Annexation Application

Submittal Date: August 2025

Submitted To: City of Stayton

Community Development

Project Location: Marion County Map and Tax Lot:

091W04C001901

Applicant(s): Kevin and Paige Butler

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Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicants, Kevin and Paige Butler, are requesting annexation of their 17.01-acre property, identified as Marion County Tax Lot 091W04C001901 (Tax Account No. 605143). The property is located immediately adjacent to the Stayton city limits on the south and east sides and is currently designated Residential on the City of Stayton's Comprehensive Plan Map. In conjunction with the annexation request, the applicants are seeking application of the High Density Residential (HDR) zoning designation. The HDR zone is consistent with the property's Comprehensive Plan designation and directly supports the city's goal of expanding housing opportunities in a manner that provides a wide range of unit types and densities to serve a growing and diverse population.

The property is strategically located adjacent to existing High Density Residential (HDR) and Commercial Retail (CR) zoned lands to the east, and Light Industrial (LI) zoned lands to the south. Applying HDR zoning will create a logical extension of existing residential patterns in the area and provide compatibility with the adjacent HDR zone to the east. The HDR designation also ensures appropriate buffering and transition to the commercial and industrial lands

nearby, while supporting the community's housing needs by allowing a broader spectrum of residential development types at higher densities. The HDR zone permits multi-family dwellings, townhomes, manufactured home parks, and other high-density residential forms, with a maximum density of 25 dwelling units per acre. This allows the property to achieve efficient land use and helps address the identified housing needs of the city, particularly for rental and multifamily options.

The annexation and application of HDR zoning will enable Stayton to continue implementing its Comprehensive Plan by accommodating growth within areas adjacent to existing urban services, thereby promoting efficient use of land, infrastructure, and public resources. The proposed HDR zoning designation aligns with city objectives for encouraging compact development, increasing housing supply, and improving housing affordability. The applicants are committed to coordinating with the city to ensure that future development of the property will be designed to integrate with surrounding land uses, provide necessary infrastructure improvements, and contribute positively to the livability and residential character of Stayton..

Section 2: Existing Conditions

The subject site is 17.01 acres in size and is described as Marion County Assessor Map and Tax Lots 091W04C001901. A Marion County Tax Map is included within the exhibits list identifying the subject property. The site is located abutting the corporate city limits of the City of Stayton. The City of Stayton Comprehensive Plan map designates the property as "Residential".

The Comprehensive Plan designations of surrounding properties include:

North: "Residential"

South: Across Shaff Road SE, "Industrial"

East: "Residential" and "Commercial"

West: Farmland Outside Stayton's Urban Growth Boundary

Section 3: Findings Applicable to Administrative Procedures

Chapter 17.12 – Development Approval Procedures Sections 17.12.030 – Application Procedure

Any application for a land use or development approval action authorized in this title shall be filed in the following manner.

- (1) FORMS. The application shall be submitted on forms provided by the City Planner.
- (2) FILING LOCATION. Unless stated otherwise, the application shall be filed with the City Planner at City Hall.

- (3) PROPERTY OWNER AUTHORIZATION. If the property owners are not the applicants, then the application shall be accompanied by a notarized statement certifying the authority of anyone representing the owner(s) of property involved in the application. The application shall be signed by the property owner or authorized representative.
- (4) SUPPLEMENTAL INFORMATION. All supplemental documentation and information specified in those sections governing the approval or action being requested shall accompany the application. The applicant shall be responsible for providing any and all information required for a complete application.
- (5) COST FOR SERVICES.
 - (a) Basic Application Costs. Basic application costs are intended to recover expenses incurred by the City in the receipt, review and processing of a land use application. A deposit in an amount established in the Deposit Schedule will be required at the time an application is filed.
 - (b) Outside Planning Services. An applicant may, upon permission of the City, choose outside planning services at the applicant's expense, approved by the City, to process any land use application. The outside planning service will be tantamount to the function of the City Planner and will be subject to the supervision, direction and review of the City Planner. Utilizing outside planning services does not forego the City's requirement as to costs (including non-refundable deposit).
 - (c) In the event the application is withdrawn before City action, the applicant shall be responsible to pay for the costs incurred up to the time of its withdrawal.
 - (d) Waiver of Charges. The City Council may, at its discretion, waive some or all charges for the processing of applications determined by the City Council to be in the public interest
- (6) DEPOSIT SCHEDULE. A deposit schedule shall be in resolution form and adopted by the City Council.

Applicant's Findings: The applicant acknowledges and understands the procedural requirements set forth in Stayton Municipal Code Section 17.12.030 for land use and development applications. This includes submitting the annexation application using forms provided by the city planner and filing all materials at city hall, unless otherwise directed. As the legal owner of the subject property, the application has been signed by an authorized representative of the property owner, and no additional authorization is required.

The applicant further understands that all required supplemental information must be submitted in accordance with the applicable sections of the code governing the annexation process, and that the completeness of the application is the applicant's responsibility.

Regarding application fees, the applicant acknowledges that a deposit has been submitted in accordance with the city's adopted deposit schedule and understands that the city may charge

staff time and other direct costs associated with processing the application. The applicant also understands that should the application be withdrawn; they remain responsible for any costs incurred up to the point of withdrawal. Finally, the applicant recognizes that the city council has discretion to waive certain fees when an application is determined to serve the public interest.

Section 4: Findings Applicable to Annexation

Chapter 17.12 – Development Approval Procedures Sections 17.12.210 – Annexations

(1) DEFINITION. An annexation is an expansion of the City limits through the addition of territory to the jurisdictional boundaries of the City, including "contract annexation" agreements between applicants and the City.

Applicant's Findings: Kevin and Paige Butler seek annexation of their 17.01-acre property, identified as Marion County Tax Lot 091W04C001901, Tax Account No. 605143. The site is contiguous to the City of Stayton corporate limits on the south and east and is designated Residential on the City's Comprehensive Plan Map. The property's location within the Urban Growth Boundary and direct adjacency to existing city limits make it a logical and efficient candidate for annexation. In conjunction with annexation, the applicants request application of the High Density Residential (HDR) zoning designation. HDR is a residential zone that is consistent with the Comprehensive Plan's Residential designation and is specifically intended to provide for higher density housing in areas with access to community services and transportation facilities, with a minimum density of 13 dwelling units per acre and no maximum density, subject to other development standards. This implements Comprehensive Plan housing and land use policies that call for a full spectrum of housing choices and efficient urbanization of land within the UGB. By applying HDR zoning to the property, the city can advance several Comprehensive Plan goals, including:

- Goal 1 (Citizen Involvement) Encouraging community-supported growth through transparent land use decisions;
- Goal 2 (Land Use Planning) Supporting orderly and efficient urbanization of land within the UGB;
- Goal 10 (Housing) Promoting a variety of housing types and densities to meet the needs of Stayton's growing population.

The annexation and application of HDR zoning will enable development that is consistent with the city's long-range planning objectives and contribute to a more complete and connected residential neighborhood within this area of Stayton.

- (2) METHOD OF ADOPTION.
 - (a) Major Annexations.

- (1) A Major Annexation is an annexation that meets one or more of the following characteristics.
 - (i) Consists of two or more parcels, except proposed annexations that consist of contiguous parcels in the same ownership.
 - (ii) The area proposed for annexation exceeds 1 acre, except a health hazard annexation. (Amended Ord. 918, March 18, 2010)
- (2) Approval procedures. The following procedures shall be followed in the review and approval of an application for a Major Annexation:
 - (i) Major Annexations are subject to referendum approval. The City Council may schedule a vote on an annexation proposal only in the May or November elections.
 - (ii) Submission Deadlines. An application for a Major Annexation shall be filed with the City Planner before 5:00 p.m. on the last working day in September for a ballot election in May and the last working day in March for a ballot election in November.
 - (iii) Planning Commission Proceedings. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 17.12.090. Following the public hearing the Commission shall make findings of fact and conclusions as to whether the criteria of Section 17.12.210.4 below are met. Based on the findings of fact and conclusions, the Planning Commission shall make a recommendation to the City Council regarding the approval of the application.
 - (iv) City Council Proceedings. The City Council shall hold a public hearing in accordance with the requirements of Section 17.12.100. Following the public hearing, the City Council shall make findings of fact and conclusions as to whether the criteria of Section 17.12.210.4 below are met. If the Council finds that the criteria of Section 17.12.210.4 have been or will be met, the Council shall enact a resolution scheduling a referendum vote at the next available scheduled election. A decision by the Council approving the annexation, and referring to the voters, shall be final upon adoption for appeal purposes, but shall not be effective until all applicable appeal periods have passed with no appeal having been filed.
 - (v) Legal advertisement of pending election. After City Council review and approval, the City Administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general

circulation in the City in the manner provided by state election law. The advertisement shall be placed at least 14 days prior to the election. The advertisement shall contain: a description of the location of the property, size of the property, its proposed zoning upon annexation, a general description of the potential land uses allowed, any required comprehensive plan text or map amendment or zoning ordinance text or map amendment, and where the City Council's evaluation of the proposed annexation may be found.

- (vi) Election procedures. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
 - (a) Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
 - (b) Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.
- (vii) Setting of boundaries and proclamation of annexation. Upon approval by the voters of the proposed annexation, the City Council shall proclaim the results of the election and by ordinance set the boundaries of the area to be annexed by a legal description.
- (b) Minor Annexations.
 - (1) A Minor Annexation is any annexation that meets all of the following characteristics.
 - (i) Consists of only one parcel, except proposed annexations that consist of contiguous parcels in the same ownership.
 - (ii) The area proposed for annexation is 1 acre or less. (Amended Ord. 918, March 18, 2010)
 - (2) Approval procedures. The following procedures shall be followed in the review and approval of an application for a Minor Annexation:

- (i) An application for a Minor Annexation shall be filed with the City Planning Department.
- (ii) Planning Commission Proceedings. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 17.12.090. Following the public hearing the Commission shall make findings of fact and conclusions as to whether the criteria of Section 17.12.210.4 below are met. Based on the findings of fact and conclusions the Planning Commission shall make a recommendation to the City Council regarding the approval of the application.
- (iii) City Council Proceedings. The City Council shall hold a public hearing in accordance with the requirements of Section 17.12.100. Following the public hearing, the City Council shall make findings of fact and conclusions as to whether the criteria of Section 17.12.210.4 below are met. If the Council finds that the criteria of Section 17.12.210.4 have been or will be met, the Council shall, by ordinance, shall set the boundaries of the area to be annexed by a legal description.
- (c) Health Hazard Annexation The City may annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

Applicant's Findings: The subject property exceeds one acre, so under local procedure it would be treated as a major annexation for processing and public hearings. However, Oregon law requires annexation without an election when all owners petition, the territory is within the UGB, at least one parcel is contiguous to city limits, the territory is or will be subject to the City's acknowledged Comprehensive Plan, and the proposal conforms to other city ordinances. This is codified at ORS 222.127, adopted by Senate Bill 1573 in 2016, which preempts any local requirement for a voter referral on qualifying annexations. The City has processed similar annexations under its hearings procedures while not referring the measure to the voters due to this state preemption. The Butler annexation meets the ORS 222.127 criteria, so the City Council should process the application through Planning Commission and City Council hearings and act by ordinance without referral to an election.

- (3) SUBMITTAL REQUIREMENTS. In order to be accepted as complete and be processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:
 - (a) Completed application forms as supplied by the City Planner.

- (b) Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet, shown as a graphic scale, of the property for which the annexation is requested. The site plan shall depict the surrounding properties, neighboring streets and roads, and existing uses of the property. If the application for annexation is not accompanied by a concurrent application for site plan, subdivision, or other land use approval, three copies of a conceptual plan of proposed uses of the property subsequent to annexation. In addition, 18 reduced copies of the plan sized as 11 inches by 17 inches shall be submitted.
- (c) A plan showing the boundary lines of the properties, certified by a professional land surveyor, and the approximate area of the properties in acres or square feet.
- (d) A legal description of the property, meeting the requirements of ORS 308.225.
- (e) A narrative statement fully explaining the request and fully addressing the criteria for approval of an annexation.

Applicant's Findings: Kevin and Paige Butler, the applicants, have retained a qualified consultant team to prepare and submit all materials required for a complete annexation application in accordance with Section 17.12.210.3 of the Stayton Land Use and Development Code. This application includes the completed forms supplied by the City Planner, a certified boundary map prepared by a licensed professional land surveyor identifying the property's acreage and dimensions, and a legal description of the property that meets the requirements of ORS 308.225. Because the applicants do not plan to develop the property in the near term, no conceptual development plan has been submitted. The City code allows for annexation without a concurrent development plan, and the applicants have chosen this approach because they do not yet know the precise layout of future improvements. However, to ensure the City understands how the property could be served in the future, the applicants engaged a licensed civil engineer to prepare a technical memorandum regarding transportation, water, wastewater, and stormwater service feasibility. That engineering memorandum demonstrates that public facilities can be extended to the site in full compliance with the City's adopted master plans and Public Works Design Standards, thereby meeting the annexation approval criteria. This narrative statement fully explains the annexation request and addresses the applicable criteria for approval.

- (4) APPROVAL CRITERIA. In order to approve an application for annexation, the following affirmative findings concerning the action must be made by the decision authority:
 - (a) Need exists in the community for the land proposed to be annexed.

Applicant's Findings: A demonstrated need exists in Stayton for additional residential land capable of accommodating higher-density housing. The 2021 Comprehensive Plan Housing Needs Analysis identifies a deficit of buildable residential land, particularly in categories that allow multifamily and rental housing. HDR zoning directly addresses this deficit by permitting

densities up to 25 units per acre, thereby supporting the city's ability to meet projected growth within the UGB. The 2026–2028 City Council Goals specifically prioritize increasing affordable housing supply and ensuring land use policies support housing development across income levels. Annexation of this property with HDR zoning advances those goals by creating new opportunities for multifamily housing at a scale appropriate to its location.

(b) The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.

Applicant's Findings: The subject property is capable of being adequately serviced by City public facilities, as demonstrated by both adopted master plans and the detailed engineering evaluation prepared by Westech Engineering, Inc. Although the 17.01-acre property does not currently have utilities stubbed to the site, future extension of water, wastewater, stormwater, and transportation facilities is feasible and anticipated in the City's long-range planning.

For transportation, Shaff Road is classified as a collector street in the Transportation System Plan (TSP). Existing right-of-way along the site frontage is approximately 55–60 feet, and the applicant has committed to dedicating up to 40 feet from the road centerline to achieve the ultimate 80-foot ROW standard upon development. Future site design can also accommodate the proposed roundabout at the Shaff Road/Golf Club Road intersection identified in the 2019 TSP. Internal subdivision streets can be designed to meet the 60-foot ROW requirement for local streets under the Public Works Design Standards (PWDS). Access spacing of 150 feet along Shaff Road can be maintained, and internal streets will be built to PWDS Section 312 standards, including curb and gutter, sidewalks, and lighting.

For water service, the City's Water Distribution Facilities Planning Study identifies a 10-inch main along Shaff Road and a 12-inch distribution line along Salem Ditch. The engineer's report confirmed that these improvements are feasible and sufficient to serve the property. Estimated domestic water demand for HDR-level development (assumed at 24 units per acre) is approximately 113 gallons per minute. This demand can be met by the planned system. Fire flow requirements of 1,500 gpm with sprinkled buildings can also be achieved with these mains. All water services, meters, and backflow prevention devices will be installed in accordance with PWDS and Oregon Health Authority—Drinking Water Services requirements.

For sanitary sewer, the Wastewater Facilities Planning Study does not directly address the site but identifies capacity expansion projects downstream. The engineer's analysis determined that service is feasible through a 10-inch sewer stub that drains to a 16-inch line at the Shaff/Golf Club Road intersection, flowing to the Wilco Pump Station. The system can handle approximately 540 gpm at a 0.3 percent slope, which easily accommodates the site's estimated 90 gpm demand under HDR assumptions. Development may require fill to maintain gravity flow

with adequate cover or, alternatively, construction of a pump station and pressure line. All sewer improvements will comply with PWDS and DEQ requirements.

For stormwater, the site is in the North Salem Ditch Basin and not in a flood hazard area. The City's Stormwater Master Plan calls for a 48-inch storm drain in Shaff Road and identifies a possible 10.4-acre-foot detention pond on the property. An updated stormwater plan by Keller Associates may refine that facility. At development, stormwater analysis and design will incorporate treatment and detention per the City's Revised Storm Water Standards and PWDS, with private facilities governed by Operations & Maintenance agreements. Stormwater discharge will ultimately be directed to Salem Ditch consistent with the Master Plan.

While public services are not currently constructed along the property frontage, the City's adopted facility master plans and the applicant's engineering analysis both confirm that utility extensions and transportation improvements can be provided. These improvements are consistent with adopted standards and capital planning, and the applicant will enter into a contract annexation agreement, as appropriate, to ensure they are implemented at the time of development. Therefore, the subject property is capable of being served by adequate City services upon annexation.

(c) The proposed annexation is property contiguous to the existing City limits.

Applicant's Findings: The subject property is directly contiguous to the existing City of Stayton corporate limits on both its southern and eastern boundaries. This satisfies the definition of "contiguous" as provided in ORS 222.111 and the Stayton Land Use and Development Code. The property is located within the city's Urban Growth Boundary and forms a logical extension of the city limits in this area. The proposed annexation is not separated from the city limits by any intervening properties or barriers; the boundaries are shared along substantial lengths, ensuring that the annexation meets both the spatial and legal criteria for contiguity under local and state law. Therefore, this criterion is satisfied.

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

Applicant's Findings: The subject property is located within the Stayton Urban Growth Boundary and is designated Residential on the Comprehensive Plan Map. It is surrounded by a mix of existing and planned urban land uses that support and complement the proposed annexation and HDR zoning designation. To the east, property is zoned High Density Residential (HDR), where multifamily apartment construction is currently underway, establishing a denser residential character in this portion of the city. The northeast corner of Shaff Road SE and Golf Club Road SE, immediately east of the subject site, is planned for Commercial Retail (CR) uses that will provide neighborhood-serving goods and services to future residents. To the south, land

is zoned Light Industrial (LI), while to the north, properties remain in Low Density Residential use or in rural conditions outside the city limits. Given this context, application of the HDR zone to the subject property is compatible with surrounding land uses and represents a logical extension of existing higher-density residential patterns. HDR zoning directly matches the zoning to the east, ensuring continuity of urban form and providing additional capacity for multifamily development consistent with Comprehensive Plan policies. The district permits a broad spectrum of attached and multifamily housing types at a minimum density of 13 units per acre, with no maximum density, allowing the site to accommodate Stayton's projected housing needs in an efficient manner.

