



City of Stayton

Department of Public Works

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2919 • Fax (503) 767-2134

Date: 12/10/2025
To: Jennifer Siciliano, AICP – Community and Economic Development Director
Through: Barry Buchanan, PE – Interim Public Works Director
Michael Schmidt – Engineering Associate
From: Lyle J. Misbach, PE, CFM
Project Name: 11641 Shaff Road Annexation, Land Use File #10-08/25
AKS Job No.: 12093-02-1002
Project Site: 11641 Shaff Road, Stayton, Oregon
Subject: Public Works Recommendations – Developer-Proposed Annexation

PROPOSAL

The submitted Application is for annexation of a parcel approximately 17.01 acres in size, located on the north side of Shaff Road (Tax Lot 091W04C001901), to be incorporated into the City as High Density (HD) Residential zoning. The parcel (the “Subject Property”) is currently shown as Residential in the City’s Comprehensive Plan. The Annexation approval is being requested by Kevin Butler, as Applicant. We have received and reviewed the BRAND Land Use Annexation Narrative Package, dated March 26, 2025, and accompanying Incomplete Application Response, dated July 15, 2025, as well as the criteria listed in Stayton Municipal Code (SMC) 17.12.210.4, particularly the criterion listed in 4.b.

PURPOSE

The purpose of this memorandum is to identify the potential availability and current deficiencies of City public works infrastructure (streets, storm drainage, water, and sanitary sewer) necessary to be resolved to provide City services for the proposed property Annexation. The following comments are based on our review of for the proposed Annexation application as it relates to City infrastructure and in general conformance with applicable public works portions of the City of *Stayton Municipal Code* (SMC), City of Stayton *Land Use Development Code* (LUDC), City of Stayton utility Master Plans and Transportation System Plan (TSP), Public Works Design Standards (PWDS), and Public Works Standard Construction Specifications (SCS). To prepare these comments we reviewed the following application materials:

- Annexation Application and included materials, prepared by BRAND Land Use and dated August, 2025
- REVISED Annexation Application and included materials, prepared by BRAND Land Use and dated August, 2025

It should be noted that I could not discern any difference between the ORIGINAL and REVISED versions of the document.

PUBLIC WORKS INFRASTRUCTURE

No public infrastructure improvements are required for annexation of property. The following information explains the condition of existing public infrastructure in the vicinity of the Subject Property as well as potential future development requirements. At the time of development of the Subject Property, improvements to public infrastructure to adequately serve the proposed development will be required.

Streets

At the time of development, right-of-way dedication and/or construction of street improvements will be required. The proposed development may also be responsible for contributing a proportional share toward Transportation System Plan capital improvements that benefit the Subject Property.

1. Shaff Road SE

- a. City Standard - This street is designated as a Major Collector street in the TSP. The standard for this street classification is a 46-foot-wide improvement, including curbs, 6-foot-wide property-line sidewalks, and 8-foot-wide planter strips within an 80-foot-wide right-of-way, in an 80-foot-wide right-of-way. In addition, the preliminary design of the future roundabout at the intersection of Shaff Road SE and Golf Club Road SE identifies a potential 44' wide easement area outside the public right-of-way for Pacific Power transmission lines, for a large storm drainage conveyance swale, and an additional easement for a large stormwater facility located at the southeasterly corner of the parcel.
- a. County Standard - This street is designated as a Limited Collector street in the Rural TSP. The standard for this street classification is a 38-foot-wide street improvement, including curbs and sidewalks within a 64-foot-wide right-of-way.
- b. Existing Conditions:
 - i. This street has an approximate 24-foot-wide turnpike improvement within a 55-foot-wide to 60-foot-wide (consistent 30-foot-wide half-street right-of-way) along the Subject Property frontage.
 - ii. The nearest City intersection, at Golf Club Road SE, is located approximately 400 feet east of the Subject Property.
- c. Current Deficiencies:
 - i. Shaff Road SE is a boundary street for the property and will need to be improved to Major Collector street standards along the Subject Property frontage at time of development.
 - ii. This street will also serve as linking street from Golf Club Road SE to the Subject Property and will need to be improved to provide two-way vehicle traffic along the roadway, accommodate safe pedestrian movement to and from the Subject Property, and meet the emergency vehicle access requirements.
 - iii. Per SMC 17.24.040, *development of one- and two-family dwellings where the number of dwelling units exceeds 30 ... shall be provided with not less than two approved means of access.* Development of the Subject Property will need to provide adequate emergency

vehicle access and water supply in conformance with the SMC and with PWDS and Stayton Fire Department requirements.

- d. Transportation System Plan. Two projects for Shaff Road SE are listed in the current TSP, and may affect some of the requirements for future development of the Subject Property:
 - i. Project M1 as listed is a proposed roundabout at the intersection of Shaff Road SE and Golf Club Road SE, east of the Subject Property.
 - ii. Project P46 identifies 6-foot-wide property line sidewalks are required between Golf Club Road SE and the western City limits.
 - iii. Figures 3 and 4 of the City's TSP identify additional bike and pedestrian improvements that are needed along the frontage of the proposed development.

2. Internal Streets

- a. Existing Conditions:
 - i. No streets currently exist within the Subject Property.
- b. Transportation System Plan:
 - i. No streets are proposed within the Subject Property per the current TSP.

Storm Drainage

Construction of a storm drainage system, including flow control, stormwater quality treatment, and extension of existing City storm infrastructure to serve the property, will be required at the time of development of the Subject Property. The proposed development may also be responsible for contributing a proportional share toward *Stormwater Master Plan* capital improvements that benefit the Subject Property.

- 1. Existing Conditions:
 - a. The nearest City stormwater facility is an existing manhole approximately 400 feet east of the property on the south side of Shaff Road SE. This manhole is connected to a 24-inch storm drain along Wilco Road, with an invert elevation of approximately 426.30.
 - b. Salem Ditch, an irrigation facility under the authority of the Santiam Water Control District, is not considered to have any available capacity for increased runoff or flows.
 - c. It should also be noted that while the property currently does not include any FEMA-mapped Special Flood Hazard Areas (Map 41047C0704G), Salem Ditch has historically exceeded its banks during heavy storm events.
 - d. Per the Oregon Rapid Wetland Assessment Protocol (ORWAP), the Property includes a linear wetland along the Salem Ditch, as well as significant hydric soils running north to south through the middle of the property. In addition, the area is known to have a shallow groundwater table.
 - e. Some shallow localized drainage ditches exist along Golf Lane, but these do not connect to the City system or an approved discharge point as defined in the PWDS.
- 2. Current Deficiencies:

- a. The Applicant does not currently indicate any location, layout, or grading for onsite storm drainage conveyance and facilities to provide required flow control and treatment within or downstream of the proposed Development.
 - b. The Subject Property is not currently served by any City storm drainage infrastructure.
 - c. The only “waterway” in the vicinity of the Subject Property is the Salem Ditch – an irrigation facility - which drains to Mill Creek. As noted above, this waterway is not considered to have any available capacity for increased runoff. The Development will need to provide water quality and flow control to retain stormwater from all storm events below the 100-year event.
3. Stormwater Master Plan (currently being updated):
- a. Per the current *Stormwater Master Plan*, stormwater runoff from this property and any nearby storm drainage system drains to Salem Ditch. However, as noted above, this waterway is not considered to have any available capacity for increased runoff and no increase in flows from rain events below the 100-year storm event will be allowed to enter this waterway.
 - b. The current *Stormwater Master Plan* indicates a proposed regional detention basin occupying a significant portion of the Subject Property, with a proposed 48-inch main receiving flows from the Golf Club Road SE/Shaff Road SE intersection, and a proposed 30-inch main discharging to Salem Ditch.

