Quail Run Avenue, and Junco Street provide access to the subject property. Oriole Street, designated as a Local Street in the Transportation System Plan (TSP), is constructed as a 34-foot-wide improvement, without sidewalks, within a 60-foot-wide right-of-way, terminating at the east line of the property. Quail Run Avenue, designated as a Local Street in the TSP, is constructed as a 40-foot-wide full-street improvement within a 60-foot-wide right-of-way, terminating at the south line of the property. Junco Street, designated as a Neighborhood Collector in the TSP, is constructed as an 18-foot-wide half-street improvement with curbs and sidewalks on the south side, within a 30-foot-wide right-of-way, terminating at the east line of the property.

The standard for a Local Street, according to Public Works Design Standards (PWDS), is a 34-foot-wide street improvement, including curbs, 5-foot-wide property-line sidewalks, and 7.5-foot-wide planter strips within a 60-foot-wide right-of-way. The standard for a Neighborhood Collector, according to PWDS, is either a 34- and 36-foot-wide street improvement, including curbs, 5-foot-wide property-line sidewalks, and 7.5-foot-wide planter strips within a 60-foot-wide right-of-way.

12. City water service is available to the subject property. An 8-inch ductile iron water main is located along the south side of Oriole Street, extending west through the parcel and interties with an existing 8-inch ductile iron along the west side of Quail Run Avenue south of the subject property. Additionally, a 10-inch ductile iron water main is located near the middle of the Junco Street improvements east of the property, terminating approximately 45 feet east of the east property line.
13. Regarding available city sanitary sewer service, an 8-inch PVC sanitary sewer main is located in Oriole Street east of the parcel, terminating at a manhole approximately 175 feet east of the east property line. An additional 8-inch PVC sanitary sewer main is located in Quail Run Avenue south of the parcel, terminating at a manhole approximately 66 feet south of the south property line. A third 8-inch PVC sanitary sewer main runs north to south in Pheasant Avenue east of the property, terminating at a manhole approximately 130 feet east and 90 feet south of the east property line.
14. A city stormwater drainage facilities “dry pond” is located in the northwest  $\pm 2$  acres of the parcel. A 12-inch HDPE city storm main is located along the north side of Oriole Street east of and flowing toward the subject property, terminating at a city open channel that flows west and into the existing city stormwater facility. A 24-inch HDPE City storm main is located along the east side of Quail Run Avenue south of and flowing toward the subject property, terminating just south of the existing City “dry pond” stormwater facility in the northwest portion of the parcel. Per the Stormwater Master Plan, stormwater from the site and nearby storm drainage system drains to Salem Ditch. Also per the Stormwater Master Plan, the portion of Quail Run Avenue south of the parcel experiences flooding during a 25-year storm event, and the Plan recommends a Master Plan improvement to construct a 30-inch and then parallel 36-inch and 42-inch storm drains and subsequent detention swale to redirect drainage from the existing “dry pond” stormwater facility area toward Mill Creek, approximately 2,400 feet north of the parcel.

## B. EXISTING CONDITIONS

The subject property is vacant with a potential stormwater detention area.

## C. PROPOSAL

The proposal is for a Conceptual Master Planned Development to divide the parcel into 22 single-family homes with undersized lots and one larger 108,344 square foot water quality and open space parcel. The following are the lot proposed square footages: Lot 1 6,040, Lot 2 6,001, Lot 3 6,001, Lot 4 6,001, Lot 5 6,001, Lot 6 6,001, Lot 7 5,987, Lot 8 7,999, Lot 9 7,103, Lot 10 7,158, Lot 11 6,535, Lot 12 6,394, Lot 13 6,393, Lot 14 6,392, Lot 15 6,391, Lot 16 6,008, Lot 17 6,000, Lot 18 6,000, Lot 19 6,000, Lot 20 6,000, Lot 21 6,046 and Lot 22 5,991.

## D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works and Building Inspection, WAVE Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District, Stayton Police Department, Salem Development Services, and Santiam Hospital.

Responses were received from Stayton's Public Works, City of Stayton's Transportation and Engineering Consultants, and Stayton Police Department whose comments are reflected in the findings below.

## E. PUBLIC COMMENTS

The Community and Economic Development Department received no public comments on this application prior to the hearing.

## F. APPROVAL CRITERIA

Concept Plans for Master Planned Development applications are required to satisfy approval criteria contained within the Stayton Municipal Code (SMC) 17. 24.090.5 Concept Plan Approval Criteria.