The HDR designation also provides an appropriate transition between commercial and industrial lands to the east and south and lower-density residential areas to the north and west. Site planning and buffering standards in the Stayton Land Use and Development Code will ensure compatibility at development review, while the overall land use pattern advances the City's urban growth program by placing higher-density housing in a location that is adjacent to urban services, near transportation facilities, and within walking distance of planned commercial uses. The annexation and application of HDR zoning therefore align with the City's adopted Comprehensive Plan and housing policies, which emphasize efficient use of land, orderly urban expansion, and provision of a variety of housing choices to meet the needs of Stayton's growing population. For these reasons, the proposed annexation and HDR zoning are compatible with the character of the surrounding area and comply with the City's urban growth program and policies.

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

Applicant's Findings: This annexation request has been prepared in accordance with the requirements of ORS Chapter 222, the Stayton Land Use and Development Code (LUDC), and the City of Stayton Comprehensive Plan. The subject property is located within the City's Urban Growth Boundary (UGB) and is contiguous to existing city limits, meeting the statutory requirements of ORS 222.111. Because the property is within the UGB, contiguous to city limits, and petitioned for annexation by all owners, it qualifies under ORS 222.127 (Senate Bill 1573, 2016) for annexation without an election.

At the local level, the request satisfies all procedural requirements for annexation under SMC 17.12.210, including submission of required application materials, provision of a legal description and survey, and the preparation of findings addressing the approval criteria. The application will be processed through public hearings before the Planning Commission and City Council, in compliance with the LUDC.

Upon annexation, the applicants request application of the High Density Residential (HDR) zoning designation, which is consistent with the Residential designation of the Comprehensive

Plan. The HDR district provides for higher-density housing with a minimum of 13 units per acre and no maximum, permitting multifamily dwellings, townhouses, and manufactured home parks, subject to site plan review and development standards. All future development on the property will be subject to the applicable provisions of the Stayton LUDC, including but not limited to:

- Section 17.16 (Zoning): Establishes dimensional standards, permitted uses, and development requirements for the HDR district, including minimum density requirements, maximum building height, setbacks, lot coverage, and open space provisions.
- Section 17.12 (Development Approval Procedures): Governs procedures for subdivision, site plan review, and other development approvals.
- Section 17.24 (Land Divisions): Sets standards for subdivision layout, lot configuration, public improvements, and phased development.
- Section 17.26 (Transportation): Addresses street connectivity, access spacing, right-ofway dedication, and multimodal transportation requirements consistent with the City's Transportation System Plan.
- Section 17.28 (Public Facilities): Requires demonstration that adequate water, wastewater, stormwater, and other public facilities are provided at the time of development, consistent with the City's Public Works Design Standards.

In addition to compliance with local code, any necessary public facility upgrades, transportation improvements, and utility extensions will be designed and constructed in accordance with the City's adopted Public Works Design Standards (2021), the Water and Wastewater Master Plans, the Stormwater Master Plan, and the Transportation System Plan. The applicant's engineering consultant has confirmed that service is feasible and outlined options for water, sewer, and stormwater extensions and ROW dedication that will ensure compliance at the time of development review.

(f) If a proposed contract annexation, within the terms and conditions of the contract the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.

Applicant's Findings: This is not a proposed contract annexation. Therefore, the provisions of Section 17.12.210.4(f) do not apply to this application. The applicant understands that the cost of any required public facility and service extensions will be the responsibility of the developer at the time of subdivision or site development and will be determined in accordance with the City of Stayton Public Works Design Standards (PWDS) and other applicable regulations.

(5) ZONING OF ANNEXED TERRITORY. All lands that are annexed to the City shall be zoned in accordance with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be determined by the City Council

in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan. This requirement does not prohibit an application to amend the Comprehensive Plan Map concurrent with the application for annexation.

Applicant's Findings: The subject property is designated Residential on the City of Stayton Comprehensive Plan Map, which allows for application of Low, Medium, or High Density Residential zoning upon annexation, depending on the proposed use and consistency with Comprehensive Plan policies and the Buildable Lands Inventory (BLI). The applicants request that the property be zoned High Density Residential (HDR) upon annexation.

HDR zoning is fully consistent with the Comprehensive Plan's Residential designation and directly supports the City's adopted housing policies, land use goals, and identified land needs. The 2021 Stayton Comprehensive Plan, particularly Goal 10: Housing, emphasizes the importance of ensuring a variety of housing types and densities are available to meet the needs of all household sizes and income levels. HDR zoning implements this goal by allowing a wide range of multifamily housing forms, including apartments, townhomes, and manufactured home parks, at a minimum density of 13 units per acre, with no maximum density, thereby creating flexibility to accommodate the diverse housing needs of the city's growing population.

The Buildable Lands Inventory, adopted as part of the Comprehensive Plan's housing needs analysis, identifies a shortfall of residential land, particularly in zoning categories that allow for higher residential densities than traditional single-family development. The BLI specifically recognizes that additional high-density land will be needed to meet projected population growth and state planning requirements under Statewide Planning Goal 10. Assigning HDR zoning to this site directly addresses this identified shortfall by expanding the supply of land suitable for multifamily development within the UGB, in close proximity to commercial services and transportation corridors.

In terms of location and compatibility, HDR zoning on this property extends the existing HDR district immediately to the east, where multifamily housing is already under construction. It also places high-density housing adjacent to the future Commercial Retail designation at the northeast corner of Shaff Road SE and Golf Club Road SE, supporting a mixed-use neighborhood pattern envisioned by the Comprehensive Plan. To the south, Light Industrial zoning provides employment opportunities, while to the north and west, lower-density residential and rural uses remain. HDR zoning in this location establishes a land use pattern that is both compatible and efficient, allowing for orderly urban growth while providing needed housing opportunities.

Importantly, this zoning request also advances the 2026–2028 Stayton City Council Goals, which prioritize addressing housing availability, affordability, and choice across the community. The Council has specifically committed to supporting policies and zoning actions that increase the supply of land for diverse residential development, reduce barriers to multifamily housing, and

ensure that growth is located where services and infrastructure can be provided efficiently. Applying HDR zoning to this annexation site responds directly to these priorities by creating significant capacity for multifamily housing in a serviced location, expanding opportunities for both market-rate and affordable housing projects, and reinforcing the Council's stated objective of meeting community housing needs over the next planning horizon. The applicants respectfully request that the City Council apply the High Density Residential zoning designation to the property upon annexation. This request is consistent with the Comprehensive Plan designation, advances the City's housing and land use goals, aligns with the Council's adopted priorities for housing affordability and supply, and addresses identified residential land needs in the Buildable Lands Inventory.

- (6) CONFORMANCE WITH CONCEPTUAL PLAN. Development of the property after annexation shall be in substantial conformance with any conceptual plan submitted with the application for annexation. For the purposes of this section, development is in substantial conformance with a conceptual plan if:
 - (a) The development is generally consistent with the character and intent of the conceptual plan;
 - (b) The number and types of housing units are generally consistent with those presented in the conceptual plan;
 - (c) The impacts from the development, including but not limited to, noise, vibration, dust, odor, or fumes, detectable at the property line will not exceed the maximums typical for the categories of uses proposed in the conceptual plan;
 - (d) The number and types of vehicular trips to and from the site will not exceed the maximums typical for the categories of uses proposed in the conceptual plan; and
 - (e) The amount and types of outside storage, loading, and parking will not exceed the maximums typical for the categories of uses proposed in the conceptual plan.

Applicant's Findings: The Stayton Land Use and Development Code requires annexation applications to be reviewed for substantial conformance with a conceptual plan only if one is submitted. In this case, the applicants have chosen not to provide a conceptual development plan because they do not intend to immediately develop the property and therefore do not know how the site will ultimately be laid out. Instead, they have engaged a licensed civil engineer to evaluate the property's ability to be served by public facilities and transportation improvements. That analysis demonstrates that water, wastewater, stormwater, and transportation services can be extended to the site consistent with the City's adopted master plans and Public Works Design Standards.

Future development of the property will occur under the standards of the High Density Residential (HDR) zone, which requires a minimum of 13 dwelling units per acre and permits multifamily housing forms such as apartments and townhomes. At the time of land division or site development review, the applicant will be required to prepare detailed subdivision and site plans. Those plans will address building placement, density, transportation access, parking, landscaping, and buffering to ensure that impacts such as traffic, noise, and lighting are consistent with typical HDR development and in compliance with City standards. Because no conceptual plan is required and none has been submitted, this annexation request complies with Section 17.12.210.6. At the time of future development, the property will be reviewed through subdivision and site plan approval processes to ensure full compliance with the HDR zone and the City's Land Use and Development Code.

(7) NOTICE TO COUNTY AND STATE.

- (a) Within 10 working days after enactment of the ordinance approving the annexation, the City Recorder shall provide by certified mail to all public utilities, electric cooperatives and telecommunications carriers operating within the City each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change, and a copy of the ordinance approving the annexation.
- (b) Within 10 days from the effective date the ordinance approving the annexation, the City Recorder shall provide to the Marion County Clerk and County Assessor a report containing a detailed legal description of the new boundaries established by the City.
- (c) Within 14 days of enactment of the ordinance approving the annexation, the City Recorder shall transmit to the Oregon Secretary of State:
 - (1) A copy of the ordinance proclaiming the annexation, including a legal description of the territory to be annexed.
 - (2) An abstract of the vote, if a major annexation. The abstract of the vote shall show the whole number of electors voting on the annexation, the number of votes cast for annexation, and the number of votes cast against annexation.
 - (3) A copy of the statement of consent by electors or landowners in the territory annexed.
- (d) Within 30 days of enactment of an ordinance annexing territory into the City, the City Recorder shall transmit to the Marion County Assessor and the Oregon Department of Revenue the legal description of the boundary change or proposed change and an accurate map conforming to the requirements of ORS 308.225(2).

Applicant's Findings: The applicant understands that, following city council approval of the annexation ordinance, the city recorder is responsible for providing notice and documentation of the annexation to all applicable county and state agencies in accordance with Stayton Municipal

Code Section 17.12.210.7 and ORS 308.225. This includes providing legal descriptions, maps, and copies of the ordinance to Marion County departments, the Oregon Secretary of State, the Oregon Department of Revenue, and utility service providers within the required timelines. The applicant acknowledges these post-approval steps are part of the formal annexation process and will ensure full cooperation with city staff as needed to complete these requirements.

Section 5: Conclusion

Kevin and Paige Butler respectfully request approval of this annexation application for their 17.01-acre property located adjacent to the City of Stayton's corporate limits. The property is designated Residential in the City's Comprehensive Plan and represents a logical, efficient, and appropriate location for urban expansion. The annexation request is supported by the City's long-range planning goals, the Comprehensive Plan's policies, the Buildable Lands Inventory, and the 2026–2028 City Council Goals, all of which identify the need for additional land to accommodate a range of housing types and to increase housing supply and affordability.

The applicants request application of the High Density Residential (HDR) zoning designation, which is consistent with the Comprehensive Plan and provides for multifamily development at a minimum of 13 units per acre with no maximum density. HDR zoning will expand the city's supply of multifamily-capable land, directly addressing the housing shortfall identified in the Buildable Lands Inventory, while placing higher-density housing in a location that is contiguous with existing city limits, adjacent to planned commercial services, and served by transportation corridors.

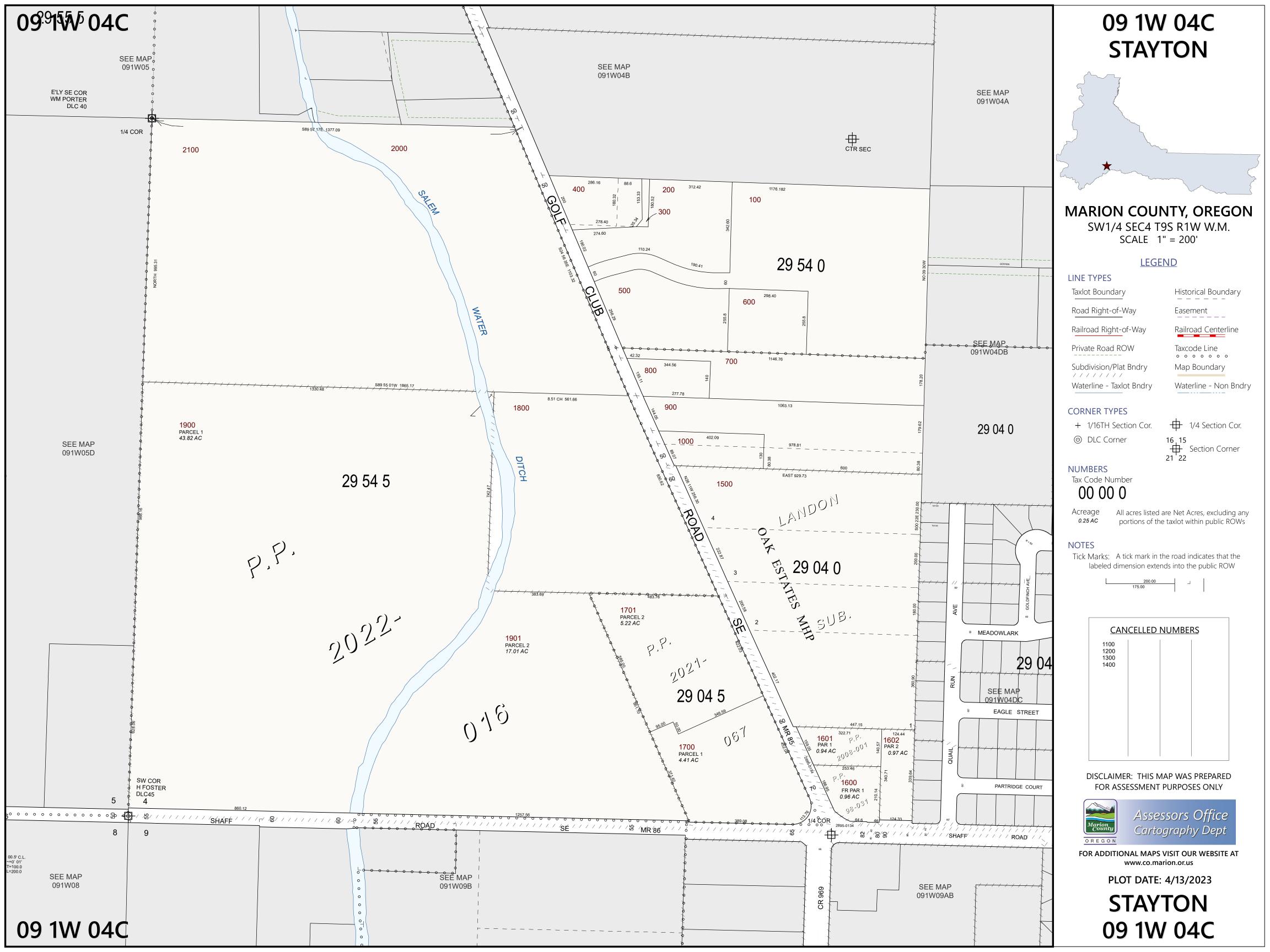
The annexation request satisfies all applicable criteria outlined in SMC 17.12.210 of the Stayton Land Use and Development Code. The site is contiguous to existing city limits, is within the Urban Growth Boundary, and is capable of being served by adequate City services. To demonstrate serviceability, the applicants retained a licensed professional engineer to evaluate utility and transportation feasibility. That analysis confirmed that:

- Transportation: The site's Shaff Road frontage can be improved to collector street standards, including dedication of ROW up to 80 feet, sidewalks, and internal street connections. The future Shaff/Golf Club Road roundabout can be accommodated without adversely affecting development of the site.
- Water: Planned 10-inch and 12-inch mains along Shaff Road and Salem Ditch are capable of meeting estimated domestic water demand (113 gpm for HDR-level development) and fire flow requirements (1,500 gpm with sprinkled buildings).
- Wastewater: Service is feasible through connection to an existing 16-inch line at the Shaff/Golf Club intersection, with capacity for the estimated 90 gpm demand.
 Depending on site grading, gravity or pump station solutions can be provided, all compliant with PWDS and DEQ standards.

• Stormwater: The site is in the North Salem Ditch Basin and not in a flood hazard area. Stormwater improvements can be constructed in accordance with the City's Stormwater Master Plan, with detention and water quality treatment integrated into the system design.

This engineering analysis confirms that urban services can be extended to the site in a feasible and coordinated manner consistent with the City's adopted master plans and Public Works Design Standards. For these reasons, the applicants respectfully request that the Planning Commission recommend, and the City Council approve, the annexation of the property with High Density Residential zoning. This action will provide the City with needed capacity for multifamily housing, implement state and local housing goals, and support Stayton's long-term vision for responsible and sustainable growth.

Section 6: Exhibits





Parcel Information

Parcel #: 533948

Tax Lot: 091W04C001900

Site Address: 11641 Shaff Rd

Aumsville OR 97325 - 9726

Owner: Butler, Kevin

Owner2:

Owner Address: 11641 Shaff Rd

Aumsville OR 97325 - 9726

Twn/Range/Section: 09S / 01W / 04 / SW

Parcel Size: 43.82 Acres (1,908,799 SqFt)

Plat/Subdivision:

Lot: 1

Block:

Census Tract/Block: 010702 / 2070

Waterfront:

Assessment Information

Market Value Land: \$440,100.00

Market Value Impr: \$432,100.00

Market Value Total: \$872,200.00

Assessed Value: \$260,226.00



Tax Information

Levy Code Area: 29545

Levy Rate: 12.1555

Tax Year: 2023

Annual Tax: \$3,163.18

Exempt Desc: N/A

<u>Legal</u>

ACRES 62.50

Land

Zoning: County-EFU - Exclusive

Farm Use

Cnty Land Use: 551 - Specially assessed

farm land, improved, zoned

EFU, SA, FT or UTF

Std Land Use: RSFR - Single Family

Residence

School District: 29J - North Santiam

Middle School: Stayton Middle School

Cnty Bldg Use: 153 - Farm Homesite 4bdss Four Bench Dry Special South - One Story

With Basement

Neighborhood:

Recreation:

Primary School: Stayton Elementary School

High School: Stayton High School

<u>Improvement</u>

Year Built: 1953

Bedrooms: 3

Stories: 1
Bathrooms: 1.5

Finished Area: 1,748

Garage: 484 Unfinished

Detached Garage

Basement Fin:

Transfer Information

 Sale Date: 03/17/2022
 Sale Price:
 Doc Num: 46050251
 Doc Type: PAPL

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

After recording return to: Stephen L. Tabor, P.C. P.O. Box 350 Sublimity, OR 97385

Until a change is requested all tax statements shall be sent to: Kevin Butler 9978 Stayton Road Aumsville, Oregon 97325

3996 REEL PAGE MARION COUNTY BILL BURGESS, COUNTY 09-25-2017 Control Number 477078 51.00 Instrument 2017 00049817

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, That IRENE JOYCE DOZLER, TRUSTEE OF THE PAUL AND IRENE JOYCE DOZLER REVOCABLE LIVING TRUST dated February 9, 1995, hereinafter called "Grantor", does hereby convey and warrant unto KEVIN BUTLER, hereinafter called "Grantee" and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Marion County, State of Oregon, and described as follows:

See Exhibit "A" attached hereto.