Water

At the time of development, construction of water system infrastructure, including extension of existing City water mains to serve the property, will be required. The proposed development may also be responsible for contributing a proportional share toward *Water Master Plan* capital improvements that benefit the Subject Property.

1. Existing Conditions:
 - a. The Subject Property is located in the “base” water system service level.
 - b. The nearest City water facility is a 10-inch Asbestos Cement water line located in Wilco Road, approximately 400 feet east of the Subject Property.
2. Current Deficiencies:
 - a. The Subject Property is not currently served by any City water system infrastructure.
 - b. Development of the Subject Property will need to provide adequate domestic water and emergency water supply in conformance with SMC, PWDS, and Stayton Fire Department requirements.
3. Water Master Plan:
 - a. The current *Water Master Plan* indicates a new 10-inch water main along Shaff Road SE from Golf Club Road SE to the west City limits.
 - b. A new 12-inch water main is also indicated along the entire northwest line (Salem Ditch frontage) of the Subject Property.

Sanitary Sewer

At the time of development, construction of sanitary sewer system infrastructure, including extension of existing City sewer mains to serve the property, will be required. The proposed development may also be responsible for contributing a proportional share toward *Wastewater Facilities Planning Study* capital improvements that benefit the Subject Property.

1. Existing Conditions

- a. The Subject Property is located in the “gravity” basin of the City’s system.
- c. The nearest City sanitary sewer facility is an existing manhole approximately 400 feet east of the Subject Property. This manhole is connected to an 18-inch sanitary sewer along Wilco Road, with an invert elevation of approximately 423.00.

2. Current Deficiencies:

- a. The Subject Property is not currently served by any City sanitary sewer system infrastructure.
- b. Proposed connection to any of the existing mains will require engineering calculations to demonstrate that the receiving main has capacity for all additional sanitary sewer flows from the Development.

3. Sewer Master Plan:

- a. The current *Wastewater Facilities Planning Study* does not indicate any significant sanitary sewer system deficiencies in the nearby vicinity that will be impacted or could be improved by development of the Subject Property.

cc: Richard Walker, PE – City Engineer

From: [Laurel Christian](#)
To: [Jennifer Siciliano](#)
Subject: RE: [EXTERNAL]Request for Comments on Annexation 17.01 acres off Shaff Road - LU # 10-08/25
Date: Monday, November 10, 2025 12:15:49 PM

CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.

Hi Jennifer,

The annexed property is not located near the City of Salem water transmission mains that that travel through Stayton. No City of Salem concerns with this request. Thank you for the opportunity to review.

Thank you,

Laurel Christian

Infrastructure Planner III

City of Salem | Community Planning and Development | Development Services

Find us at the Development Services Division Offices: [440 Church St SE, 5th Floor](#)

Mailing Address: P.O. Box 14300, Salem, OR 97309

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From: Jennifer Siciliano <jsiciliano@staytonoregon.gov>

Sent: Monday, November 10, 2025 10:13 AM

To: Adam Kohler <Adam.Kohler@PacifiCorp.com>; Astound Construction Team <oregonconstruction@astound.com>; Barry Buchanan <bbuchanan@staytonoregon.gov>; breich@co.marion.or.us; brents@santiamwater.gov; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelson.com>; Christopher Clark <Christopher.clark@pacificorp.com>; dfreitag@santiamhospital.org; Doug Kintz <doug.kintz@staytonfire.org>; Erik Hoefler <erik@sctcweb.com>; Gwen Johns <gjohns@staytonoregon.gov>; Janelle Shanahan <jshanahan@co.marion.or.us>; Alley, Jay <Jay.Alley@staytonfire.org>; John Eckis <johnneckis@sctcweb.com>; John Rasmussen <jrasmussen@co.marion.or.us>; Kendall Smith <ksmith@staytonoregon.gov>; kinman@co.marion.or.us; Lee Loving <lee.lovings@nsantiam.k12.or.us>; Lyle Misbach <misbachl@aks-eng.com>; Max Heller <mheller@kittelson.com>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; oregonconstruction@wavebroadband.com; planning@co.marion.or.us; Richard Walker (richardw@aks-eng.com) <richardw@aks-eng.com>; Development Services <developmentsservices@cityofsalem.net>; Susan Wright <swright@kittelson.com>; Troy Wheeler <twheeler@co.marion.or.us>; Wayne.clevenger@pacificorp.com

Cc: Susan Bender <sbender@staytonoregon.gov>

Subject: [EXTERNAL]Request for Comments on Annexation 17.01 acres off Shaff Road - LU # 10-08/25

CAUTION! This email came from outside the City of Salem. Do not click links or open attachments unless you recognize the sender. For guidance on identifying legitimate senders/emails, please review the IT Intranet Cyber Security Page.

The City of Stayton has received an application for Annexation of an approximately 17.01-acre property on 11641 Shaff Road taxlot 091W04C001901 to be zoned High Density (HD) Residential zone.

The application and narrative package can be accessed at:

<https://www.staytonoregon.gov/page/open/5937/0/Application%20and%20Narrative%20Documents> The applicant has chosen to not submit a concept plan as part of their application.

I have attached our usual request for comments form.

Please send responses by **December 10, 2025**.

Thank you for your assistance.

Jennifer Siciliano, AICP

Community and Economic Development Director

*311 N. 3rd Ave
Stayton, OR 97383
Phone 503-769-2998*

December 10, 2025

Via Email

Jennifer Siciliano
Community and Economic Development Director
362 N. Third Avenue
Stayton, Oregon 97383
jsiciliano@staytonoregon.gov

**RE: Santiam Water Control District Comments to City of Stayton
Land Use File 10-08/25**

Santiam Water Control District (“SWCD”) appreciates the opportunity to provide comments on the application (“Application”) for the proposed annexation of the 17.01-acre property, identified as Marion County Tax Lot 091W04C001901 (“Property”). In conjunction with the annexation request, the applicants are requesting the High Density Residential (“HDR”) zoning designation.

SWCD is an Oregon water control district formed under ORS Chapter 553. SWCD owns and operates water conveyance facilities. The Property borders the SWCD-owned facility “Salem Ditch” which provides irrigation water to SWCD members, including the owners of the Property. This irrigation water is certificated to SWCD and appurtenant to the Property. The Property is within SWCD district boundaries and subject to the SWCD Rules and Regulations. The Property is also burdened by SWCD water delivery contracts.

SWCD utilizes Salem Ditch to provide municipal water to City of Salem and the City of Stayton (“Stayton”). SWCD provides limited municipal stormwater services to the City of Stayton via Salem Ditch pursuant to the 2014 Memorandum of Understanding (“2014 MOU”). Under the 2014 MOU, Stayton agreed to limit additional Stayton stormwater discharges into Salem Ditch.

SWCD has three primary concerns with the Application. First, the Application proposes to discharge stormwater in Salem Ditch. Salem Ditch is an SWCD facility and the Property owner may not discharge stormwater into Salem Ditch without SWCD approval. Salem Ditch is at capacity and further Stayton-authorized development, without controls, will cause facility damage, flooding, and water quality degradation. Second, SWCD holds Property use rights. Stayton must recognize and the Application must incorporate these use rights and the corresponding appropriate setbacks into development plans. Third, SWCD is concerned with the preservation of SWCD water rights appurtenant to the Property.

