

## **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.

### **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**

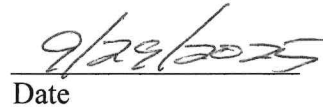
This decision regarding this application is final, but shall not become effective until the 15th day after the mailing of the Notice of Decision in this case, and then only if no appeal to the Stayton City Council is timely filed. In the event of a timely appeal to the City Council, this decision shall 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.

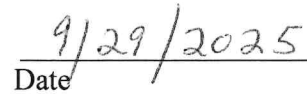
## VII. APPEAL DATES

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