To Have and to Hold the same unto Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances whatsoever except those as set forth on Exhibit "A" attached hereto, and that Grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$500,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 22 day of September, 2017.

STATE OF OREGON

) ss.

County of Marion

This instrument was acknowledged before me on September 22, 2017, by Irene Joyce Dozler, Trustee of the Paul and Irene Joyce Dozler Revocable Living Trust.



LISA LBybel
ary Public for Oregon

Exhibit "A"

Real property in the County of Marion, State of Oregon, described as follows:

The South half of the South West quarter of the South West quarter of Section 4 in Township 9 South of Range 1 West of the Willamette Meridian in the County of Marion, and State of Oregon; also beginning at a point in the West line of the Donation Land Claim of Henry Foster and wife, 9.92 chains North of the Southwest corner of said claim in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence North 14.92 chains along the West line of the Henry Foster Claim; thence North 89°30' East 20.12 chains; thence South14.92 chains to the Northeast corner of a tract of land owned by E.G. Baker; thence South 89°30' West 20.12 chains to the place of beginning, excepting the right of way for the Salem Flouring Mills Water Ditch, as long as the same is used for such purpose, all lying and being in Marion County, State of Oregon; and also, beginning at a point 8.00 chains West of the quarter section corner between Sections 4 and 9 in Township 9 South Range 1 West of the Willamette Meridian in Marion County, State of Oregon; thence running North 25°30' West 14.92 chains to a point; thence West 5.90 chains to a point; thence South 13.00 chains more or less to the Section line between Sections 4 and 9; thence North 89°30' East along the section line 12.12 chains to the place of beginning, all lying and being within Marion County, State of Oregon.

Subject to:

- 1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Salem Water Ditch.
- 2. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Salem Water Ditch or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
- 3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 4. Right of Way Easement, including terms and provisions contained therein: Recording Information: September 07, 1965 as Volume 606, Page 269, Deed Records

In Favor of: Pacific Power & Light Company, a corporation

For: Electric transmission and distribution line

5. Right of Way Easement, including terms and provisions contained therein: Recording Information: June 13, 1968 as Volume 649, Page 163, Deed Records

In Favor of: Pacific Power & Light Company, a corporation

For: Electric transmission and distribution line

6. A Contract of Sale and the terms and conditions thereof:

Vendor/Seller: Santiam Water Control District

Vendee/Purchaser: Paul & Irene Dozler

Recorded: January 04, 1974 Recording Information: 14586

7. Operation and Maintenance Assessment for Irrigation Subdistrict of the Santiam Water Control District, including terms and provisions thereof.

Recorded: April 14, 1999 as Reel 684, Page 150, Film Records

REEL: 3996 PAGE: 250

September 25, 2017, 01:36 pm.

CONTROL #: 477078

State of Oregon County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 51.00

BILL BURGESS COUNTY CLERK

THIS IS NOT AN INVOICE.

Exhibit C – Stayton Annexation Application Form



CITY OF STAYTON APPLICATION FOR ANNEXATION

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 14 days in advance of the meeting along with the \$300 pre-application meeting fee. Meetings are held every Tuesday afternoon.

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 Department during regular business hours. The fee for this application is \$1,800, which will include the fee for any other land use applications. 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. Applications for annexations of more than 3 acres require approval by the voters of the City. The fee is increased by \$4,500 for any application which requires voter approval to cover the City's cost of conducting the election.

3. REVIEW FOR COMPLETENESS AND SCHEDULING A HEARING

The City Planner 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 City Planner will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Planner will schedule a hearing before the Stayton Planning Commission. Planning Commission meetings are regularly scheduled for the last Monday of the month. Applications for Major Annexations must be submitted before September 30 to be scheduled for a May election and before March 31 to be scheduled for a November election.

4. STAFF REPORT

Once a hearing date is set, the City Planner will prepare a staff report 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 will be provided to the applicant 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 Public Hearing Rules of Procedure. These rules are available at the Planning Department and on the City's web site..

At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order recommending action to the City Council 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 recommend denial, approval, or approval with conditions.

6. Public Hearing Before the Stayton City Council

Annexations must be adopted by ordinance. A second public hearing will be scheduled before the Stayton City Council. A notice is required 10 days prior to the hearing which will be held at the regular Council meeting, which meets 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. Major annexations will be scheduled for approval by referendum at the May or November elections.

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 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.

APPLICATION CHECKLIST FOR ANNEXATION REVIEW This checklist has been prepared to assist applicants in submitting an application that includes all the submission

requirements in Section 17.12.210. 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. Lot and block description or a metes and bounds description, marked Exhibit A. 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. If the applicant is to be represented by another individual (planning consultant, engineer, attorney) the application must be accompanied by a notarized statement certifying that the applicant's representative has the authorization of the applicant(s) to file the application. A site plan drawn to a scale of 1 inch equals not more than 50 feet, showing: A north point and graphic scale O Tax map and tax lot numbers. Boundary lines of the parcel to be annexed and area of the property in acres or square feet. O Neighboring streets and roads. Existing uses of the property Vicinity Map: The vicinity map may be drawn on the same map as the site plan. All properties, streets, and natural features within 300 feet of the perimeter of the parcel shall be shown on the vicinity map. Conceptual Plan: If the application for annexation is not accompanied by a concurrent application for site plan, subdivision, or other land use approval, a conceptual plan of proposed uses of the property. Legal Description: A legal description of the property proposed to be annexed, meeting the requirements of ORS 308.225, must accompany the application.

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 criteria of SMC 17.12.210.4 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 lies with the applicant to prove how the proposal complies with the criteria, not with the City of Stayton.

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



CITY OF STAYTON APPLICATION FOR ANNEXATION

PROPERTY OWNER:	
Address:	
City/State/Zip:	
Phone:	Email:
APPLICANT:	
Address:	
City/State/Zip:	
Phone:	
APPLICANT'S REPRESENTATIVE:	
	Email:
CONSULTANTS: Please list below planning and	d engineering consultants.
PLANNING	Engineering
Name:	Name:
Address:	
	City/State/Zip:
	Phone:
	Email:
Select one of the above as the principal conaddressed:	tact to whom correspondence from the Planning Department should be
owner applicant applicant	t's representative planning consultant engineer
LOCATION:	
StreetAddress:	
Assessor's Tax Lot Number and Tax Ma	p Number:
Closest Intersecting Streets:	
CURRENT COMPREHENSIVE PLAN DESIGNATION:	
	KATION:
SIGNATURE OF APPLICANT: Kevin Bu	tler, Paige Butler
ı	DO NOT WRITE BELOW THIS LINE
Application received by:	Date: Fee Paid: \$ Receipt No
Land Use File#	

January 2019 1

Please See Detailed Narrative Included with Submittal

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning 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 17.12.210.5. Please provide the following information in full and attach a narrative statement to this application.

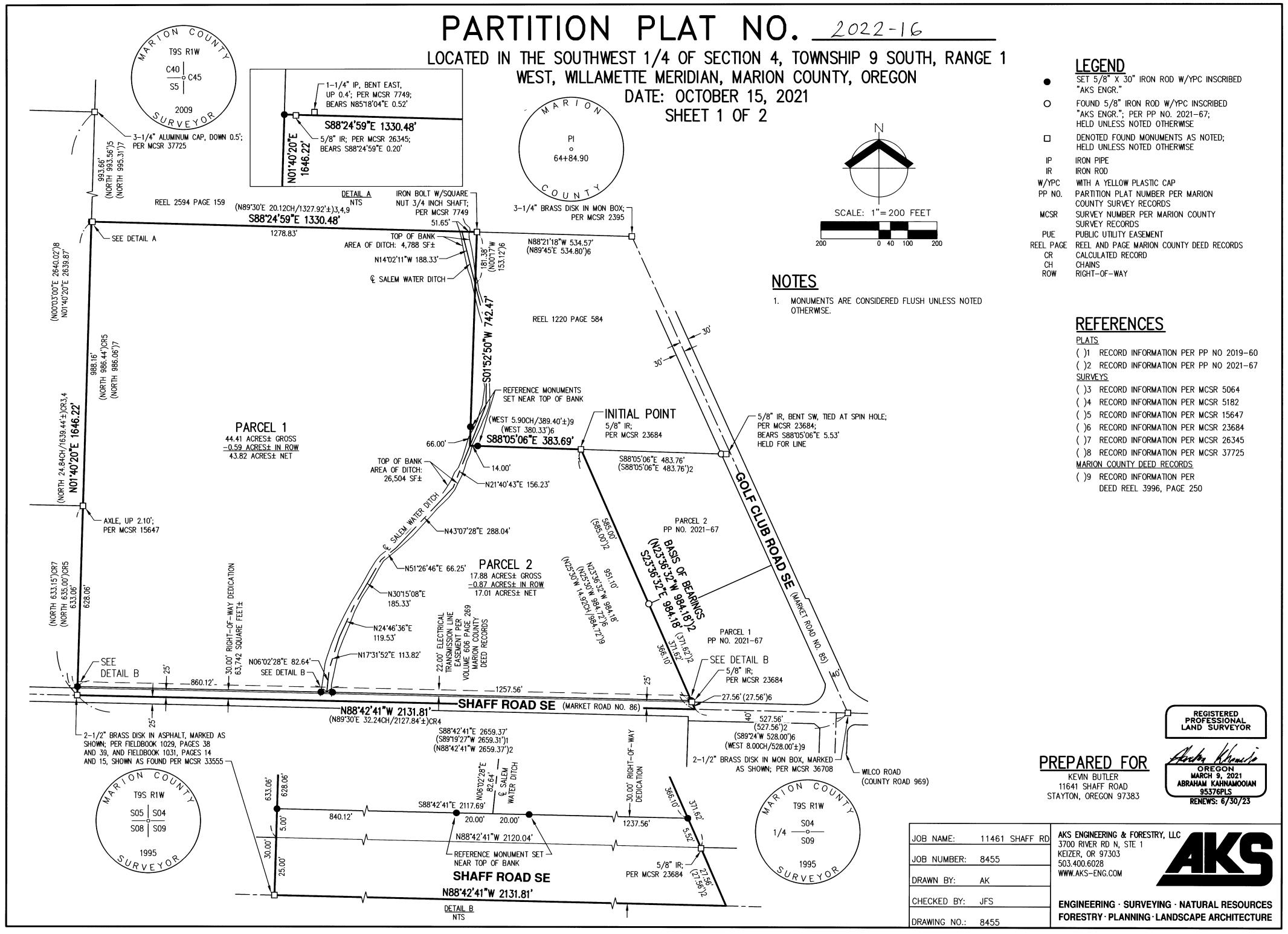
- 1. NEED: What is the demonstrated need for this property to be annexed into the City?
- 2. ADEQUATE UTILITIES: How will the proposed annexation obtain or maintain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve the subject property in accordance with accepted City standards?

All public improvements must meet City of Stayton standard specifications. All design plans must be approved by the City prior to construction. The City will inspect all construction.

	a. List pu	ist public services currently available to the site:		
	Wa	ater Supply:	inch line available in	Street.
	Sani	tary Sewer:	inch line available in	Street.
	St	orm Sewer:	inch line available in	Street.
	N	latural 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.
		xisting City po annexation?	ublic services need to be replaced or upgraded to accommodate the \bigcirc yes	e demands created
3.	Is the subject property contiguous to the city limits?			
4.	Is the proposed annexation compatible with the character of the surrounding area and does it comply with the urban growth program and policies of the City?			
5.	How does local law?		d annexation comply, or will be made to comply with all applicable pr	ovisions of state and
6.			ntion is a contract annexation, does the proposal include the cost of Cited by the Public Works Director?	ty facility and service

January 2019 2

Exhibit D – Professional Land Surveyor Property Boundary Line Exhibit



PARTITION PLAT NO. 2022-16

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 9 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON DATE: OCTOBER 15, 2021 SHEET 2 OF 2

MARION COUNTY APPROVALS
MARION COUNTY APPROVALS
ACCEPTANCE OF DEDICATION:
BY: Danith 600 3/17/2000
CHAIRPERSON OR VICE—CHAIRPERSON DATE MARION COUNTY BOARD OF COMMISSIONERS
BY: Brandon Reich 3-10-22
MARION COUNTY PLANNING COMMISSION DIRECTOR DATE PLANNING CASE NO.: PAR 20-015

APPROVED THIS 11th DAY OF March, 2022
BY: MARION COUNTY SURVEYOR

APPROVED THIS 15 DAY OF March, 2022
BY: Tom Rolling by Kaynn MARION COUNTY ASSESSOR

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH 30 June 2077 APPROVED THIS 15th DAY OF March , 2077
BY:
MARION COUNTY TAX COLLECTOR

STATE OF OREGON)) SS
COUNTY OF MARION)
I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT NO. 2022-16 WAS RECEIVED FOR RECORDING ON THE 17th DAY OF MAYCH, 2022, AT 4:34 O'CLOCK P.M., AND RECORDED IN THE BOOK OF PARTITION PLATS. ALSO REFERENCED IN THE MARION COUNTY DEED RECORDS IN REEL, 4605, AT PAGE 251.
BILL BURGESS, MARION COUNTY CLERK
BY: Cristian Perez Garcia

DEPUTY COUNTY CLERK

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO PARTITION THAT TRACT OF LAND DESCRIBED IN DEED REEL 3996 PAGE 250, MARION COUNTY DEED RECORDS. THE BASIS OF BEARINGS WAS ESTABLISHED ALONG THE WEST LINE OF PARTITION PLAT NUMBER 2021-67. RECORDED AS REEL 4539 PAGE 171, MARION COUNTY RECORDS.

THE SOUTH LINE, BEING A PORTION OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4, WAS ESTABLISHED BY HOLDING THE FOUND BRASS DISKS AT THE SOUTHWEST CORNER AND THE SOUTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER.

THE NORTH RIGHT-OF-WAY LINE OF THE SHAFF ROAD SE (MARKET ROAD NO. 86), WAS ESTABLISHED BY HOLDING A LINE PARALLEL WITH AND 25.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4.

THE WEST LINE, BEING THE WESTERLY LINE OF SECTION 4, WAS ESTABLISHED BY HOLDING A FOUND 2-1/2 INCH BRASS DISK AT THE SOUTHWESTERLY CORNER OF SECTION 4 AND A 3-1/4 INCH ALUMINUM CAP AT THE WEST QUARTER CORNER OF SECTION 4.

THE NORTH LINE WAS ESTABLISHED BY HOLDING FOUND IRON RODS PER MCSR 7749 AND MCSR 26345.

THE EAST LINE WAS ESTABLISHED BY HOLDING RECORD BEARING AND DISTANCE PER PARTITION PLAT NO. 2021-67 AND FOUND IRON RODS PER MCSR 23684 AND MCSR 7749 WITH THE CENTER LINE OF THE SALEM FLOURING MILLS DITCH.

SURVEYOR'S CERTIFICATE

I. ABRAHAM KAHNAMOOIAN. DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS REPRESENTED ON THE ANNEXED MAP, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 4. TOWNSHIP 9 SOUTH. RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF STAYTON, MARION COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A FOUND 5/8-INCH IRON ROD LOCATED AT THE NORTHWEST CORNER OF MARION COUNTY PARTITION PLAT NUMBER 2021-67; THENCE ALONG THE WEST LINE OF SAID PARTITION PLAT, SOUTH 23'36'32" EAST 984.18 FEET TO THE CENTERLINE OF SHAFF ROAD SE, ALSO BEING THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 4: THENCE ALONG SAID SOUTH LINE, NORTH 88°42'41" WEST 2131.81 FEET TO A 2-1/2-INCH BRASS DISK AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER, NORTH 01°40'20" EAST 1646.22 FEET TO TO THE SOUTH LINE OF REEL 2594, PAGE 159, MARION COUNTY DEED RECORDS, FROM WHICH A 5/8-INCH IRON ROD BEARS SOUTH 88°24'59" EAST 0.20 FEET; THENCE ALONG SAID SOUTH LINE, SOUTH 88°24'59" EAST 1330.48 FEET TO AN IRON BOLT AT THE NORTHEAST CORNER OF REEL 3996, PAGE 250, MARION COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID DEED, SOUTH 01°52'50" WEST 742.47 FEET TO A POINT ON THE CENTER LINE OF SALEM WATER DITCH. ALSO BEING THE SOUTHWEST CORNER OF REEL 1220, PAGE 584, MARION COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID DEED, SOUTH 88°05'06" EAT 383.69 FEET TO THE INITIAL POINT.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 62.29 ACRES, MORE OR LESS.

KNOW ALL PERSONS BY THESE PRESENTS THAT KEVIN BUTLER, IS THE OWNER OF THE LAND SHOWN ON THE ANNEXED MAP AND AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF THE OREGON REVISED STATUTES CHAPTER 92. KEVIN BUTLER DOES HEREBY DEDICATE TO THE PUBLIC. A RIGHT-OF-WAY AS SHOWN HEREON.

ACKNOWLEDGMENT

STATE OF OREGON

COUNTY OF MARION

SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 25 DAY OF February , 20**22** by Kevin Butler

MY COMMISSION EXPIRES January 9,2023

CONSENT AFFIDAVIT

A PARTITION PLAT CONSENT AFFIDAVIT BY IRENE JOYCE DOZLER, TRUSTEE OF THE PAUL AND IRENE JOYCE DOZLER REVOCABLE LIVING TRUST DATED FEBRUARY 9, 1995, FOR THAT INSTRUMENT RECORDED IN REEL 3996, PAGE 251, MARION COUNTY DEED RECORDS HAS BEEN RECORDED IN REEL 4605, PAGE 250, MARION COUNTY RECORDS.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON MARCH 9, 2021 ABRAHAM KAHNAMOOIAN 95376PLS RENEWS: 6/30/23

PLAT NOTES

- THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN MARION COUNTY PARTITION CASE FILE NO. 20-015.
- THIS PLAT IS SUBJECT TO RIGHT OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE HIGH WATER MARK OF SALEM
- THIS PLAT IS SUBJECT TO AN ELECTRIC TRANSMISSION, AND DISTRIBUTION LINE EASEMENT TO PACIFIC POWER AND LIGHT COMPANY RECORDED IN VOLUME 649, PAGE 163, MARION COUNTY DEED RECORDS. NO ABOVE GROUND EVIDENCE WAS FOUND OF WHERE THE EASEMENT MIGHT BE LOCATED.