I. Compliance with Legal Requirements for Annexation.

Oregon law and Stayton code contain requirements for annexation of lands. This Application does not meet several of these requirements.

A. Stayton Must Provide Stormwater Services to the Property.

To approve an annexation application, Stayton must find 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.”¹

ORS 197.175 requires cities exercise their planning and zoning responsibilities in compliance with the Statewide Planning Goals. Under the Statewide Planning Goal 11, cities and counties are required to “plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” Public facilities specifically include storm sewer systems.²

One way that it can be demonstrated that a property is “capable of being serviced” by the annexing municipality is through the municipality’s applicable master plan. In this case, the Stayton Stormwater Master Plan projects the future Stayton stormwater system running through the Property and discharging into Salem Ditch. This does not demonstrate that the Property is capable of being serviced because Stayton does not have the authority to discharge stormwater from this Property into Salem Ditch.

The Application does not propose an alternative means of providing stormwater service. It merely states that future “stormwater discharge will ultimately be directed to Salem Ditch consistent with the Master Plan.”³ Again, the Salem Ditch is not a Stayton facility. Stayton may not use the Salem Ditch to dispose of municipal stormwater beyond the limits of the 2014 MOU. SWCD will not consent to municipal stormwater discharges from the Property into Salem Ditch without a stormwater agreement with Stayton.

1. *The Salem Ditch is not a Stayton stormwater facility.*

Municipal stormwater may not discharge from the Property into Salem Ditch without SWCD authorization because it is an SWCD-owned facility. Salem Ditch is an artificial irrigation ditch constructed in 1957. In 1986 Boise Cascade Corporation and City of Salem deeded the Salem Ditch to SWCD. See Exhibit A – Salem Ditch Deeds.

¹ Stayton Land Use and Development Code, Section 17.12.210(4)(b).

² See OAR 660-011-005(7)(c).

³ See Application, page 11.

As an artificial ditch constructed specifically for irrigation delivery, Salem Ditch is recognized under Oregon law (ORS 540.310 and ORS 540.320) as a man-made conduit capable of ownership. SWCD jurisdiction over Salem Ditch is further supported by formal boundaries encompassing the area approved by Marion County, water delivery contracts, an ODEQ-approved TMDL plan, and recurring maintenance activities confirming its authority to operate and maintain the facility.

SWCD prohibits property owners from discharging into district facilities without an SWCD consent agreement. Any unauthorized discharge from the Property into Salem Ditch is a trespass on SWCD private property. Oregon courts recognize a "water trespass" when a defendant artificially collects surface water or groundwater, diverts it onto a plaintiff's property and the defendant knew or should have known that the water would end up on that property.⁴ In the context of Salem Ditch, a future increase in impervious surface area due to the proposed development of stormwater collection system and high density residential housing will change the location of the stormwater discharge and substantially increased the acceleration and concentration of stormwater flowing onto SWCD property in violation of Oregon law. Stayton must obtain SWCD consent to discharge Property stormwater into Salem Ditch to prevent unlawful trespass and breach of the 2014 MOU.

Stayton must provide municipal services to, or otherwise ensure they are provided to, the Property in a timely manner. Therefore, to meet the legal requirements for annexation, Stayton must provide alternative stormwater drainage or enter into an agreement with SWCD for use of the Salem Ditch for this Property.

B. The Annexation Must Comply with State Law.

To approve an application for annexation, Stayton must find that the "annexation request complies, or can be made to comply, with all applicable provisions of state and local law."⁵

1. *Water Quality and Water Quantity Impacts.*

ORS 197.175 requires cities exercise their planning and zoning responsibilities in compliance with the Statewide Planning Goals. Statewide Planning Goal 6 requires the cities to insure that "waste and process discharges" of future development will comply with applicable state and federal environmental statutes and rules.⁶ Goal 6 requires that the city ensure that waste and process discharges from future development will not degrade, overload, or threaten the availability of air, water, or land. Without additional protections, approval of the annexation will have adverse impacts on water quality and fail to meet Goal 6 requirements.

⁴ *Gibson v. Morris*, [270 Or. App. 608, 613-16](#) (2015).

⁵ Stayton Land Use and Development Code, Section 17.12.210(4)(e)

⁶ OAR 660-15-000(6)

Stormwater discharges temporarily increase the volume and flow of water in Salem Ditch. An increase in peak flows may exceed the load capacity of Salem Ditch and result in increased erosion. Increased erosion causes turbidity and related water quality issues. Increased peak flows also may cause flooding and damage to SWCD facilities and to private property.

One reason that the 2014 MOU limited Stayton stormwater discharges into Salem Ditch is that it is currently at full capacity as evidenced in the 2013 AMEC Engineering Report attached as Exhibit B-Salem Ditch Capacity Report. Stayton is aware of the Salem Ditch capacity issue as the Capacity Report was a basis for the 2014 MOU.

The Property and adjacent properties have existing stormwater drainage issues. SWCD has observed reoccurring flooding on Shaff Road on the southern property line. The drainage ditch on the south side of Shaff Road, which is a primary drainage facility from Stayton and owned by Stayton or Marion County, overflows over the road. The stormwater detention pond constructed adjacent to the northeast corner of the Property to retain stormwater from the apartment complex also appears to flood the Property.

Applicant is requesting a rezoning to High Density Residential which would allow the Property, currently farmland, to be highly developed with a significant percentage of impervious surface. The permanent increase in impervious surface on the Property created by converting farmland to high density housing will increase the annual volume and the peak flows of Property stormwater. This will exacerbate the existing drainage issue on the Property and will likely result in adverse water quality impacts.

Sediment runoff is of special concern because the Property is within the Willamette Basin which is water quality impaired for mercury. Therefore, waterways around the Property are subject to the Willamette Basin Mercury TMDL established by the U.S. Environmental Protection Agency on December 30, 2019 (“Mercury TMDL”). Mercury stored in the soil may be released by flooding and erosion as well as development activities such as excavation and grading. Mercury released by erosion and runoff would cause negative water quality impacts on Salem Ditch and receiving waters of the state. Mercury is a serious health concern because mercury in its various forms can accumulate in the body and damage the nervous system, kidneys, and brain.

Additionally, the potential for mercury runoff into Salem Ditch exposes SWCD to regulatory liability and associated costs because the Mercury TMDL designated water conveyance entities, such as SWCD, as “responsible persons” who are responsible, and can be liable for, the mercury in their conveyance facilities. Stayton land use approvals should include conditions that protect against addition of pollutants into its waterways and not negatively impact SWCD’s ability to comply with its obligations under the Mercury TMDL.

2. *An Annexation Request Must Include Accurate Identification of the Property to be Annexed.*

The Application does not identify SWCD's maintenance easement and use rights in the Property. The Partition Plat No 2022-16 and the Property deed both note that that the Property is subject to the right of public and governmental bodies in the portion of the Property lying below the high-water mark of Salem Ditch. However, SWCD holds a recorded easement for Salem Ditch which includes both the right of way for the canal and access for SWCD operation and maintenance of the canal (a handwritten 1856 document, typed and attached as Exhibit C - SWCD Easement).

SWCD is the Willamette Woolen Manufacturing Company ("WWMC") successor. The SWCD Easement evidences WWMC's prior right to use property within the Foster Donation Land Claim ("Foster DLC") to construct, use, and preserve a water canal. The Property is entirely within the Foster DLC. The Foster DLC is described in the Abstract of Title No 42357 detailing the water rights and assets of the WWMC and recorded May 7, 1943 ("WWMC Abstract"). See Exhibit D – Pages from WWMC Abstract.

