

## BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of ) Site Plan Review  
The application of ) File # 7-8/25  
Ross Bochsler, P.O. Box 516, Stayton, Oregon 97383, Applicant )

### ORDER OF CONDITIONAL APPROVAL

#### I. NATURE OF APPLICATION

The application is for site plan review for development of a tri-plex on a vacant .24-acre property on Ida Street tax lot 091W10CC03002 in the Medium Density (MD) Residential zone.

#### II. FINDINGS OF FACT

##### A. GENERAL FINDINGS

1. The owner is Kardboard Box, LLC.
2. The applicant is Ross Bochsler, P. O. Box 516, Stayton, Oregon 97383.
3. The properties can be described on Marion County Assessors Map as tax lot 091W10CC03002.
4. The properties have approximately 105 feet of frontage along Ida Street and is approximately 10,602 square feet.
5. The property is zoned Medium Density (MD) Residential.
6. The properties to the north, and east are Medium Density (MD) Residential zoned. To the east, the properties are zoned LD. To the south across W Ida Street, the parcels are zoned LD.

##### B. EXISTING CONDITIONS

The subject property is currently vacant, and the parcel was part of a 3-lot partition completed on October 22, 2024.

##### C. PROPOSAL

The proposal is to develop a triplex with a building footprint of 3,168 square feet on a .24-acre lot located in the Medium Density (MD) Residential zone, consisting of three dwelling units, each with a one-car garage and individual living areas of approximately 1,760 square feet for Unit 1, 1,663 square feet for Unit 2, and 1,760 square feet for Unit 3; the site design includes a single driveway providing access to rear parking with associated landscaping, as well as both front and rear building entrances serving the overall structure.

##### D. AGENCY COMMENTS

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

Responses were received from Stayton Public Works, City of Stayton's Transportation Consultant, whose comments are reflected in the findings below.

City of Salem stated that they had no concerns with the request. Santiam Hospital had no comment or concern. Stayton Fire District stated that they had no comment. No other review comments were received.

#### E. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.220.

#### F. APPROVAL CRITERIA

Pursuant to SMC 17.12.220.5 the following criteria must be demonstrated as being satisfied by the application:

- a. *The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve development in accordance with City's Master Plans and Standard Specifications.*

Finding: Adequate public utility systems are available to serve the proposed development. A 16-inch City water main is located along the entire frontage of the subject property on the far side of W Ida Street, with three existing water services connected to the site. A City fire hydrant is located approximately 190 feet east of the property, and the Water Master Plan identifies no water system deficiencies in the area that would be affected by the proposed development. Sanitary sewer service is provided by a 30-inch City sewer main located along the frontage on the development side of W Ida Street, with three existing sewer laterals serving the property, and the Wastewater Facilities Planning Study does not identify any capacity or system deficiencies in the vicinity. Stormwater service is provided by an 8-inch City storm main near the intersection of W Ida Street and N High Street, and stormwater runoff from the site drains to Salem Ditch in accordance with the Stormwater Master Plan. The applicant has submitted a site plan showing proposed on-site improvements and utility connections to City infrastructure. Collectively, these systems demonstrate the existence of, and ability to obtain, adequate utilities and connections to properly serve the development in accordance with the City's Master Plans and Standard Specifications.

- b. *Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Finding: The proposed triplex fronts W Ida Street and provides safe and efficient access to the site. The City's engineering consultant has determined that the proposed driveway spacing is adequate based on its location relative to adjacent roadways, and the removal of frontage trees has eliminated prior sight-distance concerns. W Ida Street is designated as a Major Collector in the Transportation System Plan (TSP) and includes an existing curblined sidewalk along the development side of the street. Public Works has determined that the existing street improvements and right-of-way are adequate to serve the proposed development and that the proposed sidewalk improvements are roughly proportional to the impacts of the development, supporting safe pedestrian and vehicular access in accordance with the TSP and City standards. In addition, the site design includes 5-foot-wide pedestrian walkways connecting the public sidewalk to the front entrance of each dwelling unit, and a single driveway located at the rear of the building provides vehicular access to parking areas with direct access to rear doors for each unit, supporting safe and efficient pedestrian and vehicle circulation.

- c. *Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site.*

Finding: The triplex development fronts W Ida Street. The City's engineering consultant has determined that the proposed driveway spacing is adequate based on its location relative to adjacent roadways. While large trees were previously identified along the property frontage as a potential sight-distance concern, those trees have since been removed and no longer present an issue for driveway access or visibility.