PREPARED FOR

KEVIN BUTLER 11641 SHAFF ROAD STAYTON, OREGON 97383

JOB NAME:	11461 SHAFF RD		
JOB NUMBER:	8455		
DRAWN BY:	AK		
CHECKED BY:	JFS		
DRAWING NO.:	8455		

AKS ENGINEERING & FORESTRY, LLC 3700 RIVER RD N, STE 1 KEIZER, OR 97303 503.400.6028 WWW.AKS-ENG.COM



ENGINEERING · SURVEYING · NATURAL RESOURCES FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

City of Stayton Preapplication Meeting August 8, 2024 2:00 p.m.

11641 Shaff Road SE Annexation

Applicant: BRAND Land Use (Britany Randall), 1720 Liberty Street SE, Salem, OR 97302

Staff: Jennifer Siciliano, Community and Economic Development Director, Public Works Director, City Engineer, and Fire Department

Project Description: Annexation of two parcels: 11641 Shaff Road, Taxlot 091W04C001900 at 43.8 acres and Taxlot 091W04C001901 at 17 acres, for residential use.

Comprehensive Plan Map Designation: Residential

Zoning District: Low, Medium, and/or High Density Residential

The following comments are intended for discussion purposes only and may not include all applicable code requirements.

Applicable Stayton Land Use and Development Code (code) provisions:

CHAPTER 13.12 SYSTEM DEVELOPMENT CHARGES

13.12.205 DEFINITIONS

13.12.210 PURPOSE

13.12.215 SCOPE

13.12.220 SYSTEM DEVELOPMENT CHARGE ESTABLISHED

13.12.225 METHODOLOGY

13.12.230 COMPLIANCE WITH STATE LAW

13.12.235 COLLECTION OF CHARGE

13.12.240 EXEMPTIONS

13.12.245 CREDITS (relates to 17.12.220.5.a)

1. When development occurs that gives rise to a system development charge under Section 13.12.220, the system development charge for the existing use shall be calculated and if it is less than the system development charge for the proposed use, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge required under Section 13.12.220. If the change in use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required; however, no refund or credit shall be given.

2. Limitations on Credits.

- a. The limitations on the use of credits contained in this Section shall not apply when credits are otherwise given under Section 13.12.250.
- b. A credit against the improvement fee portion of the system development charge shall be given for the cost of a qualified public improvement associated with a development.
- c. The credit provided for in this Section shall be only for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements may be granted only for the cost of that portion of such improvement that exceeds the City's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit.
- d. The request for credit for a qualified public improvement shall be filed with the City Administrator, not later than 60 days after approval of the development by the City. The request shall include:
 - 1. A legal description of all land within the development;
 - 2. A legal description of any land proposed to be donated as part of the qualified public improvement;
 - 3. A written appraisal of the fair market value of donated lands which are a part of the qualified public improvement. The appraisal shall be prepared by a certified professional appraiser and based upon comparable sales of similar property between unrelated parties;
 - 4. A detailed written estimate of proposed construction costs for each qualified public improvement, prepared by a professional engineer. The estimate shall include separate costs for that portion of each improvement that exceeds the city's minimum standard facility size or capacity;
 - 5. The signatures of all legal owners of the development property together with the designation of who is to receive any credits and the designated percentage for each, if more than one person or entity is designated.
- e. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, the credit shall be given only for the cost of the portion of the improvement not attributable wholly to the development. The credit provided for by this Section shall be only for the public improvement charge charged for the type of improvement being constructed and shall not exceed the public improvement charge even if the cost of the capital improvement exceeds the applicable public improvement charge.
- f. When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project in accordance with Section 13.12.245.4.

- 3. Applying the methodology adopted by resolution, the City Administrator shall grant a credit against the public improvement charge, the reimbursement fee, or both, for a capital improvement constructed as part of the development that reduces the development's demand upon existing capital improvements or the need for future capital improvements or that would otherwise have to be provided at City expense under then existing City Council policies.
- 4. In situations where the amount of credit exceeds the amount of the system development charge, the excess credit is not transferable to another development. However, the applicant and the City may enter into a written agreement for the credit to be provided to subsequent phases of the development or for the applicant to be reimbursed for portions of the credit due to the applicant from system development charges paid by other applicants for subsequent phases of the development. The terms of such an agreement shall not provide for future reimbursements more than ten (10) years after the construction of the qualified public improvement.
- 5. Credit shall not be transferable from one type of capital improvement to another.

13.12.250 APPEAL PROCEDURES

- 1. As used in this Section, "working day" means a day when the general offices of the City are open to transact business with the public.
- 2. A person aggrieved by a decision required or permitted to be made by the City Administrator under Sections 13.12.205 through 13.12.245 or a person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or expenditure by filing a written request with the City Administrator for consideration by the City Council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall comply with subsection 4 of this Section.
- 3. An appeal of an expenditure must be filed within two (2) years of the date of alleged improper expenditure. Appeals of any other decision must be filed within ten (10) working days of the date of the decision.
- 4. The appeal shall state:
 - a. The name and address of the appellant;
 - b. The nature of the determination being appealed;
 - c. The reason the determination is incorrect; and
 - d. What the correct determination should be.

An appellant who fails to file such a statement within the time permitted waives his/her objections and his/her appeal shall be dismissed.

5. Unless the appellant and the City agree to a longer period, an appeal shall be heard within thirty (30) days of the receipt of the written appeal. At least ten (10) working days prior to the hearing, the City Recorder shall mail notice of the time and location

thereof to the appellant.

City Recorder is the City Manager.

- 6. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the appellant deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may present written or oral testimony at this same hearing. The rules of evidence as used by courts of law do not apply.
- 7. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- 8. The City Council shall render its decision within fifteen (15) days after the hearing date and the decision of the City Council shall be final. The decision shall be in writing, but written findings shall not be made or required unless the City Council in its discretion elects to make findings for precedential purposes. Any legal action contesting the City Council's decision on the appeal shall be filed within sixty (60) days of the City Council's decision.

CHAPTER 17.12 DEVELOPMENT APPROVAL PROCEDURES 17.12.210 ANNEXATIONS

- 2. METHOD OF ADOPTION
- a. Major Annexations.
 - 1) A Major Annexation is an annexation that meets one or more of the following characteristics.
 - i. Consists of two or more parcels, except proposed annexations that consist of contiguous parcels in the same ownership.
 - ii. The area proposed for annexation exceeds 1 acre, except a health hazard annexation.
 - 2) describes the approval procedure which has not been amended since Senate Bill 1573 passed. The bill states:
- " ... the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:
- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances. ..."

A general timetable is the following:

- An application for annexation is submitted to the City Planner.
- The City Planner has 30 days to deem the application complete or incomplete.
- Once the application is deemed complete, it can be scheduled for a <u>Planning</u> <u>Commission Public Hearing</u>. Abutters need to be notified 20 days in advance of this hearing. The Planning Commission only meets on the last Monday of the month.
- The Planning Commission submits its recommendations to the City Council to schedule another <u>Public Hearing in front of the Council</u>. This hearing needs to be advertised at least two weeks before the hearing. The City Council meets the first and third Mondays of the month.
- A Notice of Decision is sent out to the abutters within 3 days of the decision.
- From the Notice of Decision there is a 14-day appeal period.
- 3. SUBMITTAL REQUIREMENTS. In order to be accepted as complete and be processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:
 - a. Completed application forms as supplied by the City Planner.
 - b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet, shown as a graphic scale, of the property for which the annexation is requested. The site plan shall depict the surrounding properties, neighboring streets and roads, and existing uses of the property. If the application for annexation is not accompanied by a concurrent application for site plan, subdivision, or other land use approval, three copies of a conceptual plan of proposed uses of the property subsequent to annexation. In addition, 18 reduced copies of the plan sized as 11 inches by 17 inches shall be submitted. c. A plan showing the boundary lines of the properties, certified by a professional land surveyor, and the approximate area of the properties in acres or square feet.
 - d. A legal description of the property, meeting the requirements of ORS 308.225.
 - e. A narrative statement fully explaining the request and fully addressing the criteria for approval of an annexation.

See the application checklist for guidance.

- 4. APPROVAL CRITERIA. In order to approve an application for annexation, the following affirmative findings concerning the action must be made by the decision authority:
- a. Need exists in the community for the land proposed to be annexed.

- b. The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
- c. The proposed annexation is property contiguous to the existing City limits.
- d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
- e. The annexation request complies, or can be made to comply, with all applicable provisions of state and local law.
- f. If a proposed contract annexation, within the terms and conditions of the contract the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.

CONTRACT ANNEXATION: The addition of territory to the jurisdictional boundaries of the City that is subject to the terms and conditions of a contractual agreement between the property owner and the City relative to the nature of development to occur in the territory and the timing or sequence of annexation or annexation of portions of the property.

5. ZONING OF ANNEXED TERRITORY. All lands that are annexed to the City shall be zoned in accordance with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan. This requirement does not prohibit an application to amend the Comprehensive Plan Map concurrent with the application for annexation.

According to the Comprehensive Plan, this parcel is considered residential. It could be approved for Low, Medium and/or High-Density Residential Zones.

17.12.220 SITE PLAN REVIEW (Criteria part of detailed development plan approval for Master Plan Development – see 17.24.090.8.a)

5. APPROVAL CRITERIA.

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 the City's Master Plans and Public Works Design Standards. Where an adopted Master Plan calls for facilities larger than necessary for service to the proposed use, the developer shall install the size facilities called for in the Master Plan, and shall be provided credit for the excess costs in accordance with SMC 13.12.245.
- b. Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property for

vehicles, as well as bicycle and pedestrians, from those public streets which serve the property in accordance with the City's Transportation System Plan and Public Works Design Standards.

- c. Provision has been made for 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 in accordance with Chapter 17.26, the City's Transportation System Plan, and Public Works Design Standards. Improvements required as a condition of approval shall be roughly proportional to the impact of the development on transportation facilities. Approval findings shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.
- d. Provision has been made for parking and loading facilities as required by Section 17.20.060.
- e. Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070.
- f. Site design shall minimize off site impacts of noise, odors, fumes or impacts.
- g. The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Multi-family Residential Design Standards, Section 17.20.200 Commercial Design Standards, Section 17.20.220 Downtown Development Design Standards, or Section 17.20.230 Industrial Design Standards.
- h. (Repealed)
- i. (Repealed)

17.20.090.

- j. Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historic 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. 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 and comply with the requirements in Sections 17.20.050 and
- I. The lighting plan satisfies the requirements of Section 17.20.170.
- m. The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.
- n. When any portion of an application is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.
- 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.

6. IMPOSITION OF RESTRICTIONS AND CONDITIONS. (See 17.16.090.3)

- a. The decision authority may prescribe restrictions or limitations for the proposed site plan review approval as it deems necessary to fulfill the purpose and intent of the code. Such restrictions or limitations shall be based on evidence and analysis presented to or generated by the decision authority during the course of its evaluation of the request, and shall be made a part of the approval action. Conditions may limit the time or duration of the use.
- b. To ensure that required public improvements are made in a timely and acceptable manner, the applicant(s) may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of Section 17.20.120.
- c. A violation of any such condition(s) or limitation(s) shall constitute a violation of this Title.

CHAPTER 17.16 ZONING

Table 17.16.070.2 Minimum Dimensional Requirements for Lots

Low Residential Density Zone

Lot Area (square feet) 8,000

Lot Width (feet) 80 (40 feet for lots with frontage on a cul-de-sac)

Average Width (feet) 80

Medium Residential Density Zone

Lot Area (square feet) 7,000 (A Triplex requires a minimum lot area of 10,500 square feet.)

Lot Width (feet) 70 (40 feet for lots with frontage on a cul-de-sac)

Average Width (feet) 70

High Residential Density Zone

Lot Area (square feet) 6,000

Lot Width (feet) 60 (40 feet for lots with frontage on a cul-de-sac)

Average Width (feet) 60

Table 17.16.070.3 Dimensional Requirements for Structures

Low Residential Density Zone

Front Yard Setback (feet) 20²
Side Yard Setback (feet) 5
Rear Yard Setback (feet) 20
Building Height (feet) 35⁶

Medium Residential Density Zone

Front Yard Setback (feet) 20²
Side Yard Setback (feet) 5
Rear Yard Setback (feet) 15

² 25 feet to a garage entrance, except a garage on a back lot or flag lot.

⁶ Or 2 ½ stories

Building Height (feet) 35⁶

High Residential Density Zone

Front Yard Setback (feet) 20²
Side Yard Setback (feet) 5
Rear Yard Setback (feet) 15

Building Height (feet) -- (May be established by Site Plan Review)

4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.

Within the Low Density and Medium Density Residential Districts, all new single-family detached dwellings, including manufactured homes not in a mobile home park, are subject to the following development and design standards:

- 1) Floor Area. A dwelling shall have a minimum floor area of 1,000 square feet. The dwelling must have a minimum horizontal dimension of at least 24 feet.
- 2) Repealed.
- 3) Design Features. All new dwellings shall contain the following design feature requirements:
 - a) The site must include an attached or detached garage with exterior materials that are the same exterior materials as the primary home.
 - b) The building shall be provided with gutters and downspouts.
 - c) The dwelling must have a composition asphalt, fiberglass, shake, or tile roof with a minimum pitch of 3 feet in height for each 12 feet in length.
 - d) The dwelling must have horizontally applied wood siding, horizontally applied fiber-cement siding, brick or stone masonry siding, or textured plywood siding with vertical grooves.
 - e) The base of the new dwelling must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. Unless the home is placed on a basement, the home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
 - f) If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 4) In addition, to provide architectural relief, new dwellings shall contain at least 3 of the following design elements on the side(s) of the home which fronts on a street:
- a) Dormers or gables.
- b) Cupolas.

² 25 feet to a garage entrance, except a garage on a back lot or flag lot.

⁶ Or 2 ½ stories

- c) Bay or bow windows.
- d) Exterior shutters.
- e) Recessed entries.
- f) Front porch of at least 100 square feet, which may extend into the required front yard.
- g) Covered porch entries.
- h) Pillars or posts in the front entry area.
- i) (Repealed, Ord 1060, May 17, 2023.)
- j) Front-side exterior brickwork or masonry.

17.16.090 NATURAL RESOURCE OVERLAY DISTRICT

- 1. BOUNDARIES OF THE NR DISTRICT. The NR Overlay district shall include lands that are:
 - a. 100 feet from the normal high water line of the North Santiam River, Mill Creek, Lucas Ditch, Salem Ditch north of Shaff Road, except for areas within the HD, CR, CG, CCMU, DRMU, and ID zones.
 - b. 50 feet from the normal high water line of the Salem Ditch and the Stayton Ditch, except for areas within the CR, CG, CCMU, and DRMU zones.

The provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the NR Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.

- 2. PERMITTED USES. All uses are subject to site plan review.
 - a. Publicly owned buildings and facilities related to water supply and treatment, including parking and storage areas.
 - b. Recreational trails, walkways, and bikeways.
 - c. Public parks and river-related recreational facilities, including meeting rooms, viewing platforms, displays, signs, restrooms, and parking areas.
 - d. Resource enhancement projects.
 - e. Road and access drives.
 - f. Accessory uses.
- 3. DEVELOPMENT CRITERIA. Proposals for development will be subject to the following criteria in addition to the site plan review criteria in Section 17.12.220.6.
 - a. The proposal shall have as few significant detrimental environmental impacts on water as possible.
 - b. All identified impacts are mitigated through implementation of a mitigation plan approved by the City.
 - c. Existing trees and other vegetation shall be retained to the greatest extent possible pursuant to Chapter 17.20.150.

- d. The proposal shall balance the impacts on the area with the potential for public enjoyment of the riparian environment and recreational use of the protected water body.
- 4. IMPACT EVALUATION. An impact evaluation <u>may</u> be required for proposals in the NR Overlay zone. The impact evaluation shall include:
 - a. Identification of all natural resources.
 - b. A storm water runoff report and plan detailing the quantity and quality of any storm water runoff from the construction or developed use of the property. The report shall detail the potential impact storm water runoff will have, if any, on the protected water bodies and shall provide a mitigation plan showing how these impacts will be averted.
 - c. The functional values of the identified resource are defined by their natural characteristics, quantity, and quality.
 - d. Erosion and sedimentation control plan adequate to keep sedimentation out of water bodies.
 - e. Alternative locations, design modifications, or alternative methods of development of the subject property to reduce the impacts on the water supply intakes, aquifer, and natural riparian resources are identified and evaluated.
 - f. If there is any resulting degradation or loss of functional values of the natural resource as a result of development, a mitigation plan is required which will compensate for the degradation or loss.

CHAPTER 17.20 DEVELOPMENT AND IMPROVEMENT STANDARDS

17.20.170 OUTDOOR LIGHTING

- 1. PURPOSE. The purposes of these lighting standards are: conserving energy, minimizing light pollution and glare on adjacent properties, protecting residential uses from neighboring commercial or industrial uses, and promoting traffic and pedestrian safety.
- 2. GENERAL STANDARDS. Lighting may be provided which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of the traveling public on adjacent roadways. Lighting fixtures with more than 800 lumens of light output shall be cut-off fixtures so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot candles upon abutting lots in residential use measured at the property line.

Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting. When

an outdoor lighting installation is being modified, extended, expanded, or added to, the entire lighting installation shall be subject to the requirements of this Section.

- a. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
- b. For the purposes of this Section, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.
- c. Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
- 3. PROCESS. When an application for land use approval contains outdoor lighting installation or replacement, the decision authority shall review and approve the lighting installation as part of the application. Lighting installation or replacement that is not part of a land use approval application need not submit a lighting plan or obtain a permit beyond that which may be required by the Electrical Code, but shall meet the standards below
- 4. NON-RESIDENTIAL LIGHTING STANDARDS.
- 5. MULTI-FAMILY RESIDENTIAL LIGHTING STANDARDS. The following additional standards shall apply to all multi-family developments:
- a. Lighting of Parking Areas. Parking lot lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
 - 1) All lighting fixtures serving parking lots shall be full cut-off fixtures.
 - 2) Parking area lighting shall have a maximum mounting height of 15 feet, a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.4 foot candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.
- b. Lighting of Pedestrian Walkways. Pedestrian walkways in a multi-family development shall meet the following standards.
 - 1) All lighting fixtures shall be full cut-off fixtures.
 - 2) If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way
 - or common open space this standard shall be met without the need for additional
 - lighting if the ambient lighting meets the illumination levels, uniformity ratio and minimum color rendering index specified in subsection 5.b.3
 - 3) Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off-street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of

- 1.2 foot-candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.
- 4) The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 17.20.170.5.b.3) above.
- 5) Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.