Under Oregon law, an easement holder has the right to do what is necessary to repair and maintain its easement. Oregon law extends a right of entry to property where parties hold a valid use right in that property. Accordingly, an easement holder has the right to do what is necessary to repair and maintain the easement, including the right to enter the landowner's property for purposes of maintaining the easement, even though damage to the property may result.⁷ The right to enter the landowner's property to make necessary repairs is essential to the easement; this right "passes by the grant."⁸ Therefore, the SWCD Easement grants the right of entry along Salem Ditch beyond the canal right-of-way for purposes of maintaining and repairing the easement.

To maintain the Salem Ditch, SWCD requires a setback of at least 30-feet from the ditch edge for operation of ditch maintenance equipment. SWCD anticipates installing a roadbed and raised berm due to increased saturation next to Salem Ditch resulting from surrounding improvements and storm infiltration infrastructure. Stayton and the applicant must accurately identify the SWCD Easement in the Application so that future development does not interfere with SWCD use rights.

3. *Coordination between Stayton and SWCD for Use of SWCD Facilities.*

ORS 197.175 requires cities to exercise their planning and zoning responsibilities in compliance with the Statewide Planning Goals. Under the Statewide Planning Goal 2, cities are required to coordinate their plans with affected government agencies, including special districts such as SWCD. As detailed above, the Application proposes to use SWCD Facilities without SWCD consent in violation of SWCD Rules and Regulations. Therefore, Stayton approval of the Application without an agreement would fail to meet these Goal 2 requirements.

⁷ *Motes v. Pacificorp*, 230 OrApp 701, 708 (2009); *Baumbach v. Poole*, 266 Or 154, fn. 1 (1973).

⁸ *Baumbach*, 266 Or at fn. 1 (1973)(quoting *Thompson v. Uglow*, 4 Or 369, 372-373 (1873)).

II. Impacts of Annexation on SWCD.

Annexation and the future removal of the Property from agricultural use has several significant impacts on SWCD.

A. Potential Loss of SWCD Water Rights.

The Property is currently irrigated with a SWCD water right (“SWCD Water”). Urbanization of the Property will preclude the beneficial use of SWCD Water. If the SWCD Water is not removed from the Property and transferred to other SWCD lands through a permanent transfer application with Oregon Water Resources Department (“Transfer Application”) within five years, the water right may be forfeit for non-use. SWCD will likely be unable to replace the forfeited water because OWRD is not issuing new surface water rights from the North Santiam River and surface water rights in the Willamette Basin are cost prohibitive when available.

OWRD approval of a Transfer Application requires landowner consent or a deed showing transfer of the appurtenant landowner’s interest in the water right to SWCD. Oregon law does not offer a simple process to compel a landowner consent to the transfer or water that landowner fails to place to beneficial use. Because annexed property will no longer be a place-of-use for irrigation water certificated to SWCD, the applicant should quitclaim interest in SWCD irrigation water during the annexation process. SWCD will provide the deed template to landowner.

B. Landowner Termination of SWCD Water Delivery Contracts.

The Property is currently under contract with SWCD for the delivery of irrigation water as referenced in the Property deed. One of the contracts for the Property is attached as Exhibit E – Delivery Contract. SWCD requests that the landowners sign the SWCD Termination of Contract documents as part of the annexation process. Landowner signature will release SWCD from the obligation to deliver water to lands that will no longer be in agricultural production.

III. Conclusion.

SWCD appreciates Stayton’s notice and the opportunity to comment on this Application. Notice gives SWCD the opportunity to provide input on conditions to improve this Application, to meet Stayton code criteria, and work with Property owners to protect SWCD facilities and SWCD water rights.

SWCD requests that Stayton provide SWCD notice of all future land use actions related to the Property.

Exhibit A - Salem Ditch Deeds

QUITCLAIM DEED

BOISE CASCADE CORPORATION, a Delaware corporation, hereby releases and quitclaims to the SANTIAM WATER CONTROL DISTRICT, organized and existing under and by virtue of the laws of the State of Oregon, all its right, title and interest, if any, in that real property situated in Marion County, State of Oregon, described as:

The Salem Ditch from the authorized point of diversion of water as it existed prior to July 8, 1986, which is located 620 feet South and 565 feet East from the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 9 South, Range 1 West. W.M. to Mill Creek.

DATED this 26th day of September, 1986.

BOISE CASCADE CORPORATION

ok
SM By Terry R. Lock
Vice President

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

Personally appeared before me the above-named TERRY R. LOCK, who, being sworn, stated that he is a Vice President of Boise Cascade Corporation, and acknowledged the foregoing instrument to be his voluntary act.

Sherry M. Smolcke
Notary Public for Oregon
My commission expires: 3/11/88

RECEIVED SEP 29 1986

P.O. Box 1014
1600 S.W. 4th Avenue
Portland, Oregon 97201
503/790-9400

John P. Borgwardt
Associate General Counsel

Boise Cascade Corporation

September 24, 1986

Dan Wilson
Secretary/Treasurer
Santiam Water Control District
11371 Dieckman Lane, S.E.
Elmsville, OR 97325

RE: Salem Ditch

Dear Dan:

I refer you to the unsigned memorandum prepared and distributed at our meeting of August 12, 1986 in which it was agreed that the Salem ditch and water rights would be transferred from Boise Cascade to the City of Salem. Salem would then transfer the ditch to the Santiam Water District and Boise Cascade would contribute \$7,000 toward the cost of repairing and cleaning the ditch.

The conveyance has now been made by Boise Cascade to Salem. I understand Salem has conveyed the ditch to the Water District. I enclose the \$7,000 payment from Boise Cascade to the Water District. I enclose also a quitclaim deed to the Water District of whatever interest Boise Cascade may have in the ditch. This in full satisfaction of Boise's obligations to the district in connection with transfer of water rights to the City of Salem and transfer of the ditch from the company to Salem and ultimately to the Water District.

Very truly yours,


John P. Borgwardt

JPB:slb

Enclosure

c: Pete Meuleveld

Exhibit B - Salem Ditch Capacity Report



June 17, 2013

Project No. 1-61M-123510

Mr. Brent Stevenson
Santiam Water Control District (SWCD)
284 E Water Street
Stayton, Oregon 97383

**Subject: Analysis of the Flow Capacity of Salem Ditch
Stayton, Oregon**

Dear Brent:

AMEC completed an analysis of the hydraulic capacity of Salem Ditch. AMEC found that the physical capacity of Salem Ditch was limited to 89 cubic feet per second (cfs) at a location (the "Study Site") located south of the diversion to Mix Ditch, approximately 3.3 miles downstream (northwest) of the headgate off the North Santiam River. That capacity is the flow above which the freeboard between the water surface and the bank elevations in Salem Ditch would drop below 1 foot (ft), a widely used freeboard for irrigation canals.

AMEC understands that SWCD is required to deliver 102 cfs from the North Santiam River to downstream users to satisfy its obligation to the City of Salem and those SWCD irrigation customers that can only be served by Salem Ditch. Flow in Salem Ditch also includes 30 cfs of upstream, non-consumptive use by NORPAC Foods.

There is no present capacity for additional flow in Salem Ditch. AMEC found that SWCD's 102 cfs downstream water delivery obligation probably cannot be fully satisfied without either operating the canal with less than 1 ft of freeboard, or delivering some of the water by other SWCD canals that drain to Mill Creek. However, use of other canals would not provide for the needs of irrigation users who can only be served by Salem Ditch. AMEC recommends a geotechnical study to assess bank stability and safety for operation of Salem Ditch with less than 1 ft of freeboard. AMEC recommends a maximum flow of 89 cfs in the Salem Ditch unless additional study shows that less than 1 ft of freeboard is safe, and that a higher flow can therefore be accommodated.