Pursuant to SMC 17.24.090.5 the following criteria must be demonstrated as being satisfied by the application:

a. *All relevant provisions of the Comprehensive Plan are met.*

The relevant provisions of the Comprehensive Plan include -

### ***Chapter 3 Natural and Historic Resources Policies***

*Policy NR-3 It is the policy of the City to provide or protect open space resources through measures such as public ownership of parkland and open space dedication requirements in the development code.*

*Policy NR-7 It is the policy of the City that wetlands identified as significant wetlands in the Stayton Wetland Inventory shall be provided with protection from disturbance that would diminish their identified values.*

*Policy NR-8 It is the policy of the City that all development on properties containing significant wetlands be processed as a master planned development.*

Finding: The application proposes the creation of approximately 2.5 acres of public open space, which includes an identified wetland area within the dedicated open space. The application has been submitted and is being processed as a master planned development, consistent with this policy, allowing for consideration of potential impacts to the wetlands through the review process.

#### ***Chapter 5 Public Facilities and Services Policies***

*Policy PF-4 It is the policy of the City that areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites.*

Finding: The application proposes places public benches, picnic tables, and a 5 foot concrete sidewalk in the open space area for public passive enjoyment.

#### ***Chapter 6 Housing Policies***

*Policy HO-3 It is the policy of the City to allow the use of flexible lot sizes and building placement, and density transfers to reduce development costs, make efficient use of land and promote housing variety and affordability.*

Finding: The proposed conceptual master planned development is designed with a variety of lot sizes.

#### ***Chapter 8 Land Use Policies***

*Policy LU-5 It is the policy of the City that master planned developments shall be allowed in all zones in order to encourage better use of large or unique sites.*

Finding: The proposed development is for a master planned development with a parcel that includes a wetland area. Does meet all relevant provisions of the Comprehensive Plan.

- b. *The proposed Master Planned Development will be reasonably compatible with the surrounding neighborhood.*

Analysis: The applicant's supplemental written statement provides examples of other master planned developments in the city (Wildlife Meadows) that were approved with parcels as small as 4,000 square feet. The proposed development includes a range of parcel sizes that are reasonably compatible with the surrounding neighborhood. While smaller lots are included, the development balances this with the provision of larger open space areas, and the smallest lot proposed is 6,001 square feet. The conceptual plan meets the approval criteria to be reasonably compatible with the surrounding neighborhood.

- c. *There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.*

Finding: There are special physical conditions present on the site that warrant a departure from standard ordinance requirements. Specifically, the presence of significant wetlands and the need to accommodate a publicly owned stormwater detention facility create constraints that limit the usable area for residential development.

- d. *If there are proposed uses that are not allowed in the underlying zone, those uses shall be compatible with the proposed development and the surrounding neighborhoods and viable in that location.*

Analysis: There are no uses proposed in the development that are not allowed in the underlying Low Density Residential zone.

Finding: This approval criteria has been met.

### III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in Section 17.24.090.5, and that a Master Planned Development is appropriate and is required for the development of this property.

### IV. ORDER

Based on the findings and conclusions above, the Planning Commission approves the Concept Plan application for a Master Planned Development as shown on Cover Sheet 101, Existing Conditions Plan - Vicinity 102, Existing Conditions Plan - Site 103, Sanitary Sewer Plan 201, 202, 203, Site Plan 104, Storm Drain Plan 301, 302, 303, Street Plan 401, 402, 403, Curb Returns and Ramp Details 404, Typical Structural Street Sections 405, Lot Grading Plan 406, Open Space Plan 407, Domestic Water Plan 501, Lot Dimensions, Sidewalk, Signing and Lighting Plan 601, Street Tree Plan 701, General Construction Notes 801, and 802 all dated August 20, 2025 prepared by Multi/Tech Engineering, with submitted narrative dated April 21, 2025, supplemental written statement by Alan Sorem, Attorney, Salem, OR and application from Bill Martinak and the accompanying materials meeting all approval criteria for SMC 17.24.090.5. This approval is granted subject to the standard conditions of approval attached and the following specific conditions listed below.

**The following Conditions of Approval shall be completed prior to City review of construction drawings and/or initial submittal of the Final Plat to the City:**

1. The construction drawings for the proposed Development in accordance with the PWDS, SMC 17.24.050, and SMC 17.26.020.
2. The construction drawings for the proposed Development shall include an existing conditions map that identifies the resource areas, including accurate and current delineated wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.
3. If the open space is decided to be privately owned, the Applicant shall create an association of owners and provide evidence of the creation to the City prior to submittal of the Final Plat.

**The following Conditions of Approval shall be completed prior to City approval of the Final Plat:**

4. The construction drawings for the proposed Development shall include a detailed layout and design of the open space area and indicate the proposed ownership of the area.