17.20.190 MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

- 1. These standards shall apply to any new attached residential structure.
- 2. SITE DESIGN.
 - a. Maximum Lot Coverage. Lot coverage shall not exceed the percentages shown in Table 17.20.190.2.a:

Table 17.20.190.2.a Maximum Lot Coverage for Multi-family Uses

Multi-Family Use	Maximum Coverage
Single Family Attached, Duplex or Triplex	50%
Multi-family dwellings	60%

Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does not include paved surface-level development such as driveways, parking pads, and patios.

b. Height Step Down. To provide compatible scale and relationships between new multistory attached residential structures and adjacent single-family dwellings, the multistory building(s) shall "step down" to create a building height transition to adjacent single-family building(s).

The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot of separation between the adjacent single-family building and that portion of the taller structure.

- c. Building Orientation Standards. All new attached residential structures shall have buildings that are oriented to the street. The following standards will apply:
- 1) All buildings shall comply with the setback standards of the zoning district where the development is located.
- 2) Except as provided in subsections 3 and 4, below, all attached residential structures

shall have at least 1 primary building entrance (i.e. dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) facing an adjoining street, or if on a side elevation, not more than 20 feet from a front lot line.

- 3) Any duplex located on a corner lot shall be oriented so that the architectural front of each unit faces a separate street.
- 4) Repealed.
- 5) Off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except that <u>townhouses</u> with garages that face a street may have 1 driveway access located between the street and primary building entrance for every 2 dwelling units following vehicle areas when the decision authority finds they will not adversely affect pedestrian safety and convenience.
- 6) Parking and maneuvering areas, driveways, active recreation areas, loading areas, and dumpsters shall not be located between attached residential structures and adjacent single family homes.
- 7) When there is insufficient street frontage for building orientation in a development with multiple buildings to face the street, a primary entrance may be oriented to a common green, plaza or courtyard. When oriented this way, the primary entrance(s) and common green, plaza or courtyard shall be connected to the street by a pedestrian walkway meeting the standards of Section 17.26.020.5.
- 8) Outdoor Service Areas. Trash receptacles shall be oriented away from building entrances and set back at least 10 feet from any public right-of-way and adjacent residences. Outdoor service areas shall be screened with an evergreen hedge or solid fence of materials similar to the primary building of not less than 6 feet in height. If the outdoor service area includes trash receptacles, the receptacle must be accessible to trash pick-up trucks.

3. ARCHITECTURAL STANDARDS.

- a. <u>Building Length. The continuous horizontal distance as measured from end wall to end wall of individual buildings shall not exceed 100 feet.</u>
- b. Articulation. All attached residential structures shall incorporate design features to break up large expanses of uninterrupted walls or roof planes. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least 2 of the following elements.
 - 1) Recess (e.g. deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet.

- 2) Extension (e.g. deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.
- 3) Dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height.
- c. Street-side facades. All building elevations visible from a street right-of-way shall provide prominent defined entrances and a combination of architectural features as specified in Section 17.20.190.3.e below.
- d. Exterior Stairways. Stairways shall be incorporated into the building design. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture. Access balconies and/or outdoor corridors longer than 16 feet shall not be used. No more than 4 units shall access from a single balcony.
- e. Design Features. The minimum number of required design features for an attached residential structure is determined by the number of dwelling units in each building as shown in Table 17.20.190.3.e.

Table 17.20.190.3.e Minimum Number of Design Features

Number of Units	Minimum Number of		
	Features		
2 - 6	5		
7 - 20	8		
21 or more	10		

The following design features may be used to meet the requirements of this subsection. Features not included on the list may be used if approved by decision authority.

- 1) Dormers
- 2) Gables
- 3) Entries recessed a minimum of 30 inches
- 4) Covered porch entries or porticos
- 5) Cupolas or towers
- 6) Pillars or posts
- 7) Eaves; a minimum 18 inches of projection
- 8) Off-sets in building face or roof; a minimum 16 inches
- 9) Window trim; minimum of 3 inches wide
- 10) Bay windows
- 11) Balconies
- 12) Decorative patterns on exterior finish such as: shingles, wainscoting, ornamentation or similar features.
- 13) Decorative cornice or pediments (for flat roofs)
- f. Building Materials. Plain concrete, corrugated metal, plywood, sheet press board, or

textured plywood siding with vertical grooves shall not be used as exterior finish material.

4. OPEN SPACE.

- a. Common Open Space. Of the landscaping required by Section 17.20.090, a minimum of 10% of the site area shall be designated and permanently reserved as common open space in all multi-family developments with more than 10 units, in accordance with the following criteria:
 - 1) The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way.
 - 2) Streets, driveways, and parking areas, including areas required to satisfy parking area landscape standards, shall not be applied towards the minimum useable open space requirement.
 - 3) In meeting the common open space standard, the multi-family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands, play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking paths, or similar open space amenities for residents.
 - 4) The common open space shall have a minimum average width of 15 feet and a minimum average length of 15 feet.
- b. Private Open Space. Private open space areas shall be required for dwelling units based on all of the following criteria:
 - 1) All ground-floor housing units shall have front or rear patios or decks measuring at least 40 square feet.
 - 2) All upper-floor housing units shall have balconies or porches measuring at least 30 square feet.
- 5. LIGHTING. All attached residential structures shall meet the standards of Section 17.20.170.

17.20.060 OFF-STREET PARKING AND LOADING

- 5. LOCATION. Off street parking and loading areas shall be provided on the same lot with the main building or use except that in any commercial, industrial, or public district, the parking area may be located within 500 feet of the main building.
- 7. REQUIREMENTS FOR AUTOMOBILE PARKING. Off-street automobile parking shall be provided in the manner required by subsection 9 of this section and approved by the City Planner in the minimum amounts described in Tables 17.20.060.7 a and b or as determined by Section 17.20.060.7.a.
 - a. Minimum Required Parking Spaces

Table 17.20.060.7.a Residential Parking Requirements

Residential Uses	Per Unit	Other Requirements		
Single Family Dwelling or Duplex	2			
Multi-family Development	1.5	Plus 1 visitor space per 4 units		

- b. Calculating Spaces. When the required spaces are calculated by this subsection becomes greater than 1/3 of a space, the number shall be rounded up.
- c. Determining Requirements for an Unlisted Use. When a required number of parking spaces is not specified for a particular use or facility or the Planning staff determines that the specified number of parking spaces is not appropriate, the City Planner shall prescribe a number of vehicle parking spaces or loading berths based on a determination of the traffic generation of the activity (as determined through a Traffic Impact Analysis), the amount or frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as effect the need for off street parking or loading.

8. HANDICAPPED/DISABLED PARKING.

a. Except for single family residences and duplexes, parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided in accordance with Table 17.20.060.8.a and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed:

Table 17.20.060.8.a Handicapped Parking Requirements

- b. Handicapped/disabled parking spaces shall be designated as reserved for such use by a sign showing the international symbol of accessibility. Such a sign shall be designed so as to not be obscured by a vehicle parked in the space.
- c. Parking spaces for handicapped/disabled persons shall be at least 9 feet wide and 18 feet long, and shall have an abutting access aisle of at least 6 feet in width.
- d. Passenger loading zones shall provide an access aisle at least 4 feet wide and 20 feet long abutting and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided.

9-A. BICYCLE PARKING REQUIREMENTS

1) The spaces required for bicycle parking is defined in Table 17.20.060.9-A.1. Fractional numbers of spaces shall be rounded up to the next whole space.

Table 17.20.060.9-A.1 Bicycle Parking Requirements

Land Use Category	Minimum Required Bicycle Parking Spaces
Residential	
Single-family	Exempt
Multi-family residential, general	1 space per 5 units
Multi-family residential, seniors or with	Exempt
physical disabilities	

- a. Bicycle parking spaces shall be at least 6 feet long and 2 feet wide. If the bicycle parking space is covered, then it shall have an overhead clearance of at least 7 feet. For covered bicycle parking, the covering shall extend at least 2 feet beyond the parking area.
- b. To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.
- 10. DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows:
 - a. <u>The location of parking and loading, except for single family dwellings,</u> duplexes, or
 - <u>triplexes</u>, <u>which may be located within the front yard</u>, shall meet the applicable standards of Sections 17.20.190 or 17.20.200.
 - b. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.
 - c. Driveways. The following standards shall apply to all driveways:
 - 1) Residential lots with 3 or fewer dwelling units sharing a driveway shall have 16 feet of paved width with 20 feet of clear width.
 - 2) Residential lots with 4 or more dwelling units sharing a driveway shall have 18 feet of paved width with 24 feet of clear width
 - d. Design of parking areas. Except where provided for by subsection 7 of this section parking area design shall comply with Title 12 and Standard Specifications.
 - 1) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into and out of the area where possible and should be located at least 50 feet from intersections where possible.
 - 2) Backing into or across a street, sidewalk, or right-of-way from any parking area shall be prohibited. The perimeter shall prevent access to or from the parking area except at designated entrances and exits.
 - e. Screening. When any development with over 6 parking spaces or a loading area is adjacent to any residential district, that area shall be screened from all adjacent residential properties. Screening shall be done with an ornamental fence, wall, or hedge at least 4 feet high but not more than 7 feet high, except along an alley.
 - f. Lighting. Any light used to illuminate a parking or loading area shall meet the standards of Section 17.20.170.
- 11. PARKING AREA LANDSCAPING DESIGN STANDARDS.

17.20.080 SPECIAL STREET AND RIPARIAN SETBACKS

- 1. SPECIAL STREET SETBACKS. On the following named streets there shall be a minimum building setback of 50 feet, measured at right angles from the centerline of the street right-of way:
 - a. Ida Street, extending from N. Fourth Avenue to the west City limits
 - b. First Avenue, from south City limits to north City limits.
 - c. Washington Street, extending from N. Sixth Avenue to the west city limits.
 - d. N. Sixth Avenue from Washington Street to E. Jefferson Street.
 - e. E. Jefferson Street from N. Sixth Avenue to N. Tenth Avenue.
 - f. East Santiam Road from N. Tenth Avenue to the east City limits on Mehama Road.
 - g. Golf Club Road from Highway 22 to Shaff Road.
 - h. Wilco Road
- 2. RIPARIAN SETBACK AND VEGETATION MAINTENANCE REQUIREMENTS.
- a. <u>Application of Riparian Setback Standards</u>. <u>Setbacks for development as defined in this title shall be observed for all lands within the City adjacent to Mill Creek, Salem Ditch, Stayton Ditch, and the North Santiam River.</u>
- b. Riparian Setback Areas. The riparian setback area for all new development other than a fence, sign, or pedestrian way, except as allowed under c. of this subsection, shall be 15 feet from normal high water along the Salem Ditch, Stayton Ditch and 35 feet along Mill Creek and the North Santiam River.
- c. <u>Improvements Within Setback Areas</u>. Along the Salem Ditch and Stayton Ditch, decks or patios attached to a dwelling which do not exceed 4 feet above ground level may extend into the setback area no more than 5 feet from normal high water.
- d. Vegetation Maintenance Standards. Within the riparian setback area, the following standards for maintenance of riparian vegetation shall apply:
 - 1) Along Mill Creek and the North Santiam River, no more of a parcel's existing riparian vegetation shall be removed from the setback area than is necessary for the placement or development, outside of the riparian zone, of use(s) permitted by the zoning district. Vegetation removed in such a manner shall, to the extent practicable, be replaced with similar or the same indigenous vegetation during the next planting season. In no case shall more than 25% by area on any given lot, of existing natural riparian vegetation shall be removed for any reason within the riparian setback area.
 - 2) Dead or diseased vegetation or vegetation which constitutes a hazard to public safety or a threat to existing healthy indigenous vegetation.
 - a) Vegetation to be removed for pedestrian access (pathways) to, or along the waterway.
 - b) Removal of vegetation necessary for the maintenance or placement of artificial or structural shoreline stabilization, provided a showing is made that natural erosion control measures or other non-structural solutions are not feasible and only where applicable state and federal standards are met.

- c) Removal of blackberry vines, scotch broom, or other introduced or invasive species, provided that such vegetation is replaced with other species that are equally suited for ground cover and erosion control.
- 3) Along the Salem Ditch the setback area may be used for residential landscaping adequate to maintain soil stability.
- e. Variance from Riparian Vegetation Requirements. Requests for relief from the above standards shall be processed pursuant to the variance process specified in Section 17.12.190.

17.20.090 LANDSCAPING AND SCREENING GENERAL STANDARDS

- 1. PURPOSE.
- 2. BASIC PROVISIONS. <u>Landscaping and screening standards apply to all zones except the Low Density (LD) Residential</u> and Commercial Core Mixed Use. The minimum area of a site to be retained in landscaping shall be as follows:

Table 17.20.090.2 Minimum Landscape Percentage

Zoning District or Use	Minimum Improvement Per Lot		
Medium Density (MD) Residential	20%		
High Density (HD) Residential	20%		

- 3. SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLAN. The following information shall be included on a landscape plan:
 - a. Lot dimensions and footprint of structure(s), drawn to scale.
 - b. The dimensions and square footage of all landscaped areas, the total square footage of the parking lot, building square footage, and total number of parking spaces.
 - c. The location and size of the plant species, identified by common and botanical names, and expected size within 5 growing seasons.
 - d. The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculptures, benches, and trash receptacles.
 - e. Adjacent land-uses. For any residence within 50 feet of the subject site, indicates the building's location and its distance from the subject property boundary.
 - f. Location and classification of existing trees greater than 4 inches caliper and measured at 4 feet above ground. Where the site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- 4. SUBMITTAL REQUIREMENTS FOR IRRIGATION PLAN. The irrigation plan shall indicate the source of water and show the materials, size and location of all components, including back flow or anti-siphon devices, valves, and irrigation heads.

- a. Minimum Landscape Standards.
- 1) Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless the Code specifies otherwise for general public and safety reasons. If street trees or other plant material do not survive or are removed, materials shall be replaced in kind within 1 year.
- 2) Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of the development. Trees of 25 inches or greater in circumference measured at a height of 4 feet above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compacting of the soil takes place between the trunk of the tree and the area 5 feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
- 3) Planter and boundary areas used for required plantings shall have a minimum diameter of 5 feet inside dimensions. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7½ feet.
- 4) In no case shall shrubs, conifer trees, or other screening be permitted within the sight distance triangle or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
- 5) Landscaped planters and other landscaped features shall be used to define, soften or screen the appearance of off street parking areas and other activity from the public street. Up to 25% of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the decision authority.
- 6) All areas not occupied by parking lots, paved roadways, walkways, patios, or building shall be landscaped.
- 7) All landscaping shall be continually maintained, including necessary watering, pruning, weeding, and replacing.
- 5. REQUIRED TREE PLANTINGS. Planting of trees is required along public street frontages, and along private drives more than 150 feet long. <u>Trees shall be planted outside the street right-of-way except where there is a designated planting strip or a City-adopted street tree plan.</u> (There no city-adopted street tree plan.)
 - a. Street trees species shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may be used only with approval by the decision authority.
 - b. Spacing of Street Trees. Trees with a medium canopy shall be spaced 20 feet on center. Trees with a large canopy shall be spaced 25 feet on center.
 - c. Trees shall be trimmed to a height that does not impede sight distance, pedestrian traffic or vehicular traffic.

- 6. TREE PLANTING RESTRICTIONS. Street trees shall not be planted:
- a. Within 10 feet of fire hydrants and utility poles, unless approved otherwise by the City Engineer.
- b. Where the decision authority determines the trees may be a hazard to the public interest or general welfare.
- c. Under overhead power lines, if tree height at mature age exceeds the height of the power line.
- 7. IRRIGATION. Due to an increasing public demand for water and the diminishing supply, economic and efficient water use shall be required. Landscaping plans shall include provisions for irrigation. Specific means to achieve conservation of water resources shall be provided as follows:
 - a. Any newly planted landscaped area shall have a permanent underground or drip irrigation system with an approved back flow prevention device.
 - b. Wherever feasible, sprinkler heads irrigating lawns or other high-water demand landscape areas shall be separated so that they are on a separate system than those irrigating trees, shrubbery or other reduced-water requirement areas.
 - c. Irrigation shall not be required in wooded areas, wetlands, along natural drainage channels, or stream banks.

8. REQUIREMENTS FOR PLANT MATERIALS.

- a. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, evergreens and/or ground cover. The intent of this Section is to avoid large expanses of lawn without other landscaping features and the decision authority shall determine what constitutes a suitable combination of landscape material as part of the review of each landscape plan.
- b. Use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to conserve water during irrigation.
- c. Trees shall be species having an average mature crown spread greater than 15 feet and having trunks which can be maintained in a clear condition so there is over 5 feet without branches. Trees having a mature crown spread less than 15 feet may be substituted by grouping trees to create the equivalent of a 15 foot crown spread.
- d. Deciduous trees shall be balled and burlapped or in a container, be a minimum of 7 feet in overall height or 1.5 inches in caliper measured at 4 feet above ground, immediately after planting. Bare root trees will be acceptable to plant only during their dormant season.
- e. <u>Coniferous trees shall be a minimum 5 feet in height above ground at time of planting.</u>
- f. Shrubs shall be a minimum of 2 feet in height when measured immediately after planting.

- g. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen, planted with a minimum height of 2 feet.
- h. Vines for screening purposes shall 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
- i. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryes and fescues used within the local landscape industry.
- j. Landscaped areas may include architectural features such as sculptures, benches, masonry or stone walls, fences, and rock groupings. The exposed area developed with such features shall not exceed 25% of the required landscaped area.
- k. Landscaped areas may include minimal areas of non living ground covers where the applicant can demonstrate that plant ground covers are not appropriate. Artificial ground covers such as bark, mulch chips, gravel or crushed stone shall not exceed 15% of the landscaped area. This percentage shall be based on the anticipated size of landscape plants at maturity, not at planting.
- I. Artificial plants are prohibited in any required landscaped area.

9. REPLANTING NATURAL LANDSCAPE AREAS

- a. Areas that are not affected by the landscaping requirements where natural vegetation has been removed or damaged through construction activity shall be replanted.
- b. Plant material shall be watered at intervals sufficient to assure survival and growth.
- c. The use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.
- 10. LANDSCAPING IN THE PLANTER STRIP. Except for portions allowed for parking, loading, or traffic maneuvering, the planter strip shall be landscaped. The planter strip shall not count as part of the lot area percentage to be landscaped.
- 11. BUFFER PLANTING-PARKING, LOADING AND MANEUVERING AREAS: Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a variety of plants shall be used to achieve the desired buffering effect.
 - a. Buffering is required for any commercial, industrial, or multi-family development with more than 4 parking spaces. Buffering shall occur in the following manner:
 - 1) Any parking area, loading area, or vehicle maneuvering area shall be landscaped along property boundaries. The landscaped area shall meet the minimums in Table 17.20.090.11.a.1

Table 17.20.090.11.a.1 Buffering Requirements in Feet

Use of	Adjacent Use at Property Line			Adjacent Street			
Property							
	Single Family & Duplexes	Multi Family Dwellings	Commercial	Industrial	Local	Collector	Arterial
Multifamily Dwellings	5	5	5	5	5	5	5

- 2) Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements and must meet the standards of Section 17.20.050.
- b. Landscaping with buffer strips may be counted towards meeting minimum percentage landscaping requirements.
- 12. SCREENING (HEDGES, FENCES, WALLS, BERMS). Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.
 - a. Height and Capacity. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site.
 - b. Chain Link Fencing. A chain link fence with sight obscuring slats shall qualify for screening only if a landscape buffer is also provided.
 - c. Height Measurement. The height of fences, hedges, walls and berms shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is prohibited within the sight distance triangle.
 - d. Berms. Earthen berms up to 6 in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs and trees. Bark mulch or other non-living materials shall not be used as the ground cover for an earthen berm.