The City of Stayton Public Works Director has issued a provisional waiver of the TAL requirement for the proposed triplex development. Based on the scale of the proposed development, the removal of frontage trees, and the adequacy of the proposed driveway location, the TAL requirement is provisionally waived, subject to receipt of satisfactory supporting information if requested by Public Works.

W Ida Street is designated as a Major Collector in the Transportation System Plan (TSP), which has a standard cross-section of a 46-foot-wide street improvement, including curbs, 6-foot-wide property-line sidewalks, and 8-foot-wide planter strips within an 80-foot-wide right-of-way. The existing street along the frontage of the subject property is improved to approximately 45 feet in width, includes a curblin sidewalk along the development side, and is located within a 60-foot-wide right-of-way. Public Works has determined that the existing right-of-way is consistent with neighboring properties along W Ida Street and is adequate to serve the proposed development. Accordingly, the proposed sidewalk improvements along W Ida Street and N Evergreen Avenue are found to be roughly proportional to the impacts of the development.

Analysis: The proposed development meets the requirement to provide necessary local street and road improvements; however, information regarding projected peak-hour trip generation must still be submitted to the Public Works Director to confirm compliance.

Condition: This criterion can be met by submitting information on projected peak-hour trip generation to the Public Works Director for review and approval prior to any on-site construction or issuance of building permits.

- d. *Provision has been made for parking and loading facilities as required by Section 17.20.060.*

Finding: Five off-street parking spaces are required for the proposed development. The proposal includes three garage spaces and three additional off-street parking spaces, providing a total of six parking spaces, which exceeds the minimum requirement. No ADA-accessible parking space is identified on the submitted plans. The site includes a 12-foot-wide driveway and provides appropriate perimeter landscaping.

Analysis: All requirements of SMC 17.20.060, Off-Street Parking and Loading, are met, except that the site plans do not provide a required ADA-accessible parking space pursuant to SMC 17.20.060.8, and the driveway does not meet the minimum standard of a 16-foot paved width with 20 feet of clear width as required by SMC 17.20.060.10.c.1).

Condition: This criterion can be met by submitting revised site plans to the City Planner for approval prior to any on-site construction or issuance of building permits that demonstrate the provision of one ADA-accessible parking space, as none is shown on the current site plan. The accessible parking space shall be designated by signage displaying the international symbol of

accessibility and shall be a minimum of 9 feet wide and 18 feet long. The revised plans shall also demonstrate a driveway with a minimum of 16 feet of paved width and 20 feet of clear width.

- e. *Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070*

Finding: There will be no open storage areas or outdoor storage yards.

- f. *Site design shall minimize off site impacts of noise, odors, fumes or impacts.*

Finding: There will be no off-site noise, odors or fumes from the proposed development project.

- g. *The proposed improvements shall meet all applicable criteria of Section 17.20.190 Multi-Family Residential Design Standards*

Finding: The lot coverage of the building is 3,168 square feet, which is below the maximum allowable lot coverage of 50 percent. The proposed triplex is two stories in height, measuring 26 feet 8 inches, and is located more than 50 feet from surrounding one-story single-family homes, making the building height compatible with adjacent development. The triplex is oriented toward the street, meets the required 20-foot front setback, and includes a primary building entrances facing the adjoining street. Off-street parking and driveways are located at the rear of the parcel. The building length is 72 feet and does not exceed the maximum allowed length of 100 feet. The design incorporates an entrance projection that extends a minimum of 2 feet horizontally for at least 4 feet in length and includes a roof elevation break greater than 2 feet. The street-facing façade provides the required architectural features for the number of dwelling units, including gables, recessed entries with a minimum depth of 30 inches, eaves with a minimum projection of 18 inches, offsets in the building face of at least 16 inches (provided at 24 inches), and window trim with a minimum width of 3 inches. However, the proposal does not provide the required private open space, as ground-floor dwelling units are required to include a front or rear patio of at least 40 square feet, which has not been shown.

Analysis: All requirements of SMC 17.20.190 for multi-family design standards are met, except that site plans do not include provisions for required private open space of at least a 40 square foot front or rear patio as stated in SMC 17.20.190.4.b.

Condition: This criterion can be met by submitting site plans revised to the City Planner for approval prior to any on-site construction or issuance of building permits that depicts a front or rear patio of at least 40 square feet.