5. The proposed open space shall be designed in the construction drawings and configured on the Final Plat to preserve the existing delineated and mapped wetland area.
6. The construction drawings shall include the design of the required pedestrian trails in accordance with SMC 17.24.100.2.d.7.
7. The required open space amenities shall be designed in accordance with SMC 17.24.100.2.d.8 and included on the construction drawings.
8. The proposed streets shall be constructed in accordance with current PWDS. No variance to the street standards is requested or granted with this Master Planned Development.
9. The Applicant shall construct a minimum 8-inch City water main from the existing City water system in the right-of-way along the extension of Junco Street, terminating at the west line of the Subject Property.
10. The Applicant shall construct a minimum 8-inch City water main along the proposed internal street(s), connecting the existing City systems in Junco Street and Oriole Street.
11. The Applicant shall protect the existing 8-inch City water main connection of the water system in Oriole Street to the water system in Pheasant Avenue throughout construction of the proposed Development.
12. The Applicant's engineer shall provide engineered calculations per City Standards to prove the adequacy of the new water system to provide domestic service and fire flows to each lot within the proposed Development.
13. The Applicant shall construct a minimum 8-inch City sanitary sewer main from the existing City sanitary sewer system in Oriole Street along the extension of the street, terminating at the end of the street extension. The Applicant's engineer shall verify that this main is able to serve proposed Lots 9 and 10 of the planned Development.
14. The Applicant shall design and construct engineered stormwater facilities, pursuant to the PWDS and SMC 17.24.040, to accommodate all new and replaced impervious surfaces in the proposed and existing rights-of-way as well as the future impervious surfaces on all proposed lots, including the proposed "WATER QUALITY AND OPEN SPACE" parcel.
15. The Applicant shall construct a minimum 18-foot-wide half-street improvement within a 30-foot-wide half-width right-of-way along the entire north line of the Subject Property as extension of Junco Street to the Neighborhood Collector street standard as specified in the PWDS and consistent with the provisions of SMC 17.24.050.1 and the Marion County Fire Code Applications Guide.
16. The Applicant shall construct full-width improvements of Oriole Street and Pheasant Avenue and the resulting intersection to the Local street standard as specified in the PWDS and consistent with the provisions of SMC 17.24.050.1 and the Marion County Fire Code

Applications Guide.

17. The Applicant shall prepare the construction drawings for the proposed Development in accordance with the PWDS, SMC 17.24.050, and SMC 17.26.020.
18. The Applicant shall enter into a Development Agreement with the City, prior to approval of construction plans, to guarantee the required public improvements. A stipulation of the Agreement shall be that the City will not support certificates of occupancy for the proposed structures until the required public improvements are complete and accepted by the City.
19. The Applicant's engineer shall coordinate with the Oregon Department of State Lands (DSL) to verify what permits are required for construction of the proposed subdivision infrastructure, including but not limited to the construction and enhancement of the proposed City storm drainage facility across the proposed "WATER QUALITY AND OPEN SPACE" parcel. Evidence of permit issuance or waiver shall be provided to the City prior to the start of construction of any improvements on the Subject Property.
20. The Applicant shall design and construct all proposed ground disturbance and improvements in or near existing wetland areas in accordance with the requirements of the PWDS and SMC 17.20.180.

**The following Conditions of Approval shall be shown on or in conjunction with the Final Plat:**

21. The Final Plat shall include a detailed layout of the open space area and the proposed ownership of the area.
22. The proposed open space shall be configured on the Final Plat to preserve the existing delineated and mapped wetland areas.
23. The required right-of-way or easements for the required pedestrian trails shall be designated on the Final Plat in accordance with SMC 17.24.100.2.d.7
24. The Applicant shall dedicate a 10-foot-wide public utility easement (PUE) on the Final Plat along the development frontage(s) of Junco Street and all internal streets and street extensions.
25. All necessary (existing and proposed) access and utility easements shall be shown and recorded on the Final Plat.
26. The existing 8-inch City water main connection of the water system in Oriole Street to the water system in Pheasant Avenue shall be encompassed by the right-of-way dedicated on the Final Plat.
27. The Applicant shall dedicate a 10-foot-wide public utility easement (PUE) along the development frontage(s) of Junco Street and all internal streets.

## **V. OTHER PERMITS AND RESTRICTIONS**

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, state or federal agencies.

The City of Stayton land use review and approval process does not take the place of, 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.

## **VI. EFFECTIVE DATE**

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

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. Section 17.12.120.7.c requires submittal and acceptance of a draft partition final plat. In case such right has not been exercised or extension obtained, this approval shall be void. A written request for an extension of time may be filed with the Director of Community and Economic Development at least 30 days prior to the expiration date of the approval.

## **VII. APPEAL DATES**

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

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Siciliano,  
Director of Community and Economic Development

\_\_\_\_\_  
Date



## Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Permit Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc.
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City

Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.