17.20.150 TREE PRESERVATION

1. NEW DEVELOPMENT AND REDEVELOPMENT. Except for tree farms, development sites are vigorously encouraged to preserve existing trees. Site plans for new development, grade and fill plans shall disclose the details of tree removal including numbers of trees, size and species of trees to be removed.

- 2. STREET TREES. Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant, or remove any street tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. Private property owners are responsible for the maintenance and replacement of street trees within adjacent public rights-of-way.
- 3. HERITAGE TREES. Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant or remove any Heritage tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. A list of community Heritage trees will be kept and maintained by the City Administrator or designee. Recognition of Heritage Trees. Stayton citizens wishing to have trees recognized by the City as Heritage trees shall submit their request in writing to the City Council. The request shall explain why the subject tree is of exceptional value to the community. A majority vote of approval of the City Council will add the tree to the Heritage Tree list. No tree shall be designated a Heritage tree unless the property owner agrees. Property owners may request the removal of the Heritage Tree designation from trees on their property.

CHAPTER 17.24 LAND DIVISIONS

17.24.090 APPLICATION AND APPROVAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS

- 1. PURPOSE STATEMENT. The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provides an attractive living and working environment.
- 2. APPLICABILITY. The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. However, the City shall require that the following types of development be processed using the provisions of this Section:

- a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.
- b. Where the land division is to occur on slopes of 15% slope or greater.
- c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development.
- 3. APPLICATION AND INFORMATION REQUIREMENTS <u>FOR CONCEPTUAL</u>
 <u>APPROVAL</u> OF A MASTER PLANNED DEVELOPMENT. The application and submission requirements for a conceptual master planned development plan shall include:
 - a. Three copies of the conceptual plan at a scale of 1 inch equals not more than 50 feet including the general location of: streets, open space, residential development identified by type, and any commercial development including potential uses. In addition, 10 copies of the conceptual plan reduced to fit on an 11 X 17 page shall be submitted.
 - b. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development such as the number of types of residential units, the range of lot sizes, and the size and scale of any non-residential uses. The statement shall also include a discussion of the rationale behind the assumptions and choices made by the applicant.
 - c. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 - d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
 - e. Existing Conditions map. At a minimum, the existing conditions map shall show the applicant's entire property and the surrounding property to a distance of 300 feet to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified by:
 - 1) The location and width of all streets drives, sidewalks, pathways, rights-of-way and easements on the site and adjoining the site.
 - 2) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards.

- 3) Resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.
- 4) Site features including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.
- 5) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.
- 6) The location, size and species of isolated trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade. The map shall also show the general location of groves of trees larger than 3,000 square feet and indicate the location of any specimen trees to be preserved in the development process in accordance with Section 17.20.150.
- 7) Location and impact on any facilities in the adopted Water, Sewer, Transportation, Storm Drainage, and Parks Master Plans
- 4. PROFESSIONAL DESIGN TEAM. A professional design team shall be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be involved in the preparation of the concept and detailed plan.
 - a. A licensed architect or professional designer.
 - b. A registered professional engineer
 - c. A landscape architect or landscape designer.
- 5. CONCEPT PLAN APPROVAL CRITERIA. The decision authority shall review the concept plan and make findings and conclusions as to compliance with the following criteria. The decision authority may approve the concept plan with conditions of approval necessary to assure that the proposed development meets the following standards.
 - a. All relevant provisions of the Comprehensive Plan are met.
 - b. The proposed Master Planned Development will be <u>reasonably compatible</u> 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.
 - 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.
- 6. TIMELINE FOR FILING A DETAILED MASTER PLAN: Within one year after the date of approval of the concept plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of this Section.

- a. Extension. If deemed necessary by the decision authority, a 6-month extension to the one year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval provided:
 - 1) The applicant can show intent of applying for detailed development plan review within the 6-month extension period.
 - 2) There have been no changes to the applicable Comprehensive Plan policies and Code provisions on which the approval was based.

7. APPLICATION AND INFORMATION REQUIREMENTS <u>FOR DETAILED APPROVAL</u> OF A MASTER PLANNED DEVELOPMENT.

- a. The application and submission requirements for a detailed master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the detailed plan shall include:
- b. A narrative documenting compliance with the all applicable approval criteria contained in Section 17.24.100.
- c. Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential geologic, noise, environmental, natural resource, and other impacts and required mitigation.
- d. Detailed site plan, including:
 - 1) Lot configuration and identification of proposed uses
 - 2) Residential density (by phase, if a phased project) expressed in dwelling units per acre of land for each type of residential development and for the entire development.
 - 3) Circulation plan including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities and their connections to existing or proposed off-site facilities.
 - 4) Open space plan including:
 - a) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, trails, public parks, recreational areas, and similar public, semi public areas and uses.
 - b) Design of trails or open space areas including proposed landscaping.
 - c) Design of any structures such as playgrounds, sports facilities, and park shelters.
 - 5) Location of all potential fences including proposed materials and transparency.
 - 6) Lighting plan meeting the requirements of Section 17.20.170
 - 7) Landscaping plan meeting the requirements of Section 17.20.090

- 8) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)
- 9) Architectural plan including:
 - a) Narrative description of proposed building styles for all residential, commercial or other structures.
 - b) Building footprints
 - c) Proposed Codes, Covenants & Restrictions for all residential lots that meet the applicable requirements of Sections 17.20.190, 17.20.200 and 17.24.100.
 - d) Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.
- 10) Sign plan that includes size, style, and location of any proposed signs.
- 8. DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA. The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and the conditions of its approval. Minor changes to the approved concept plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below.
- a. The detailed development plan shall meet all applicable approval criteria of Sections 17.12.220, 17.24.050, 17.24.100, and Chapter 17.26.
- b. If a phased development, each phase shall be:
 - 1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - 2) Arranged to avoid conflicts between higher and lower density development.
 - 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.

17.24.100 MASTER PLANNED DEVELOPMENT DESIGN STANDARDS

Master Planned Developments shall be subject to the following design criteria and objectives.

- 1. REGULATIONS THAT MAY BE MODIFIED. The site development standards of this Title shall apply to a Master Planned Development except the following which may be modified if the design standards of subsection 2 are met.
 - a. Minimum lot area, width, frontage, setbacks, and height.
 - b. Minimum parking requirements.
 - c. Use of back lots in a subdivision.

- d. Block length, street layout, street width.
- 2. DESIGN STANDARDS. In addition to the applicable design standards of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230, the following design standards shall be met by Master Planned Developments.
 - a. Design Consistency: All structures, commercial, multi-family dwellings, single family dwellings, open space facilities shall have consistency in design through the use of similar design features such as but not limited to architectural details, lighting fixtures, and exterior finishes.
 - 1) This criterion does not require the development to conform to one specific architectural "style" such as Arts & Crafts, or Colonial, but it shall require continuity of design for all structures in the development.
 - 2) The design chosen by the developer shall be specified in the approval documents and the Codes, Covenants & Restrictions (CCRs) of the development and/or a specific set of standards approved as part of the detailed master plan. The design standards shall be enforced by the City throughout the development and permitting process and shall be enforceable by any homeowners owners association and individual lot owners through the CCRs.
 - b. Design for Detached Single Family Dwellings. The detailed design plan for any portion of the master planned development that includes detached single family dwellings shall meet the following standards:
 - 1) A minimum of fifteen percent of each lot shall be landscaped.
 - 2) Recreational vehicle storage in the front yard shall be prohibited.
 - 3) Graveled/paved parking areas in the front yard outside of the driveway shall be prohibited.
 - 4) At least four of the following design features shall be included on the sides of a building facing a street, public right of way or open space.
 - a) Dormers or gables
 - b) Cupolas
 - c) Bay or bow windows
 - d) Exterior shutters
 - e) Recessed entries
 - f) Covered porch entries or porticos
 - g) Front porch of at least 100 square feet
 - h) Covered or uncovered balconies
 - i) Pillars or posts

- j) Eaves with a minimum 18 inch projectionk) Exterior brick work or masonry on a minimum of 15% of the façade, not including
- the area of doors and windows.
- 5) All buildings sides facing a street, public right of way or open spaces hall have a minimum of 15% in windows or doors with glazing.
- 6) A break in wall plane of at least 16 inches every 30 feet.
- 7) Offsets or breaks in roof elevation of at least 2 feet every 30 feet c. Fences.
 - 1) There shall be no fences in the front yard of residential structures
 - 2) If a lot adjoins an open space, trail or water way, any fence not located in the front yard or between two structures must be 50% open and no more than 4 feet in height. Alternately, a solid fence of not more than 6 feet in height may be allowed in rear yards for privacy if an additional 10 feet of public open space is added between any trails, waterways or common open space and the fence and that area is landscaped to buffer and conceal the fence.
- d. Open Space: Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. Open space includes all areas not in a street right-of-way that are publicly dedicated or under common ownership.
 - 1) If the development is adjacent to the shorelines of the North Santiam River, Mill Creek, the Stayton Ditch, or the Salem Ditch a useable portion of the shoreline and reasonable public access to it shall be part of the open space and the open space requirement shall be reduced to 20%.
 - 2) The decision authority may waive or reduce the requirement for open space when the master planned development is adjacent to and provides access to a public park or other off-site open spaces.
 - 3) The open space area shall be shown on the detailed plan and recorded with the final plat.
 - 4) The open space shall be conveyed in accordance with one of the following methods:
 - a) At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with

regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.

- b) By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.
- 5) Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities.
- 6) Areas identified as open space shall preserve important natural features such as wetlands, hillsides or historical features and integrate them into the development design. If the development abuts wetlands, the wetlands and an area around their perimeter shall be included in the open space.
- 7) Pedestrian trails shall provide connectivity within the development and to the adjacent area and meet the requirements of the adopted Trails Master Plan.
 - a) Any pedestrian paths shall be public.
 - b) Paths with hard surface shall be a minimum of 10 feet in width centered within a 20-foot wide right of way or easement.
 - c) Paths with soft surface shall be a minimum of 6 feet in width generally centered within a 16-foot wide right of way or easement.
 - d) Paths shall have a minimum average illumination level of 1.0 foot candles.
 - i. If the path is a sidewalk or adjacent to an open space with lighting such as a park or playground, this standard may be met if the surrounding lighting can meet the standard.
 - ii. If there is no surrounding lighting, the path shall be provided with continuous pedestrian scale lighting that meets this standard.

8) A minimum of 10% of the open space shall include amenities such as but not limited to: plazas, playgrounds, picnic areas, park shelters, indoor or outdoor recreation facilities, and community buildings.

e. Streets.

The detailed development plan may provide for streets that are narrower than those typically required in a subdivision.

- 1) Street right of way width may be reduced to 50 feet if:
 - a) All lots and buildings that front on that portion of the street are accessed by alleys, with no driveway entrances onto that portion of the street which is reduced in width.
 - b) On-street parking is restricted to only one side of the street.
 - c) The street layout pattern preserves connectivity and intersection design that meets the standards of Title 12 and intent of the Transportation Master Plan.
 - e) If there are one-way loops provided to serve residential developments.
- 2) If there are long blocks in the design, additional pedestrian connectivity will be required
- 3) Approval of street designs shall be required from the Public Works Director after consultation with the Fire Chief.

f. Parking.

Common parking areas shall meet the landscaping standards of Section 17.20.060. The totalnumber of required parking spaces may be reduced by up to 15% if:

- 1) The parking area has pedestrian facilities that are connected to city's pedestrian trail system.
- 2) The required number of bicycle parking spaces is increased by 25% and provided with a covered parking area.
- 3) Additional parking spaces can be provided in parking areas within 500 feet with pedestrian connectivity or on-street parking is available.
- 4) The area meets the joint use standards of Section 17.20.060.6.

g. Density.

- 1) When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of attached or detached single family, duplex, triplex, or multifamily dwellings.
- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 50% increase in density.
 - a) Where the percentage of open space increases. The bonus shall permit a 5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.d.
 - b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, such as locating garages behind the primary building line of the house, side loaded garages, or alley-access garages, a density bonus of up to 20% may be granted.
 - c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8.
 - d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.

Pre-application questions:

Land Use Requirements

- 1. It is anticipated the following application is required, please confirm this is accurate: annexation application. Yes, an application for annexation is required.
- 2. Please confirm the property will be annexed into the city exempt from voter approval and will be assigned residential zoning in accordance with Stayton's Comprehensive Plan. See memo regarding exemption from voter approval due to ORS.
 - a. Please confirm that planning advises that it would feasible for a portion of the property to be annexed would be designated in either of the 3 below residential designations, according to the applicant's site plan proposal, which will include 2 of the 3 below designations:
 - i. Low Density Residential

- ii. Medium Density Residential
- iii. High Density Residential

Yes, the Comprehensive Plan states the area will be residential without noting the particular density for the parcel. There is a High Density Residential zoned parcel adjacent to the property.

- 3. Please confirm the setbacks for each property line that will be applicable for future development following a successful annexation. <u>See memorandum.</u>
- 4. Please provide your definition of "Townhome/Townhouse," and confirm the maximum amount of attached townhome units within your respective definition (before a break between units). For example, "8 attached townhome dwellings allowed, within a minimum setback of 5" between the next set of adjacent attached townhomes."

 Townhomes are not defined as such in 17.04.100 DEFINITIONS. There is a description of DWELLING, SINGLE FAMILY ATTACHED: A building containing two or more dwelling units, with each dwelling unit on a separate lot, but sharing common walls. This is what would be considered a townhome. A Townhouse is defined as: TOWNHOUSES: A multiple family dwelling of at least 2 stories in which each dwelling unit has space on the ground floor.

In 17.20.190.2.c., there is a figure: Example of Townhomes with Shared Driveways.

5. Please confirm there are no previous land use actions on this property which would impact or disallow the proposal.

Not that I know of.

6. Please confirm application corresponding fees for land use approval.

Major Annexation \$4,500 deposit. Costs reflex actual time of staff, review, copies, and mailings.

7. Please discuss the timeline for this type of application. The applicant understands both the 30 and 120-day rules and that annexations are not subject to statutory deadlines, please provide approximate project timelines based on staff review times, hearing dates, and individual workloads.

See memorandum.

8. Please confirm if the applicant should anticipate any dedications to the city including property for parks, future streets, stormwater facilities, etc.

See engineering memorandum.

- 9. Please confirm / provide an update on the adjacent ODOT Street Round-a-Bout, including:
 - a. Construction Timelines
 - b. Street Cross Section Improvements/Details/Civil Plans
- c. Any means by which the ODOT Round-a-Bout is anticipated to affect, or change the existing conditions of the subject site or property frontage along Shaff Rd.

See engineering memorandum.

- 10. Please provide a list of information which is required to be submitted with the land use application(s) for the proposed development, including a detailed list of plan requirements to be included on the Conceptual Site Plan.
 - a. Identify if a Formal Wetland Delineation by DSL is required at the time of the Annexation Decision. <u>See memorandum.</u>
 - b. Identify if a preliminary or full infiltration study, GSI report, or proposed GSI/Detention Facilities are required at or prior to the time of the Annexation Decision. See engineering memorandum.
- 11. Please confirm what supplemental studies or reports are required to be submitted with this application. <u>See Annexation and Master Plan Development Detailed Form.</u>

Public Works Requirements

- 12. Please confirm the classification designation of streets along the subject property frontage.
- 13. Please provide information on ROW dedication requirements or any realignment needs which may impact the proposed annexation territory.
- 14. Please provide a plan and profile view of the required street improvement if available or applicable.
- 15. Please confirm the location of nearby utility lines, including depths and sizes. Please provide any available as-builts for such utilities.
- 16. Please discuss if early site grading is permitted and if an application process is required.
- 17. Please confirm if annexation triggers a TIA (Traffic Impact Analysis). Or if a TIA will only be a requirement of future development.
- 18. Please discuss what off-site improvements might be required by this annexation, if any.
- 19. Please provide an SDC estimation for the proposed development.
- 20. Please confirm the setbacks from Salem Ditch, and how that setback is to be determined (I.E. top of bank, and what data source will quantify the Top of Bank).
- a. Please verify any restoration or improvements anticipated to be conditioned along Salem Ditch, and identify what party has jurisdiction over the Salem Ditch, with contact information provided.

Fire Department Requirements

- 21. Please confirm that sufficient water system capacity and pressure exists for domestic and fire services.
- 22. Have any fire flow tests been completed within the vicinity of the project site? If so, please provide copies of such tests.

Environmental Hazards

- 23. Please confirm there are no known environmental hazards on the property which would require DEQ notification.
- 24. Please confirm if there are any landslide hazards known to the city.
- 25. Please confirm if there are any known wetlands, riparian areas, floodplains, etc.



Proposed Annexation and Development along Shaff Road – Pre-Application Meeting Discussion Notes (Preliminary) City of Stayton, OR

TO: Pre-Application Meeting Discussion Notes

FROM: John Ashley, P.E./City Engineer

COPIES: Lance Ludwick, P.E./Public Works Director

Michael Schmidt/Public Works Engineering Technician II

PROJECT: Proposed Annexation and Development along Shaff Road -

091W04C-TL001901

DATE: Pre-Application Meeting – August 8, 2024 @ 2:00pm.

(PRELIMINARY DISCUSSION NOTES)

Background

I received a copy of the pre-application meeting notice and attachments from the City of Stayton. The pre-application meeting will be regarding possible annexation of approximately 17.01 acres and possible single family and multifamily development located along Shaff Road. The existing parcel is currently vacant land.

The following are initial thoughts and comments based on a brief cursory review of the preliminary map/sketch included with the request for a pre-application meeting, and concentrates on the public works aspects and implications of a proposed application. These preliminary discussion notes are based on a review of the applicable public works portions of the City of Stayton Municipal Code (SMC) and Public Works Design Standards (PWDS), and does not include a review of any other agency's requirements, or any building or other specialty code requirements covered under such building, plumbing, mechanical, electrical, fire, etc., or any other applicable codes and regulations that may be required for the project.