- h. *(Repealed Ord. 913, September 2, 2009)*

- i. *(Repealed Ord. 913, September 2, 2009)*

- j. *Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.*

Finding: The proposed development provides 34% landscaped area, which exceeds the 20 percent minimum required in the Medium Density (MD) Residential zone. The applicant has submitted a site plan that includes all required landscape plan submittals in accordance with SMC 17.20.090.3. No irrigation plan was submitted. Two frontage trees are proposed to be installed as street trees, spaced a minimum of 30 feet apart, consisting of Scanlon maple (*Acer rubrum* 'Scanlon') with a minimum 2-inch caliper at planting and an expected mature height of

approximately 8 to 14 feet within five years. 75% of the required landscaped area is planted with trees, shrubs, and ground cover, and all proposed deciduous trees exceed 1.5 inches in caliper. The plans propose emerald green arborvitaes with a minimum height of 24 inches and dwarf redleaf Japanese barberries with a minimum height of 12 inches; however, SMC 17.20.090.8.f requires shrubs to be a minimum of 2 feet in height at the time of planting. As required for all multi-family developments with more than four parking spaces, buffer planting is proposed that provides the minimum five-foot landscaped buffer between the parking area and adjacent single-family homes.

Analysis: All requirements of SMC 17.20.090 for landscaping are met, except that the landscape plan does not include provisions for irrigation, and the shrubs do not meet the minimum 24-inch height requirement at the time of planting.

Condition: This criterion can be met by submitting a revised landscape plan to the City Planner for approval prior to any on-site construction or issuance of building permits that demonstrates provisions for irrigation—including a permanent underground or drip irrigation system with an approved backflow prevention device—the separation of high-water-demand landscape areas from lower-water-use plantings where feasible, and shrubs with a minimum height of 24 inches at the time of planting.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function without undue adverse impact on existing land uses.*

Finding: No barriers are proposed only required buffer planting around parking areas.

- l. *The lighting plan satisfies the requirements of Section 17.20.170.*

Finding: The submitted plans do not propose any outdoor lighting for parking areas or pedestrian walkways. This complies with SMC 17.20.170.5, Multi-Family Residential Lighting Standards, which provide that such lighting may be installed but is not required. If outdoor lighting for parking areas or pedestrian walkways were proposed in the future, it would be required to comply with SMC 17.20.170.5.a, Lighting of Parking Areas, and SMC 17.20.170.5.b, Lighting of Pedestrian Walkways.

- m. *The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.*

Finding: The property owner will be responsible for upkeep and maintenance of the development. As part of a Site Development Permit, the applicant will be required to submit a stormwater operations and maintenance (O&M) plan to be approved by the Public Works Department.

- n. *When any portion of an application is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have an adverse impact on fish habitat.*

Findings: The proposed development site is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch. This criterion is not applicable.

- o. *Notwithstanding the above requirements the decision authority may approve a site plan for a property on the National Register of Historic Places that does not meet all of the development*

*and improvement standards of Chapter 17.20 and the access spacing standards of Chapter 17.26 provided the decision authority finds that improvements proposed are in conformance with Secretary of the Interior's Standards for Treatment of Historic Properties, the site will provide safe ingress and egress to the public street system, and that adequate stormwater management will be provided.*

Finding: This criterion is not applicable since no building on the property is listed on the National Register of Historic Places.

### III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.12.220 Site Plan Review, 17.20.060 Off-Street Parking and Loading, 17.20.090 Landscaping Requirements, 17.20.170 Outdoor Lighting, and 17.20.190 Multi-Family Residential Design Standards, except for the following.

1. 17.12.220.5.c. This criterion requires information demonstrating that the proposed development will not exceed applicable traffic thresholds. This standard can be met by submitting projected peak-hour trip generation information to the Public Works Director for review and approval prior to any on-site construction or issuance of building permits.
2. 17.20.060.8. This criterion requires compliance with off-street parking including provision of accessible parking. The site plan does not currently show a required ADA-accessible parking space. This standard can be met by submitting revised site plans to the City Planner for approval prior to any on-site construction or issuance of building permits that demonstrate one ADA-accessible parking space designated with the international symbol of accessibility, with minimum dimensions of 9 feet by 18 feet.
3. 17.20.060.10.c.1). This criterion requires compliance with driveway standards. The site plan does not currently show a compliant driveway width. This standard can be met by submitting revised site plans to the City Planner for approval prior to any on-site construction or issuance of building permits that demonstrate a driveway with a minimum of 16 feet of paved width and 20 feet of clear width.
4. 17.20.190.4.b. This criterion requires that ground-floor dwelling units provide private open space. The site plan does not depict a required front or rear patio of at least 40 square feet. This standard can be met by submitting revised site plans to the City Planner for approval prior to any on-site construction or issuance of building permits that depict a front or rear patio with a minimum area of 40 square feet.
5. 17.20.090.7. This criterion requires landscaped areas to include irrigation provisions. The landscape plan does not include irrigation details. This standard can be met by submitting a revised landscape plan to the City Planner for approval prior to any on-site construction or issuance of building permits that demonstrates irrigation provisions—including a permanent underground or drip irrigation system with an approved backflow prevention device—separation of high-water-demand landscape areas from lower-water-use plantings where feasible.

