

**JCNW FAMILY, LLC
MASTER PLANNED DEVELOPMENT
DETAILED DEVELOPMENT PLAN APPLICATION
PHILLIPS ESTATE PHASE III PUD, FILE NUMBER #11-07/24
WRITTEN STATEMENT**

DEVELOPMENT TEAM

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SUBJECT PROPERTY INFORMATION

The Subject Property is located at 1601 Oriole Street in Stayton, Oregon (the “City”) and is identified as Tax Lot 3300 of the Marion County Assessor’s Map 09-1W-04-DB (the “**Subject Property**”). The Subject Property is depicted on the attached **Exhibit A**. The total acreage of the Subject Property is 7.11 acres. The Subject Property is designated “Residential” on the City’s comprehensive plan and zoned “Low-Density Residential” (LD) on the City’s zoning map (See Current Zoning Map, **Exhibit B**). The Subject Property is located within City limits and the City’s Urban Growth Boundary.



The surrounding Properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Outside City limits	N/A	Single family dwellings
South	Low-Density Residential	Residential	Single family dwellings
East	Low-Density Residential	Residential	Single family dwellings
West	Outside City limits	N/A	Single family dwellings

SUMMARY OF PROPOSAL:

Applicant is the owner of the Subject Property and proposes developing the Subject Property into a 22-lot Planned Unit Development (PUD) with lot sizes ranging from approximately 6,000 square feet to approximately 8,000 square feet per lot. Applicant also proposes dedicating 2.49 acres of open space to the City to be developed in compliance with Stayton Municipal Code (“**SMC**”). Under Section 17.24.090 of the SMC, Applicant is required to submit this application for approval of a Master Planned Development (the “**Application**”) and demonstrate conformance with various approval criteria.

EXISTING SITE CONDITIONS:

Existing site conditions of the Subject Property are depicted on Applicant’s “Preliminary Existing Conditions Plan” Map prepared by Multi-Tech Engineering and previously provided to the City. Existing site conditions are also described in Applicant’s April 21, 2025, written statement titled “Philips Estates Phase 3 Master Planned Development” prepared by Multi-Tech Engineering.

CONCEPTUAL PLAN:

On September 29, 2025, the Stayton Planning Commission approved the Philips Estates Phase III Conceptual Master Plan (File #11-07/24). A detailed master plan is required to be submitted within one

year after the date of approval of the concept plan with the potential for a 6-month extension under certain circumstances. SMC 17.24.090(6). This application has been timely submitted by the Applicant

The City engaged outside engineering counsel provided by AKS Engineering, Inc. (“**AKS**”) to assist in evaluating this Application and in providing additional comments to the Applicant. AKS prepared a report for the City dated July 28, 2025 and titled “Public Works Recommendations – Tentative 22-Lot Conceptual Master Planned Development Plan” regarding the prior concept plan application.

Many of AKS’s comments and recommended conditions of approval in its July 28, 2025, report concern the mandatory approval criteria of SMC 17.24.090, which were already addressed in the concept plan application and approval. Other comments and proposed conditions of approval were regarding the detailed master plan application, which is now being submitted to the City and are addressed below in detail. In an effort to provide ease of reference for City staff, a supplemental statement of proposed responses to the AKS comment letter is also provided as part of this application.

FINDINGS APPLICABLE TO CITY CODE CRITERIA FOR APPROVAL OF A MASTER PLANNED DEVELOPMENT

The application and approval requirements for master planned developments are set out in SMC 17.24.090. The applicable provisions of this code section are set out in bold and italics below with Applicant’s proposed findings following in plain type.

1. ***PURPOSE STATEMENT. The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provides an attractive living and working environment.***

Proposed Finding: This Application is in conformance with the intent of the City’s “Residential” comprehensive plan designation. The development of the Subject Property will provide “needed housing” as defined by ORS 197A.018.

Factors set out in a purpose statement provide context for interpreting a code provision that requires the local government to determine that a proposed development is compatible with uses and development on adjacent land; however, factors set out in a purpose statement are not independent approval criteria. *Housing Authority of Jackson County v. City of Medford*, 65 Or LUBA 295 (2012). As such, conformance with this Purpose Statement is not an applicable approval criterion of this Application.

Applicant notes objectives such as “creative and efficient uses” of land and “attractive living and working environment[s]” are subjective criteria that require interpretation or the exercise of policy or legal judgment. This makes a decision rendered under this Section a land use decision based on subjective criteria rather than a limited land use decision based on clear and objective criteria.

2. **APPLICABILITY.** *The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. However, the City shall require that the following types of development be processed using the provisions of this Section:*

- a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.*
- b. Where the land division is to occur on slopes of 15% slope or greater.*
- c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development. (Amended Ord. 949, April 17, 2013)*

Proposed Finding: ORS 197A.400(1) states a local government may adopt and apply “only clear and objective standards ... regulating the development of housing, included needed housing, on land within an urban growth boundary.” Needed housing applications should generally be processed as limited land use decisions based solely on clear and objective criteria, not as land use decisions based on policy or legal judgment (i.e., not clear and objective criteria).