Although Salem Ditch might appear to have a high capacity through downtown Stayton, the flow capacity in the Salem Ditch system is limited by the threshold flow near the Mix Diversion. The ditch

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USA 97224
Tel+1 (503) 639-3400
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www.amec.com

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might overflow near the Mix Diversion even when capacity upstream, through downtown Stayton, appears adequate.

SYSTEM OVERVIEW

SWCD operates a system of constructed and maintained irrigation and drainage facilities near the City of Stayton, Oregon. These facilities, including the Salem Ditch, convey water for irrigation of farmland west of Stayton, for industrial uses (e.g. at NORPAC), and to Mill Creek, where water uses include flow augmentation, irrigation, domestic use, fire protection, and pond and wildlife maintenance, among others. The facilities were primarily designed to efficiently supply irrigation water to users. As a secondary benefit, they also provide limited drainage capacity for the agricultural areas that they serve. Development of the SWCD waterways predates much of the urbanization that has occurred in Stayton. The general area studied is shown in Figure 1.

SWCD diverts water from the Santiam River at two locations south of Stayton. The first diversion is to the 4.1 mile long Salem Ditch, and the second diversion is to the 1.8 mile long Power Canal, from which flow is diverted into the Main Canal just downstream from the Salem Ditch.

From its headgate near the east end of Park Road, the Salem Ditch flows downstream 4.1 miles to its confluence with Mill Creek, a tributary of the Willamette River in Salem. For the first 2.3 miles it flows through downtown Stayton, and then flows over the two NORPAC diversion gates near N Holly Avenue, 1.5 miles below the headgate.

As Salem Ditch leaves the urban area, and just before crossing under the railroad trestle, the first major irrigation diversion normally sends about 10 cfs to the Butler Lateral. Downstream, the ditch slope increases (from 0.2% upstream to 0.3% downstream) as it flows northwest 1.8 miles through farmland. The second irrigation diversion, 3.4 miles below the headgate, sends less than 5 cfs to Mix Ditch. The Salem Ditch flows into Mill Creek just southwest of the intersection of Golf Club Road and Hwy 22, 19.4 miles upstream of the creek's confluence with the Willamette River in Salem.

DISCHARGES BY CITY OF STAYTON

Between the headgate on the North Santiam River and the Study Site, the Salem Ditch alignment passes through areas within the City of Stayton. The City has taken advantage of this by using SWCD's private Salem Ditch as a convenient means to dispose of the City's own stormwater discharge. Figure 2 shows a map from the City's May 2008 Storm Water Master Plan (Plan) that indicates many City storm sewer lines that outfall to SWCD canals including Salem Ditch. Any

development, increase in impervious area, or change of drainage time within areas that drain to SWCD canals – whether directly or by City storm sewers – can increase flooding in the canals.

These City discharges have increased since SWCD assumed ownership of and responsibility for the Salem Ditch, resulting in higher and more frequent flood risk along the ditch. Table 1 summarizes combined totals of peak City stormwater outflows at the Study Site on the Salem Ditch after adding flow hydrographs from each upstream City storm sewer outfall and accounting for their conveyance downstream to the Study Site. Note that this “accounting” reflects that peak flows from City outfalls are stored and attenuated in Salem Ditch. The total of the peak outflows from City outfalls is higher. This analysis used tabulations of flows at each outfall provided by the City’s consultant that they had obtained from models used to develop the City’s Plan.

**Table 1: Discharges from City of Stayton to Salem Ditch
above Study Site**

Event	Peak Flow (Cfs)
2 Year	58
5 Year	81.1
10 Year	98.8
25 Year	114.7
50 Year	129.2
100 Year	132.1

Note: These flows do not include 102 cfs that SWCD must convey downstream to satisfy SWCD’s obligation to the City of Salem or other irrigators. Of the physical capacity of 89 cfs, there is no available capacity for additional flows; required flows already require reduction from the 1-ft freeboard or delivery of water through other SWCD canals.

SALEM DITCH HYDRAULICS

AMEC evaluated the hydraulic capacity of Salem Ditch near the Study Site. AMEC found that flows in excess of 89 cfs would exceed the capacity of Salem Ditch at the Study Site, located just upstream (south) of the diversion to Mix Ditch and west of Golf Course Road, and 3.3 miles below (northwest of) the headgate off the North Santiam River. The Study Site was found to be the location that most limited how much flow could be conveyed without reducing freeboard below 1 ft.

This finding was based on a calibrated hydraulic model of the lower 7700 ft of Salem Ditch, from its confluence with Mill Creek upstream to above Shaff Road. The finding is further supported by



measured water surfaces when flow in Salem Ditch was 77 cfs. Figure 3 shows a photo and cross-section of the Salem Ditch at the Study Site.

LIMITATIONS

This analysis did not assess flood risk from the Santiam River flooding over or around any headgates. Infiltration to or exfiltration from groundwater was not considered. Also, this document is a study of hydrology and hydraulics and no geotechnical analysis has been conducted by AMEC of any SWCD canal or facility. The above recommendations by AMEC regarding freeboard are not intended to suggest that Salem Ditch or other SWCD canals are safe from erosion or breach with 1 ft of freeboard.

This communication was prepared exclusively for the Santiam Water Control District (SWCD) by AMEC Environment & Infrastructure, Inc. (AMEC). The quality of information, conclusions, and estimates contained herein is consistent with the level of effort involved in AMEC services and based on: i) information available at the time of preparation, ii) data supplied by outside sources, and iii) the assumptions, conditions, and qualifications set forth in this report. This report is intended to be used by SWCD subject to the terms and conditions of SWCD's contract with AMEC. Any other use of, or reliance on, this report for any other purpose or by any third party is at that party's sole risk.

Sincerely,

AMEC Environment & Infrastructure, Inc.

Reviewed by:



Seth Jelen, PE, CFM, CWRE
Principal Engineer – Water Resources

Habib Matin, PE, PhD
Principal Engineer – Water Resources

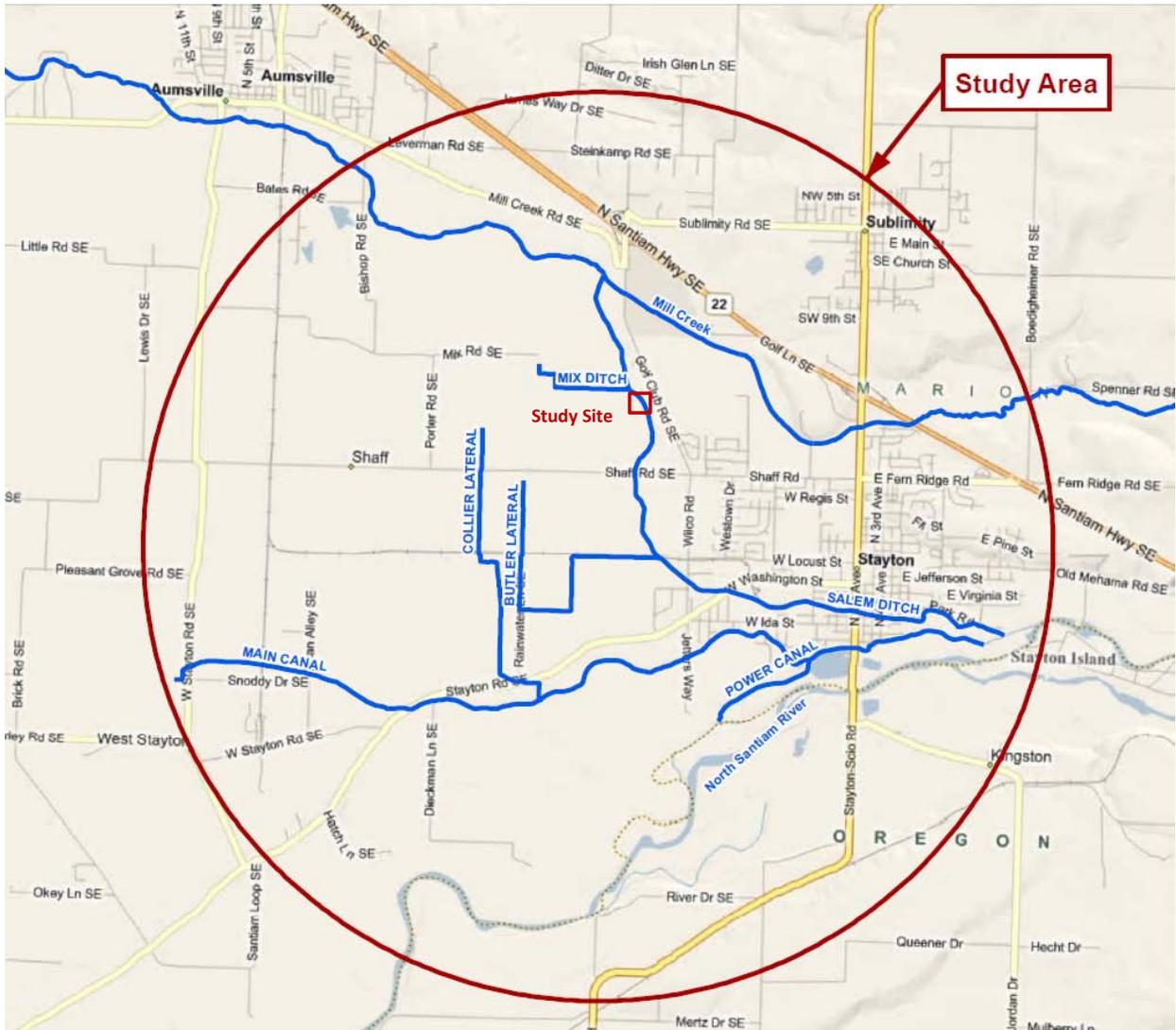


Figure 1 - Study Area Vicinity

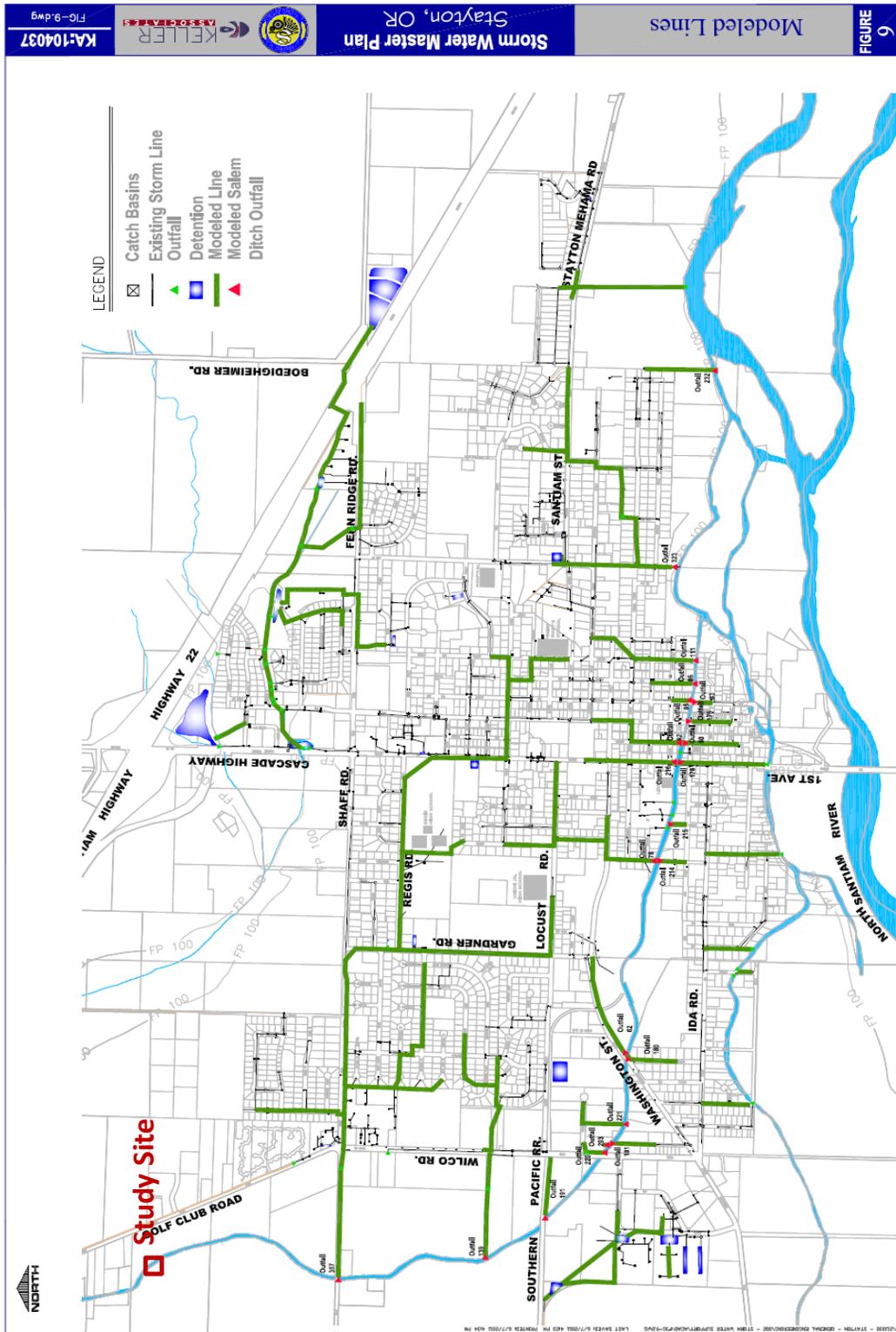


Figure 2 – City of Stayton Storm Sewers Discharging to SWCD Canals



RS = 4162 SITE 5 (NOT 6) - SALEM DITCH ABOVE DIVERSION TO MIX DITCH

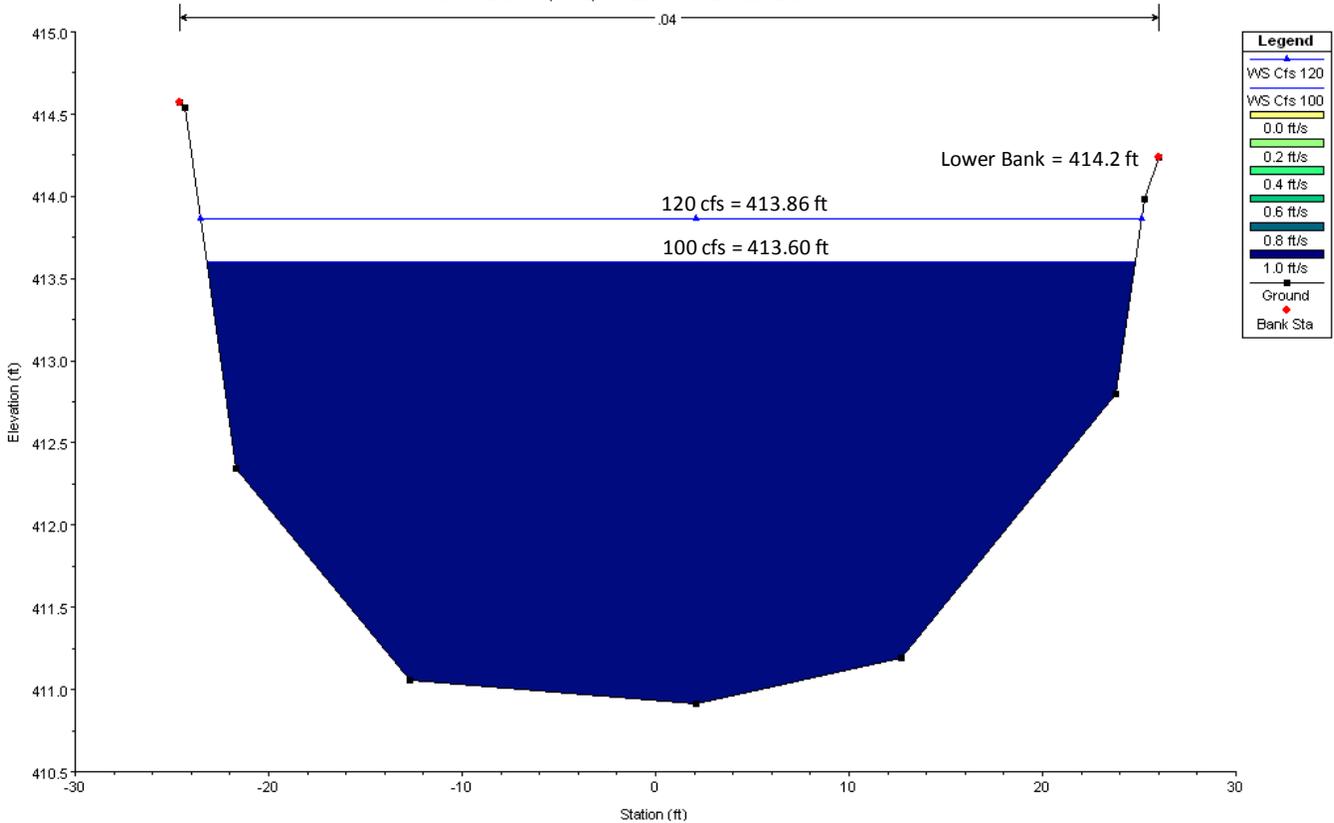


Figure 3 – Study Site Photo and Waterway Cross-Section

Exhibit C - SWCD Easement

Know all Men by these presents that we Henry Foster and Mary Foster his wife of the County of Marion, in the Territory of Oregon, in consideration of the sum of one dollar to us paid by Geo. H. Williams Joseph Watt and A. H. Reynolds do release and quit claim unto the said Geo. H. Williams, Joseph Watt and A. H. Reynolds to the use of the Willamette Woolen Manufacturing Company, the right of a canal way through all and any lands owned by us or occupide in said County of Marion, necessary to be passed through in conveying the water of the Santiam River into the channel of Mill Creek, and hereby grant, authority to said Geo. H. Williams Joseph Watt and A. H. Reynolds for the benefit of said Company to enter upon the same for the purpose of cutting a canal sufficiently large to admit the flow of any amount of water required by said Company for their purpose at Salem, and agree to allow them all the rights and privileges necessary for the construction use and preservation of said canal

Witness our hands and seals this 10 day of April, 1856.

Two Witnesses:

Henry Foster Seal

Mary Foster Seal

Acknowledged by Henry Foster and Mary Foster, before a Justice of Peace in Marion County, Oregon.

Certificate of Clerk of District court of Marion County, attached, No seal.

Recorded July 31, 1856 in Book 1, Page 317 of Deeds.

Exhibit D – Pages from WWMC Abstract

The United States of America. To All to all to whom these presents shall come, greeting. Whereas there has been deposited in the General Land Office of the United States a certificate numbered One thousand and eighty three of the Register and Receiver at Oregon City Oregon whereby it appears that under the provisions of the Act of Congress approved the 27th day of September 1850 entitled and Act to create the Office of Surveyor General of the Public Lands in Oregon and to provide for the survey and to make donations to settlers of the said public lands and the legislation supplemental thereto the claim of Henry Foster and his wife Mary Foster of Marion County, Oregon Notification No. 52 has been established to a donation of one section or six hundred and forty acres of land, and that the same has been surveyed and designated as Claim Number forty five being parts of sections three and four in Township nine South of Range one West and Claim Number sixty seven being part of section thirty three in Township Eight South of Range one West according to the Official Plat of Surveys returned to the General Land Office by the Surveyor General being bounded and described as follows to wit: Beginning at a point Six chains and fifty links South from the South West corner of Section thirty three in Township eight South of Range One West and running thence South Seventy two chains and sixty two links, thence East Eighty six chains and forty one links thence North Sixty four chains and fifty five links, thence West Fourteen chains and twenty links, thence North Eight chains, thence West Thirty two chains and thirty two links thence North Six chains and fifty links, thence North Fifty five degrees