Should the applicant decide to pursue continuation of this development, the Developer will be required to obtain any and all required reviews, approvals, and permits required by the Planning Conditions of Approval, SMC, PWDS, Marion County, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work. As such, the Developer shall coordinate with Public Works, Fire Code Official, Building Official, and other appropriate agencies as necessary. The City of Stayton Municipal Code and Public Works Standards are available online at http://www.staytonoregon.gov, under the document center and the public works department menus.



The following preliminary discussion notes are public works initial thoughts and comments based on a brief cursory review of the preliminary map/sketch included with the request for a pre-application meeting, and are intended to be for discussion purposes only. Any SMC, PWS, SWMM, and other Site Development Permit requirements that may be applicable to the proposed development, but not specifically referenced in these preliminary discussion notes, does not in any way relieve the Developer from their responsibility to comply with the requirements of the SMC, PWS, SWMM, and applicable permits, laws, and regulations. Should the applicant decide to pursue continuation of this development, these preliminary discussion notes may be further incorporated into public works recommended conditions of approval.

Project Overview

Project Site and Access

The pre-application meeting request and City GIS mapping show the location of the proposed development to be within Township 9 South, Range 1 West, Section 04C, Tax Lot 01901. Proposed vehicular access to the parcel is from new commercial driveway approaches shown along Shaff Road SE. From the tax assessor's map, Tax Lot 01901 is shown to be approximately 17.01 acres in size.

Existing Site Topography and Utilities

Existing site topography and utilities were not provided with the pre-application meeting request. City GIS mapping indicates that there are no existing public utilities readily available along the frontage to serve the site. As such, offsite public improvements, including those identified in the City's master plans, will be necessary. Prior to annexation and future development of the site, further review and analysis of the site and of existing City public utilities by the Design Engineer(s) will be required, and supporting documentation shall be submitted to the City in accordance with SMC 17.12.210.4.a., which adequately demonstrates that the site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the Applicant and the City.

Construction Phasing

The pre-application meeting request did not indicate if the proposed development will be constructed in multiple construction phases. In accordance with PWDS 103.01.B, if a development that has been approved by the City to be constructed in multiple phases, the construction plans for each phase of the development shall be substantially and functionally self-contained and self-sustaining with regard to access, utilities, open spaces, and similar physical features, and shall be capable of substantial occupancy, operation, and maintenance should the subsequent phases of the development not be developed. City approval of the



construction plans and the time by which construction must begin of one construction phase, shall be independent of City approval for all other construction phases of the development.

Horizontal and Vertical Datum

The pre-application meeting request did not indicate the horizontal and vertical datum being used for the development. In accordance with PWDS 102.03, all elevations on design plans and record drawings shall be based on the NAVD88 Datum, and the horizontal datum shall be based on the Stayton local datum or Oregon State Plain Coordinate System (NAD83).

Findings

Transportation

- TIA/TAL A Transportation Impact Analysis (TIA) will be required for this proposed development in accordance with PWDS 302.02 and SMC 17.26.050. Shaff Road SE is under Marion County jurisdiction, so the Developer will need to coordinate with Marion County Public Works (MCPW) to determine their TIA requirements.
- Right of Way (R/W) Right-of-ways shall comply with the SMC and PWDS 312,
 Geometric Design Requirements by Street Functional Classification. Right-of-way
 dedication at intersections shall be sufficient to at minimum provide 1' clearance behind
 sidewalks and curb ramps in accordance with PWDS 302.05.C. The standard 10' wide
 public utility easement shall be provided along the frontage in accordance with PWDS
 102.08, unless otherwise approved by the Public Works Director. Street connectivity
 and formation of blocks shall comply with PWDS 303.07.E and SMC 17.26.020
 requirements.
 - Shaff Road SE Shaff Road SE is designated in Figure 8 of the City's TSP as a Collector Street under Marion County jurisdiction. PWDS 312 requires a minimum of 80' R/W for Collector Streets designated yellow in the City's TSP. From the assessor's map, it appears that additional R/W will be needed along the frontage in order to meet the minimum half-width R/W requirement in the PWDS. Since the frontage is under Marion County jurisdiction, any additional R/W requirements will be as determined by them.
 - o Intersection of Golf Club Road/Shaff Road/Wilco Road The City's TSP recommends a roundabout be provided at this location and it is currently shown in the City's TSP as the highest priority motor vehicle project. The roundabout project is currently under design. However, since a final engineering design for the roundabout has not yet been completed, only preliminary R/W and easement needs have been established. A 44' wide easement area outside the 40' half-width R/W line is being proposed along the frontage of Shaff Road SE as part of the roundabout project for the Pacific Power transmission lines and for a large storm drainage conveyance swale. In addition, an easement for a large stormwater facility located





- at the southeasterly corner of the parcel along Shaff Road SE is also being proposed as part of the roundabout project. As such, this may have an impact on the proposed site layout and proposed location of structures. Further review and coordination with the City's Traffic Engineers and with Pacific Power by the Design Engineer is recommended early in the development process to identify these areas.
- Interior Subdivision Streets All interior subdivision streets shall comply with the minimum 60' R/W for Local Streets as required by the Public Works Standards. The standard 10' wide public utility easement shall be provided along the frontage in accordance with PWDS 102.08, unless otherwise approved by the Public Works Director.
- Street Improvements Street sections shall comply with PWDS 312, Geometric Design Requirements by Street Functional Classification. In accordance with PWDS 302.01.D, it shall be the responsibility of the Developer to preserve and protect the current pavement condition index rating and the structural integrity of the existing roadways from construction traffic to the satisfaction of the Public Works Director throughout all phases of development. Failure to preserve and protect the roadways may result in the Owner/Developer being responsible for replacing and reconstructing the damaged roadways at the Owner/Developer's expense. It should also be noted that final asphalt concrete pavement and sidewalk sawcut lines for all street improvements will be established by the City Inspector with the Design Engineer and Contractor during construction in accordance with the PWDS.
 - Shaff Road SE Shaff Road SE is currently an unimproved turnpike style street. The City's PWDS indicates that a 46' wide street section with 6' wide property line sidewalks is required for the Collector Street. All necessary street improvements shall be designed in accordance with City and MCPW standards including necessary curb and gutters, asphalt concrete pavement, storm drainage, sidewalks, street lights, and pavement tapers, unless otherwise approved by the Public Works Director. Since the frontage is under Marion County jurisdiction, any additional street improvements will be as determined by them. Unless approved otherwise by the Public Works Director at the time of development, pavement core test results will need to be provided to the City showing that the existing half-street pavement section along the frontage complies with PWDS requirements. If the existing half-street asphalt pavement section is found to be sub-standard along the frontage, the existing pavement section will need to be removed and replaced per PWDS 303.02 and PWDS 305.04. If the existing pavement base is determined to be structurally sound, an overlay of the pavement may be approved per PWDS 305.04.D.
 - Interior Subdivision Streets All interior subdivision streets shall comply with the 34' wide typical Local Street section and other typical Local Street design standards as required by the Public Works Standards. In accordance with PWDS 303.04.A, when private streets are allowed in development, such as for condominiums and apartments, the private streets shall be built to local residential street standards and

MEMORANDUM



meet all Stayton Municipal Code requirements. Private streets shall comply with the Fire Code for fire apparatus access requirements.

Parking Lot –

- Parking lot design shall minimize congestion and take into account both vehicle traffic and pedestrian traffic and shall comply with standard engineering practice, the Stayton Municipal Code, and Public Works Standards.
- All driveway approaches and traffic circulation patterns shall be designed to accommodate emergency vehicles as necessary.
- o The proper number and type of ADA parking stalls shall be provided.
- Parking lot lighting shall be in accordance with SMC 17.20.170.4.c. The type, spacing, and location of parking lot lighting shall be as approved by the City.
- Finish grades shall be such that stormwater runoff will be directed towards an appropriate stormwater system. New parking lot catch basins shall be designed to support H-20 loading and at minimum shall be equipped with sediment and stormwater pollution control traps.
- **Sight Distance and Clearance Areas** Adequate sight distance and clearance areas shall be provided in accordance with PWDS 303.06. Landscaping shall be located and designed to prevent obstruction of the sight distances and clear vision areas.
- **Driveway Spacing** PWDS 303.11.D requires the driveway spacing to be 150' on Collector Streets from another driveway and/or from a nearby street intersection. As such, the driveway access spacing and distances will need to be reviewed by the Developer's Traffic Engineer as part of the TIA.
- Street Lighting The location of existing street lights shall be reviewed and any
 additional street lighting shall be provided as necessary to comply with PWDS 308,
 unless otherwise approved by City and Marion County Public Works. Coordination with,
 and approval by, Pacific Power of any necessary street lighting will be required.
- Mailbox Clusters The Developer shall coordinate the location of any clustered mailboxes with the USPS Postmaster, and the location of any clustered mailboxes shall comply with Public Works Standards and meet the requirements of the Building Official. Coordination with, and approval by the USPS Postmaster of any necessary mailbox clusters will be required.
- Streetscape Appurtenances All public and private franchise utility items that currently exist or will be placed in the right-of-way that will impact the sidewalk and/or the landscape strip shall be coordinated and shown on the plans as necessary. Franchise utility poles and other utility structures shall be coordinated with rightful utility owners and located in accordance with PWDS requirements. Street trees shall be provided in accordance with PWDS 309.05; however, they shall be located and designed to prevent obstruction of the sight distances and clear vision areas.
- Transportation System Plan Figures 3 and 5 of the City's TSP identify some bike and pedestrian improvements that are needed along the frontage of the proposed development. Figure 10 of the City's TSP indicates that a roundabout is needed at the



intersection of Golf Club Road/Shaff Road/Wilco Road (Project M1: Golf Club Road SE/Shaff Road SE Roundabout). Under the project description for Project M1: Golf Club Road SE/Shaff Road SE Roundabout shown on page 52 of the City's TSP, it states that "The intersection of Golf Club Road SE and Shaff Road is currently all-way stop controlled. As shown in Table 10, it currently operates at an acceptable level of service. However, based on existing vehicular volumes, this intersection meets signal warrants as prescribed in the Manual for Uniform Traffic Control Devices. Additionally, during the public engagement process, this intersection was noted to need intersection control upgrade to improve traffic flow." It should be noted that since development of the City's TSP back in 2019, there has been some recent development activity within and around this area. As such, coordination with the City and Marion County, and further review and analysis by the Developer's Traffic Engineer as part of the TIA and by the Design Engineer(s) of this intersection in accordance with the SMC, PWDS, and MCPW will be required. Depending on the findings and recommendations presented in the TIA, some improvements may need to be provided at this intersection in order to comply with SMC, PWDS, and MCPW requirements.

- Parks Master Plan The development shall comply with the Parks Master Plan, including the appropriate open space, trails, and landscaping.
- Engineered Plans The Developer shall submit to the City and to Marion County Public Works (as applicable) for review and approval engineered site and street improvement plans conforming to Public Works Standards.

Water

- **Public Water System** A public water system is not readily available to serve this development, and a utility layout showing the necessary public water system needed to serve the site was not provided with the pre-application meeting request. Further analysis by the Design Engineer will be required to verify public utilities are able to adequately serve the site, and supporting documentation shall be provided to the City for review prior to annexation and future development of the site. Offsite water system improvements in accordance with the City's Water Master Plan and PWDS will be necessary to be designed and constructed per PWDS and OHA-DWS requirements.
- Domestic Service and Backflow Prevention New water services, water meters, and backflow prevention devices (as appropriate) will be required to be installed in accordance with the PWDS as part of future development. All backflow prevention details will need to be reviewed and approved by the City, Building Official, and the Fire Code Official, as applicable. Only Oregon Health Authority Drinking Water Services (OHA-DWS) approved backflow devices shall be used. All private utilities will need to be adequately sized and designed by the Design Engineer in accordance with the PWDS and applicable building/specialty codes, and reviewed and approved by the Building Official.
- Water Quality Sampling Station(s) Water quality sampling station(s) will be required for the development in accordance with PWDS 410.01.A.



- **Fire Protection** Generally, fire hydrant(s) are required to be installed within 250' of any new structure, unless otherwise approved by the Fire Code Official. As such, a fire water service connection and fire vault assembly equipped with a detector type meter assembly will be required to serve any approved private fire water lines and private fire hydrants. The Developer shall review and coordinate with the Fire Code Official to ensure compliance with applicable fire codes and regulations. Any necessary water system improvements shall comply with the Public Works Standards and be shown on the engineered plans. The Developer shall provide the necessary fire access, protection devices, and system modifications and meet all other fire protection requirements of the Fire Code Official.
- **Secondary Fire Access** The Developer shall comply with the SMC, PWDS, and Fire Code Official regarding secondary fire access requirements necessary for the development.
- **Fire Code Official Approval** Prior to Site Development Permit final plan approval, the Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required fire access, protection devices, and system modifications, unless otherwise approved to be deferred in writing by the Fire Code Official.
- Water Master Plan Figure 4 of the City's Water Master Plan shows that a 10" CLDI waterline is needed along the frontage of Shaff Road SE and a 12" CLDI north along the alignment of Salem Ditch. As such, it is recommended that the City work with the Developer for the installation of the needed waterlines and any necessary fire hydrants. The City standard minimum pipe size for a public water main is 8" CLDI. As such, the additional costs for the upsizing of the public water system will be eligible for reimbursement in accordance with SMC 13.12, as further defined in a Development Agreement.
- Engineered Plans The Developer shall submit to the City for review and approval an engineered water system plan conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official and Fire Code Official. A utility easement in accordance with PWDS 102.08 shall be provided if a public water main and/or public fire hydrant is extended outside the public right-of-way.

Sanitary Sewer

• Public Sanitary Sewer System – A public sanitary sewer system is not readily available to serve this development, and a utility layout showing the necessary public sanitary sewer system needed to serve the site was not provided with the pre-application meeting request. Further analysis by the Design Engineer will be required to verify public utilities are able to adequately serve the site, and supporting documentation shall be provided to the City for review prior to annexation and future development of the site. A sanitary sewer study and supporting documentation will be required in accordance with PWDS 503.01. There is an existing sanitary sewer system located at the intersection of Shaff Road and Wilco Road. Offsite sanitary sewer improvements will be necessary to be designed and constructed per PWDS and DEQ requirements to serve the



development. The City standard minimum pipe size for a public sanitary sewer main is 8" and upsizing may be required to serve future development along Shaff Road SE. If upsizing is required, then the additional costs for the upsizing of the public sanitary sewer system will be eligible for reimbursement in accordance with SMC 13.12, as further defined in a Development Agreement. All sanitary sewer system improvements shall comply with PWDS and DEQ requirements.

- DEQ Sanitary Sewer Approval Prior to final plan approval, the Developer will be required to provide written documentation showing that DEQ has reviewed and approved all public sanitary sewer system improvement plans.
- Private Sanitary Sewer Systems All private utilities will need to be adequately sized
 and designed by the Design Engineer in accordance with the PWDS and applicable
 building/specialty codes, and reviewed and approved by the Building Official. In
 accordance with PWDS 506.01.B, multi-family dwellings or commercial buildings shall
 have 6" sanitary sewer service laterals.
 - A sanitary sewer monitoring manhole will be required per the PWDS at the property line to monitor the discharge from the development given the shallow groundwater depths and the amount of sanitary sewer service piping that will be needed to serve the development. In addition, it is recommended that the private sanitary sewer system also be pressure tested in accordance with both PWDS and the building/specialty code requirements.
 - If grease will be introduced into the sanitary sewer system in quantities that can affect sanitary sewer flow or hinder sanitary sewer treatment, then a grease interceptor may be required in accordance with PWDS 505.04.A.
- Wastewater Master Plan Figure 15 of the City's Wastewater Master Plan does not indicate the necessary sanitary sewer system improvements needed to serve development of this area. As such, further analysis by the Design Engineer for the necessary sanitary sewer system improvements will be required prior to annexation and future development of this area.
- Engineered Plans The Developer shall submit to the City and Building Official for review and approval an engineered sanitary sewer plan conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official. A utility easement in accordance with PWDS 102.08 shall be provided if a public sanitary sewer main is extended outside the public right-of-way.

Stormwater

Existing Natural Drainage Features – The Developer shall comply with applicable
portions of SMC 17.20.180 for wetland protection areas, applicability, and application
submittal requirements, SMC 17.16.100 if located in areas of special flood hazard, and
shall provide the necessary setbacks/resource overlays required by the SMC and PWDS
for the existing natural drainage features located onsite. Existing natural drainage





features shall be protected at all times and shall comply with SMC, PWDS, and jurisdictional agency requirements.

- Public Storm Drainage System A public storm drainage system is not readily available to serve this development, and a utility layout showing the necessary public storm drainage system needed to serve the site was not provided with the pre-application meeting request. Further analysis by the Design Engineer will be required to verify public utilities are able to adequately serve the site, and supporting documentation shall be provided to the City for review prior to annexation and future development of the site. As such, offsite stormwater improvements may be necessary to be designed and constructed per PWDS requirements and conveyed to an acceptable point of discharge.
- Private Storm Drainage System Private storm drainage systems for the development shall be designed in accordance with the PWDS and design calculations shall be submitted for review. All private utilities will need to be adequately sized and designed by the Design Engineer in accordance with the PWDS and applicable building/specialty codes, and reviewed and approved by the Building Official.
- **Site Excavation and Grading** The design, excavation, and grading of the site shall comply with SMC 15.10. A Geotechnical Engineering Report for the site excavation and grading work shall be provided in accordance with the SMC 15.10.090, and recommendations included in the Geotechnical Engineering Report shall be incorporated in the grading plans or specifications per SMC 15.10.090.4.c. Excavation and grading setbacks shall comply with SMC 15.10.140. Inspection during construction of the excavation and grading work shall be in accordance with 15.10.170. Upon completion, final asbuilts, reports, and written certification shall be provided to the City in accordance with 15.10.180.
- Stormwater Analysis and Report A stormwater analysis, drainage report and supporting documentation will be required in accordance with PWDS 603.01. Existing site topography, off-site contributing areas, and the high seasonal groundwater elevation will need to be considered and included in the stormwater design. All developed open water surface areas will need to be included in the stormwater calculations and the required stormwater facility setback distances shall be included in the design and shown on the plans. The City is known to have high seasonal groundwater issues so the potential impacts to the stormwater drainage system and stormwater facilities will need to be considered in the design.
- Stormwater Easement/Tract –Stormwater facilities serving more than one tax lot or designed to function as multiuse/recreational facilities must be located in a separate tract (e.g., Tract A), defined easement, or designated open space. All necessary easements and tracts shall comply with the SMC, PWDS, and SWMM requirements.
- **Stormwater Quality and Quantity** In accordance with PWDS 602.01.N, stormwater quality and quantity provisions shall be included as part of the design considerations. The City's thresholds for proposals that are subject to the stormwater quality and quantity requirements are as indicated in PWDS 602.01.N. Unless otherwise specifically





approved by the City Engineer, proposals meeting these thresholds must comply with the stormwater quality (pollution reduction) requirements specified in PWDS 607, the stormwater quantity (flow control) requirements specified in PWDS 608, and the stormwater infiltration requirements specified in PWDS 609. All projects shall comply with the City's stormwater operations and maintenance (O&M) plan and agreement requirements and source control requirements.