6. 17.20.090.8.f. This criterion requires minimum plant sizes. The landscape plan does not demonstrate that all shrubs meet the minimum planting height. This standard can be met by submitting a revised landscape plan to the City Planner for approval prior to any on-site construction or issuance of building permits that denotes that shrubs will have a minimum height of 24 inches at the time of planting.

#### **IV. ORDER**

Based on the conclusions above, the Planning Commission approves the application for site plan review as shown on Cover Sheet C1, Existing Conditions and Demolition Plan C2, Site Plan C3, and Grading and Utility Plan C4, all dated May 28, 2025 and prepared by Levi Warriner of North Santiam Paving Company, Stayton, Oregon; Elevations Drawings 1 through 4, dated June 2025 and prepared by Wavra Design Co., LLC, Silverton, Oregon; Structural Upper Floor Plan S1, Structural Lower Floor Plan S2, and Structural Details S3, dated July 17, 2025 and prepared by Dan Green Engineering, Inc.; the project narrative dated August 18, 2025; the Preliminary Drainage Impact Analysis dated May 28, 2025 prepared by Levi Warriner of North Santiam Paving Company; the application; and all accompanying materials comprising the complete application, subject to the attached standard conditions of approval and the following specific conditions of approval:

1. Prior to any on-site construction or issuance of building permits, the applicant shall submit projected peak-hour trip generation information to the Public Works Director for review and approval in accordance with SMC 17.12.220.5.c.
2. Prior to any on-site construction or issuance of building permits, the applicant shall submit revised site plans to the City Planner for approval:
  - a. demonstrating one ADA-accessible parking space, designated with the international symbol of accessibility and with minimum dimensions of 9 feet by 18 feet, in compliance with SMC 17.20.060.8.
  - b. demonstrating a driveway with a minimum of 16 feet of paved width and 20 feet of clear width in compliance with SMC 17.20.060.10.c.1.
  - c. depicting a front or rear patio with a minimum area of 40 square feet for each ground-floor dwelling unit in compliance with SMC 17.20.190.4.b.
  - d. demonstrating irrigation provisions, including a permanent underground or drip irrigation system with an approved backflow prevention device and separation of high-water-demand landscape areas from lower-water-use plantings where feasible, in compliance with SMC 17.20.090.7.
  - e. demonstrating that all shrubs will have a minimum height of 24 inches at the time of planting in compliance with SMC 17.20.090.8.f.
3. Engineered plans and supporting documentation shall be submitted to the City for review and approval prior to City approval of any on-site construction or issuance of building permits for the proposed development, as follows:
  - a) Stormwater Analysis and Drainage Plans.  
The Applicant or Applicant's engineer shall submit a final stormwater analysis, drainage report, and supporting documentation for review and approval in accordance with the Public Works Development Standards (PWDS). The analysis shall account for existing site

topography and all off-site contributing drainage areas. (PWDS 102.10.A.3).

b) Operation and Maintenance (O&M) Plan and Agreement.

An Operation and Maintenance (O&M) plan and agreement shall be submitted for all privately owned and maintained stormwater quality and quantity control facilities. The O&M plan shall be included as an attachment to the drainage report, incorporated into any declaration of covenants for the project, and recorded as part of the O&M Agreement. (PWDS 603.01.m).

c) Public Infrastructure Construction Drawings.

The Applicant or Applicant's engineer shall submit final construction drawings to Public Works for the proposed driveway approach and public sidewalk infrastructure, prepared in accordance with PWDS requirements. (PWDS 102.09).

d) Development Agreement.

As part of the development application, the Applicant shall enter into a Development Agreement with the City prior to approval of construction plans to guarantee completion of the required on-site storm drainage and public street infrastructure improvements. The Agreement shall stipulate that the City will not support issuance of a certificate of occupancy or other finalization for the proposed structures until all required storm drainage and public infrastructure improvements are constructed and accepted by the City. (PWDS 102.09.I, 103.10.B).

4. Construction Completion Prior to Occupancy.

Prior to City support of occupancy or other finalization for any building permit on the subject property, the Applicant shall construct all required on-site storm drainage systems and public infrastructure improvements in accordance with the approved plans and Public Works Development Standards, and such improvements shall be completed and accepted by the City. (PWDS 103.10.B).

## **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, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

In accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within 1 year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the City Planner at least 30 days prior to the expiration date of the approval.



## VI. 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.

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

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Date

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

\_\_\_\_\_  
Date

DRAFT

## 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.