and thirty minutes West seven chains and sixty links thence South Thirty five degrees and nine minutes West Thirteen chains and seven links and thence West Twenty six chains and seventeen links to the place of beginning in the District of lands subject to sale at Oregon City Oregon containing six hundred and twenty five acres and twenty two hundredths of an acre.

Now Know Ye, that the United States of America in consideration of the premises, and in conformity with the provisions of the Act aforesaid have given and granted and by these presents do give and grant unto the said Henry Foster and to his heirs the West half and unto his wife the said Mary Foster and to her heirs the East half of the tract of land above described. To have and to hold the said tract with the appurtenances unto the said Henry Foster and his wife Mary Foster and to their heirs and assigns forever their respective portions as aforesaid. In testimony whereof I Andrew Johnson President of the United States have caused these Letters to be made Patent and the seal of the General Land Office to be hereunto affixed Given under my hand at the City of Washington this Twentieth day of September in the year of our Lord one thousand eight hundred and sixty seven and of the Independence of the United States the ninety second.

By the President Andrew Johnson

Seal

By Frank Cowan, Secretary

J. N. Granger, Recorder of the General Land Office.

Recorded July 31, 1879 in Book 24 Page 211 of Deeds

Exhibit E – Delivery Contract

**SANTIAM WATER CONTROL DISTRICT
WATER DELIVERY CONTRACT**

This contract, between the Santiam Water Control District, a municipal corporation formed under ORS Ch. 553, hereinafter referred to as "District", and Paul & Irene J. Dozler, their heirs and assigns, hereinafter referred to as "Owner".

WHEREAS, Owners of land within and adjacent to the District have various water rights in the forms of permits or certificates from the State of Oregon and the District may be the holder of various water rights, and the District owns a water delivery system and is authorized to deliver water for irrigation and other uses, and the Owner owns land within or served by the District with a County Tax Assessor's number and described in the following deed references or legal description:

County Tax Assessor No.	Sec.	Location Township	Range	Deed Reference Reel or Volume & Page
60408-000	4	9S	1W	

AND the Owner has a water right for the irrigation or other beneficial use of water on parcels described as follows:

Permit or Certificate No.	Priority Date	Number of Acres	Attached Map or Exhibit
68662	June 24, 1911	40.7	
68663	May 14, 1909	.4	
68664	Aug 28, 1924	15.3	

and Owner wants to enter into a contract for the delivery of water for the benefit of the land,

NOW, THEREFORE, the District agrees to deliver water to the Owner via the lateral most convenient to the District, to the lands set forth above at a point of delivery described as follows:

Such water shall be used only for the purpose set forth in the Water Right Permit or Certificate mentioned above.