- In accordance with PWDS 602.01.N, stormwater shall be surface infiltrated onsite to the maximum extent feasible, before discharging any flows offsite. The City is known to have high seasonal groundwater issues, so if infiltration is proposed, the site's actual infiltration rates (to be determined during wet-weather months) and the seasonal high groundwater elevation for this area will need to be determined and the potential impacts to the stormwater drainage system and stormwater facilities (including the vertical separation requirements) will need to be considered in the design. However, given the seasonal high groundwater issues known in this area, infiltration will most likely not be appropriate. Depending on the types of stormwater facilities being proposed for the development, groundwater monitoring wells may be necessary in order to properly monitor and determine the site's high seasonal groundwater elevations. As such, it is strongly suggested that this be discussed with a Geotechnical Engineer early in the design process. Per PWDS Table 602.05.C, a 5' minimum vertical separation from the high seasonal groundwater shall be provided, unless otherwise approved. See PWDS 609 for stormwater infiltration requirements.
- Stormwater quality facilities meeting the requirements of PWDS 607 will be required. Stormwater facilities will need to properly function during periods of high groundwater and the water quality of the groundwater needs to be adequately protected. Best management practices shall be used to minimize any degradation of stormwater quality caused by the development. A stormwater quality manhole shall be provided upstream of vegetated stormwater facilities per PWDS 607.03, unless otherwise approved.
- Stormwater quantity facilities meeting the requirements of PWDS 608 will be required. If retention is proposed, then the stormwater retention facility shall be designed to retain a 100-year storm event per PWDS 602.05.C. If detention is proposed, stormwater quantity facilities will be required to detain post-developed peak runoff rates from the 2-year, 5-year, 10-year, 50-year, and 100-year 24-hour storm events to the respective pre-developed peak runoff rates, and the post-developed peak runoff rate for the 25-year storm event will be required to be detained to the 10-year pre-developed peak runoff rate per PWDS 602.05.C. A downstream capacity analysis may also be required per PWDS 603.01.B.
- Provisions for an adequate and approved emergency overflow system are required to convey the post-developed 100-year storm event flows to an acceptable point of discharge, and an emergency escape route shall be provided in accordance with





SWMM requirements. Per SWMM 2.4.2.3, emergency escape routes from stormwater facilities are not the same as a piped overflow and cannot be directly piped to public storm sewer systems. Recommended emergency escape routes include safe overland flow routes to parking lots, streets, landscaped areas, or drainage ways.

- Appropriate setbacks from the edge of the stormwater facility's maximum water surface to the building foundations and property lines shall be provided, unless an easement with adjacent property owners is provided in accordance with the SWMM requirements.
- The amount of impervious surface area that has been included in the stormwater calculations shall be shown in the stormwater drainage report narrative and noted on the stormwater plans, including what the impervious surface area calculation includes (e.g., pavements, sidewalks, driveways, driveway approaches, roofs, etc.). The maximum amount of impervious surface area shall be shown for the buildings to be constructed that has been accounted for in the stormwater facility design. The stormwater facility open water surface area will also need to be included in the calculations as an impervious open water surface area.
- Source control measures shall be implemented for the development in accordance with PWDS 602.01.N. The SWMM Source Control Manual defines the source control characteristics and uses and identifies structural source controls that must be implemented to manage the pollutants at their source.
- Acceptable Point of Discharge It shall be the responsibility of the Developer to provide a suitable discharge location for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards and jurisdictional agency's requirements. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City applicable jurisdictional agencies. It is recommended that the Developer work with the Santiam Water Control District (SWCD) early in the design process if stormwater is planned to be discharged to the Salem Ditch. In accordance with PWDS 605.08.A, any new outfall into Salem Ditch will require written approval from the SWCD prior to final plan approval. Offsite stormwater improvements may also be necessary to be designed and constructed per PWDS requirements in order to be conveyed to an acceptable point of discharge.
- Stormwater Operation and Maintenance Plan and Agreement Operation and
 maintenance of any public stormwater facilities will be the obligation of the Developer
 within the 2-yr Stormwater Facility Warranty Bond period. Operation and maintenance
 of any private stormwater facilities will be the obligation of the property owner. As
 such, a stormwater operation and maintenance plan and agreement (as approved by
 the City) will be required to ensure future operation and maintenance of private
 stormwater facilities. See the Public Works Standard forms.



- Stormwater Master Plan Figure 11 of the City's Stormwater Master Plan shows that a 48" storm drainage system is needed along the frontage within Shaff Road SE, and a future onsite detention system is needed along Shaff Road SE west of Golf Club Road. The Developer will need to review and comply with the most current recommendations of the City's Stormwater Master Plan at the time of development, unless otherwise approved by the Public Works Director. However, it is assumed that this large diameter master planned stormwater improvement would not be applicable to the proposed development, unless otherwise directed by the Public Works Director.
- Engineered Plans The Developer shall submit to the City for review and approval
 engineered stormwater conveyance, quality, and quantity plans, stormwater analysis
 and report, and an O&M plan and agreement conforming to Public Works Standards,
 and meeting the requirements of the Building Official. A utility easement in accordance
 with PWDS 102.08 shall be provided if a public storm drainage main is extended outside
 the public right-of-way. The Developer shall provide written documentation to the City
 that Marion County Public Works has reviewed and approved any proposed discharge to
 the existing County road system.

Erosion and Sediment Control

 Erosion and Sediment Control Plan – The Developer shall submit to the City for review and approval an erosion and sediment control plan conforming to Public Works Standards. Erosion and sediment control measures shall be in accordance with PWDS Division 7. A 1200-C permit will need to be obtained by the applicant from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material.

Franchise Utilities

• Franchise Utility Improvements – All franchise utility improvements, including but not limited to, telephone, electrical power, gas and cable TV shall meet the current standards of the appropriate agency as well as Public Works Standards. All franchise utilities shall be located with the 10' PUE and utility plans shall be submitted to the City for review and approval.

August 11, 2025

Jennifer Siciliano City of Stayton Planning Department 362 N. Third Avenue Stayton, OR 97383

RE: Proposed Annexation and Development along Shaff Road located at 11641 Shaff Rd, Aumsville OR Tax lot # 091W04C1901

We respectfully submit the following information regarding the proposed annexation and development along Shaff Road with high density residential zoning. This document outlines the current conditions and planned improvements required for annexation of the site related to transportation and public utilities in compliance with the City of Stayton's standards, requirements, and review criteria. This criteria is outlined in 17.12.210.4.b of the Land Use and Development Code as follows; "The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City." For basis of this report, we are going to assume 24 units per acre.

Site Description

The proposed annexation area is located at 11641 Shaff Road, Stayton OR, 97325, tax lot 091W04C001901, shown in Figure 1 below, and it currently consists of relatively flat farmland without distinct topographic features. The site is bounded by Shaff Road to the south, Salem Ditch to the west, and private properties to the north and east. At this time, no public utilities serve the area; utility connections and extensions can be addressed as part of the development process.

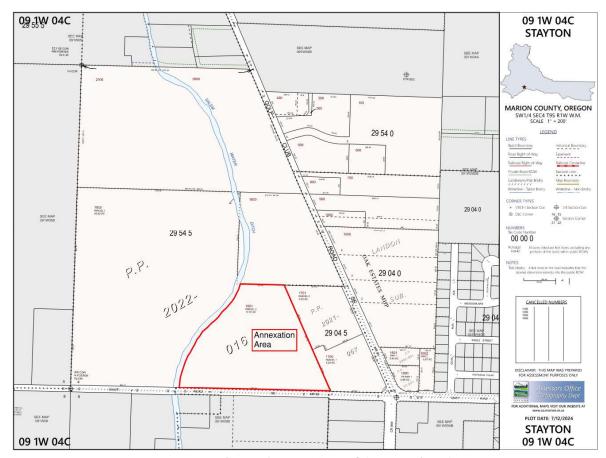


Figure 1. Tax Map of Annexation Area.

Transportation

Road Classification

Per the Stayton Transportation System Plan, Shaff Road, Wilco Road, and Golf Club Road are all county-maintained. Golf Club Road is classified as a Minor Arterial. Both Shaff Road (adjacent to the project site) and Wilco Road are classified as Collector streets.

Right-of-Way (ROW)

The Transportation System Plan classifies the section of Shaff Rd along the site as a Collector with ultimate ROW requirements of 60 to 80-feet. The Existing ROW ranges from 55 to 60-feet wide, with approximately 30-feet from the center line to edge of site. Therefore, upon development the applicant proposes dedicating 40-feet from the center of the road for a total of an 80-foot ROW. The current ROW and center line can be seen in Figure 2 below as well as the proposed ROW upon development. All internal subdivision streets can meet the minimum 60-foot ROW for Local Streets as required by the Public Works Design Standards (PWDS) and Transportation System Plan.

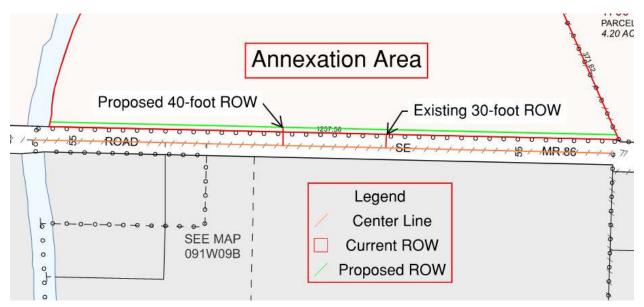


Figure 2. ROW.

The City's 2019 Transportation System Plan identifies a proposed roundabout at the Shaff and Golf Club Road intersection. Keller Associates' schematic design indicates the additional ROW needed for this roundabout may not affect the proposed development site. The location of the proposed development site and proposed roundabout can be seen in Figure 3 below. However, if the City requires additional ROW, it can be accommodated at the time of development.



Figure 3. Proposed Round About at intersection of Shaff Rd and Golf Club Rd.

Street Improvements

Upon development a minimum driveway spacing of 150-feet along Shaff Road can be maintained in accordance with its Collector classification. All new streets can comply with PWDS Section 312, which includes requirements for curb and gutter, asphalt paving, storm drainage, sidewalks, street lighting, and pavement tapers.

Upon development interior subdivision streets can follow the 34-foot Local Street section standard. Private streets can meet fire apparatus access requirements outlined in the Fire Code. Applicant can provide the standard 10-foot Public Utility Easement (PUE) along all public frontages, per PWDS 102.08, unless otherwise approved.

In accordance with PWDS 302.01.D and the TSP, upon development the applicant can preserve the existing pavement condition index and structural integrity of surrounding roadways throughout all phases of construction, to the satisfaction of the Public Works Director.

Transportation Conclusion

The proposed annexation meets the criteria for annexation by section 17.12.210.4.b of the Land Use and Development Code, because "the site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City."

Water System

Public Water System:

The 2006 Water Distribution Facilities Planning Study for Stayton OR, outlines planned improvements through the project site and along Golf Club Road. These include the installation of a 10-inch water main along Shaff Road and a 12-inch distribution line along Salem Ditch (see Figure 4). These improvements are feasible and can be constructed as part of the development. The estimated domestic water demand for the site with 24 units per acre and the conservative assumption of 100 gallons per capita per day, based on typical water usages in surrounding areas, is 113 gallons per minute for the site and can be seen below in Equation 1. Therefore, upon development the site can be served with domestic water.

$$\frac{100~gal}{1~\frac{person}{day}}*\frac{4~people}{1~unit}*\frac{24~units}{1~acre}*\frac{17~acres}{1~site}*\frac{1~day}{1,440~min}\approx 113\frac{gal}{min}$$

Equation 1. Water Demand for the Site



Figure 4. Fresh Water Conveyance System proposed in Water Master Plan.

Domestic Water Services

Upon development installation of all new water services, meters, and backflow prevention devices can be in accordance with PWDS. All devices can be Oregon Health Authority—Drinking Water Services (OHA-DWS) approved and reviewed by the City, Building Official, and Fire Code Official, as applicable.

Fire Services

High density residential requires fire flow of 1,500 gallons per minute with sprinkled buildings. The 10-inch and 12-inch water distribution lines discussed above are capable of providing sufficient flow to the site. Upon development fire hydrants can be installed in accordance with the latest PWDS's and Marion County fire code. A fire water service connection and vault assembly with a detector-type meter can serve all approved private fire lines and hydrants. Coordination with the Fire Code Official will ensure compliance with applicable codes. Upon development all required fire protection approvals, including access, devices, and system modifications can be documented and submitted.

Water System Conclusion

The proposed annexation meets the criteria for annexation by section 17.12.210.4.b of the Land Use and Development Code, because "the site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City."

Sanitary Sewer System

Public Sanitary Sewer

The Wastewater Master Plan dated January 2021 does not directly address the subject area. However, development is feasible through connection to a 10-inch sanitary sewer stub that drains to an existing 16-inch gravity sewer line flowing south from the Shaff Road and Golf Club Road intersection, and draining to the Wilco Pump Station. Given the existing sewers shallow invert elevation of approximately 419.6-feet and rim elevation of 428.7-feet at the intersection, the site may require significant fill to ensure proper slope for a gravity sewer to flow with the required 4 ft of pipe cover. The invert and rim elevations were found on the City of Stayton's GIS On-Line Mapping Project. According to Google's lidar information the elevation of the site drops from approximately 428.7 at the south east corner closest to the existing manhole to 419.7 at the far side of the site to the north west. This is an approximately 9-feet drop in elevation from the rim of the Sanitary Sewer Manhole in the intersection of Shaff Road and Golf Club Road and the far side of the project site. To maintain a minimum cover of 4-feet the site would need to be filled approximately 11-feet, this takes into account the 0.3% slope needed for a 10-inch sewer Main at approximately 2,000-feet in length to reach the far side of the project site. Alternatively, a new Sanitary Sewer Pump Station and pressure line could connect the site to the existing system if fill is deemed to be unfeasible. Upon development all improvements can meet PWDS and DEQ requirements. With the assumed density of 24 units per acre the total estimated sewer demand produced from this site is 90 gallons per minute and can be seen below in Equation 2. This uses the conservative estimate of 80 gallons per capita based on typical sewer demand in the surrounding areas. The 10-inch gravity lines discussed above are capable of handling 540 gallons per minute at a slope of 0.3% which easily handles this demand.

$$\frac{80\ gal}{1\frac{person}{day}}*\frac{4\ people}{1\ unit}*\frac{24\ units}{1\ acre}*\frac{17\ acres}{1\ site}*\frac{1\ day}{1,440\ min}\approx 90\frac{gal}{min}$$

Equation 2. Sewer Demand for the Site

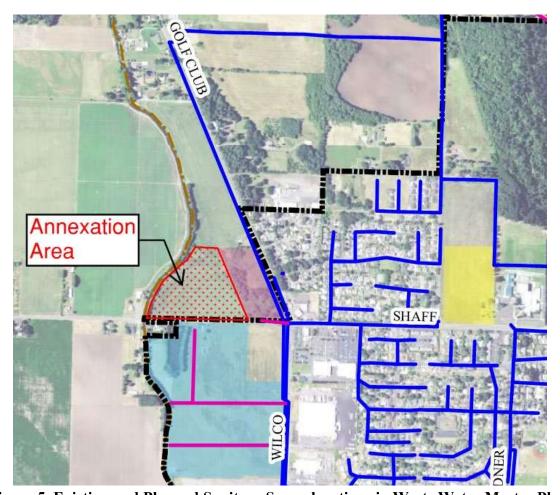


Figure 5. Existing and Planned Sanitary Sewer locations in Waste Water Master Plan.

Private Sanitary Sewer

Upon development all private utilities can be designed and sized in compliance with PWDS and relevant building/specialty codes. Multi-family or commercial buildings can include 6-inch service laterals per PWDS 506.01.B. For multifamily development a sanitary sewer monitoring manhole and/or grease interceptor can be installed per PWDS 505.04.A, if required with development.

Sanitary Sewer Conclusion

The proposed annexation meets the criteria for annexation by section 17.12.210.4.b of the Land Use and Development Code, because "the site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City."

Stormwater Management

The site lies within the North Salem Ditch Basin (Basin 1) and is not located in a flood hazard area. The City's Stormwater Master Plan proposes a 48-inch storm drain in Shaff Road leading to a 10.4-acre-foot detention pond on the project site (see Figure 6). Upon development the applicant can include these improvements in the development if required by the City. However, an updated stormwater masterplan is being prepared by Keller Associates and may remove or relocate the detention facility mentioned above.

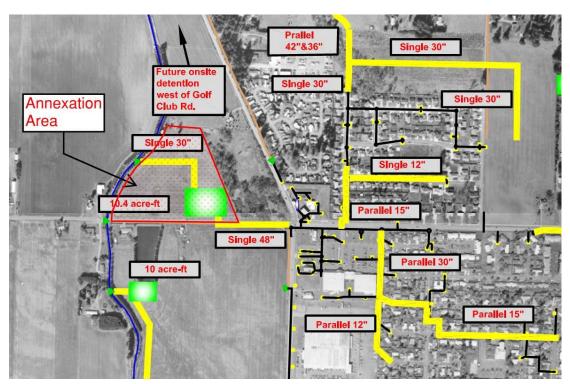


Figure 6. Proposed improvements from the Stormwater Master Plan.

The final design can incorporate a stormwater analysis and report. Both public and private storm systems are planned to discharge through a single 30-inch outfall into Salem Ditch, as shown in the Master Plan (see Figure 4). All private systems can include an Operations & Maintenance (O&M) Plan and Agreement in compliance with City standards. Therefore, the site can be served with the city's stormwater infrastructure in accordance with the Stormwater Master Plan.

Stormwater Conclusion

The proposed annexation meets the criteria for annexation by section 17.12.210.4.b of the Land Use and Development Code, because "the site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City."

Conclusion

Although the proposed annexation area currently lacks existing public utility infrastructure stubbed to the property, extending and upgrading services to meet City standards is both feasible and planned. The applicant, upon development, is committed to designing and constructing all improvements in full compliance with the City of Stayton's Public Works Design Standards and applicable codes. The proposed annexation meets the criteria for annexation by section 17.12.210.4.b of the Land Use and Development Code, because "the site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City."

We appreciate your consideration of this proposed annexation and development. Please let us know if additional information is required.



Sincerely,

WESTECH ENGINEERING, INC.

W. Josh Wells, P.E.