In return, the Owner agrees to pay the District the sum of PAID IN FULL (\$) as an initial fee or note for this agreement, receipt of which is hereby acknowledged. Owner agrees to pay all charges levied by District for such delivery. It is agreed between the District and Owner that the operation and maintenance charges shall be payable when billed by the District and is not contingent upon Owner using water in any particular given year. It is agreed by the parties that whether Owner utilizes water or abandons their water rights through non-use, the operation and maintenance charges must continue to be paid.

If the Owner is in default for failure to pay any lawful charge or under any of the terms of this or any other agreement entered into with the District, water shall be withheld by the District and not delivered to the lands of Owner as long as such default exists, and the same shall be true even though Owner may be in default with respect to only one year's charge and not in default for other charges for other years or for other parcels of land.

Should Owner either lose their water right or a portion thereof for any reason, this shall not excuse Owner from the continued responsibility for the payment of the charges which will continue to be billed unless and until a new agreement is reached between the parties in accord with District policy.

If any party to this agreement is in default under the terms hereof and this agreement is placed in the hands of an attorney to take any steps or actions with respect to such default, the defaulting party agrees to pay the other parties reasonable attorney's fees and out of pocket expenses even though no court proceeding is filed; however, in the event either of the parties hereto institute a court proceeding to procure any remedy for any breach hereof, the party prevailing shall recover from the other such sums for attorney's fees in such suit or action in an amount the court may adjudge to be reasonable. In addition, such prevailing party shall recover from the other such sums as are incurred as the prevailing party's actual costs and disbursements in such suit or action, including but not limited to the costs of depositions, expert witness fees and other actual out of pocket expenses. Similarly, the prevailing party shall be awarded their costs, disbursements, and reasonable attorney's fees on any appeal.

The District agrees to deliver water within the terms of the water right and state law, subject to the normal losses of the delivery system to the best of the District's ability. The District shall not be responsible for delivery of water outside the water rights of Owner, or for non-delivery in the event of non-availability of water due to any reason beyond the control of the District. The District shall not be held liable for actions or inactions of employees, officers, the Board of Directors, or agents, that do not constitute gross negligence, and then only to the limits established by Oregon law.

Owner hereby grants the District right-of-way easements over and across Owner's land for existing laterals, ditches, and conduits used by the District to carry water to and from the land of Owner and other water users served by the District. Consistent with the intended purpose, the District agrees to install such laterals and conduits in a manner least likely to interfere with Owner's use of their premises and improvements thereon if reasonably possible. If any ditch is relocated for the owner's convenience, the right-of-way easement will also be transferred.

Owner further agrees to comply with the Water Control District Act, as the same may be amended in the future and with any rules, regulations or policy adopted by District and, even though the tract is located outside the District, to pay all charges imposed thereon. If the land involved lies outside the District, any unpaid charges or sums owed to the District shall be a lien on the property in the same manner as described in ORS Chapter 553 for lands within the District, and collection enforcement of the unpaid charges may be taken by the District in the same manner as though the lands were located within the District's boundaries.

The District ditches may incidentally aid in the drainage of some lands but the District shall not be responsible for providing drainage of Owner's land nor is it liable for damages which may result from the failure of any drainage system which utilizes District facilities, or damage that may result from ditch overflow beyond the control of the District.

If this contract is for delivery of water which has not yet been certificated, it is agreed that, if at the time of State Final Proof Survey and certification, the number of certifiable acres differs from that herein contracted for that if the certifiable acres are more than the contracted acres Owner agrees to pay for charges on the additional acres from the certification date onward, and to pay the District a sum representing the initial fee on these additional acres, at the rate then in effect. If the certifiable acres are less than the contracted acres, the District shall not be responsible for the refund of any past fees and charges. Owner continues to be responsible for charges on the contracted acres, unless those contracted acres not certifiable are non-irrigable.

This contract supersedes all agreements heretofore entered into between the parties or their predecessors to the extent that the lands involved and specifically described in such previous agreements coincide with the lands herein involved and described. Such previous agreements shall remain in force on any lands which do not coincide with lands herein described. In signing this contract, both parties certify that they have carefully read this contract and understand it to contain any and all details covering the purchase, sale of irrigation water or the delivery thereof. This contract is terminable only by the mutual agreement of both Owner and District.

In the event the Owner herein shall be in default in any manner whatsoever under the terms of this contract or shall fail to use the water rights mentioned herein for a period of four successive years, then the parties agree that the District may transfer such water rights to other real property or lands, with prior approval of the Board of Directors of the District and approval of Oregon Water Resources Department or upon request of the District to transfer the water rights to the District without consideration.

Dated this _____ day of _____, 199__.

DISTRICT:

By Raymond Barton
President, Board of Directors

Attest Ladd Henderson
Secretary, Board of Directors

OWNER(S)

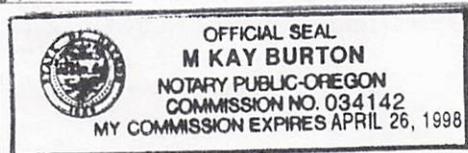
Paul Doyler
Irene J. Doyler

STATE OF OREGON)
County of Marion) ss.

On this 29th day of June, 1994, before me, the undersigned, a notary public in and for said County and State, personally appeared the within named Paul + Irene J. Doyler known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

M. Kay Burton
Notary Public for Oregon





Fw: Annexations Applications (2) for Stayton - Butler Annexation (11641 Shaff Rd)

From Caleb Cox <ccox@kittelton.com>
Date Mon 4/21/2025 10:11 AM
To Jennifer Siciliano <jsiciliano@staytonoregon.gov>

CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.

Jennifer, I tried forwarding this thread to you but got a bounce back email saying the file was too large. I'm trying again with the email thread I had attached removed.

Feel free to give me a call to discuss.

Caleb Cox, PE
Senior Engineer

[Kittelton & Associates, Inc.](#)
Transportation Engineering / Planning
503.535.7453 (direct)

From: Caleb Cox
Sent: Monday, April 14, 2025 10:31 AM
To: Jennifer Siciliano
Cc: Susan Wright; Barry Buchanan; Michael Schmidt; Max Heller
Subject: Re: Annexations Applications (2) for Stayton - Butler Annexation (11641 Shaff Rd)

Hi Jennifer,

This email is responding specifically to the Butler annexation.

We reviewed their pre-app materials back in July, 2024 (See Attached). Our response to this application for annexation is largely the same.

Can you confirm their application is for annexation only, and not development? If so, they do not need to provide any further transportation analysis at this time. When they are ready to proceed with development, a TIA will be required. We recommend that the applicant's traffic engineer reach out to us prior to starting to confirm the scope of the TIA.

I also want to make sure the applicant is still aware of the unique right-of-way needs along Shaff Road to facilitate future Shaff/Golf Club roundabout and a large utility easement for Pacific Power. Back in July, we provided our design plans for this. Will the applicant dedicate the ROW with this annexation? Or would the dedication wait until they're ready to develop?

Thanks,

Caleb Cox, PE
Senior Engineer

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.
 - **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

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.
 - 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.