Under the adopted code, Applicant is not afforded the ability to request a subdivision approval based on clear and objective criteria due to the text of SMC 17.24.090(2) above, which states in part:

“the City shall require that the following types of development be processed using the provisions of the Section: ... where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.”
[emphasis added]

The use of the word “shall” mandates that this Application be processed using the provisions of this Section because the Subject Property contains wetlands. It does not afford the Applicant the choice of having this Application considered under another Section, such as the “Subdivision and Partition Final Plats” section under SMC 17.24.080 regardless of the lot size.

Because the adopted code mandates all land divisions to be subject to master planning, ORS 197A.400(3) exceptions to the clear and objective rules are not applicable. Applicant to process its needed housing application under this Section requiring subjective criteria, while offering no alternative, has the cumulative effect of “discouraging needed housing through unreasonable cost or delay” forbidden by ORS 197A.400(1)(b). Therefore, the City cannot avail itself of the “safe harbor” provision of ORS 197A.400(3)(a) which would otherwise allow the City to process a needed housing application using subjective criteria. It is the City’s burden to prove it has applied its development code for this proposal only in a clear and objective manner and without criteria, standards, process or conditions of approval that cumulatively or individually create an unreasonable burden on the development.

- 3. APPLICATION AND INFORMATION REQUIREMENTS FOR CONCEPTUAL APPROVAL OF A MASTER PLANNED DEVELOPMENT.** *The application and submission requirements for a conceptual master planned development plan shall include:*

Proposed Finding: On September 29, 2025, the Stayton Planning Commission approved the Philips Estates Phase III Conceptual Master Plan (File #11-07/24). This section is not applicable.

- 4. PROFESSIONAL DESIGN TEAM.** *A professional design team shall be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be involved in the preparation of the concept and detailed plan.*

a. A licensed architect or professional designer.

b. A registered professional engineer

c. A landscape architect or landscape designer.

Proposed Findings: The requisite design professionals are identified on Page 1 of this Application statement and are incorporated herein by this reference. The Applicant has satisfied this obligation.

The City must evaluate the mandatory criteria based on the evidence in the record. The lack of information that the City could have requested, but previously waived during completeness review, is not a basis for denial of an application. *See Montgomery, v. City of Dunes City*, 60 Or LUBA 274, 289–90, 2010 WL 381374, at *12.

- 5. CONCEPT PLAN APPROVAL CRITERIA.** *The decision authority shall review the concept plan and make findings and conclusions as to compliance with the following criteria. The decision authority may approve the concept plan with conditions of approval necessary to assure that the proposed development meets the following standards.*

Proposed Finding: On September 29, 2025, the Stayton Planning Commission approved the Philips Estates Phase III Conceptual Master Plan (File #11-07/24). This section is not applicable.

- 6. TIMELINE FOR FILING A DETAILED MASTER PLAN:** **Within one year after the date of approval of the concept plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of this Section.**

Proposed Finding: On September 29, 2025, the Stayton Planning Commission approved the Philips Estates Phase III Conceptual Master Plan (File #11-07/24). The proposal was timely filed, and Applicant has satisfied this criterion.

- 7. APPLICATION AND INFORMATION REQUIREMENTS FOR DETAILED APPROVAL OF A MASTER PLANNED DEVELOPMENT.**

Proposed Finding: The City must evaluate the mandatory criteria based on the evidence in the record. The lack of information that the City could have requested, but previously waived during completeness review, is not a basis for denial of an application. *See Montgomery, v. City*

of *Dunes City*, 60 Or LUBA 274, 289–90, 2010 WL 381374, at *12. While not approval criterion, Applicant has provided proposed findings below demonstrating compliance with this completeness standard.

- a. *The application and submission requirements for a detailed master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the detailed plan shall include:***

Proposed Finding: As required under Section 17.24.040.2 Applicant has provided three copies of the detailed tentative plat and site plan, landscaping plan, and open space plan together with copies of all necessary engineering plans previously submitted to the City on August 25, 2025 (herein collectively the “**Plans**”) at a scale of 1 inch equals 40 feet. Applicant has also provided 10 copies of the Plans reduced to fit on an 11 X 17 page. This is not an approval criterion, but it still has been satisfied.

The submitted Plans conform with the requirements of Section 17.24.040.3

- a. Plans are labeled in accordance with the Development Code standards.
- b. Plans are labeled with north arrow and scale.
- c. Names/address of owner, applicant, engineer, surveyor, and consultant have been provided.
- d. Map number and tax lot have been provided.
- e. Property areas have been identified on the Plans.
- f. Location, width, and names of existing or platted streets have been identified.
- g. Location and size of utilities has been identified.
- h. Location and size of public areas have been identified.
- i. Stormwater has been identified.
- j. Streets have been identified.
- k. Any existing and proposed easements have been identified.
- l. All utilities have been identified in accordance with Public Works Standards.
- m. Proposed lots have been identified and show size and dimensions.
- n. All natural features have been identified along with open space areas.
- o. A title report and all covenants of record have been provided.
- p. A copy of the Planning Commission decision has been provided.
- q. Any existing trees have been shown.
- r. All access features have been identified.
- s. A TIA was not required.
- t. A grading plan has been provided.
- u. Wetlands are being shown within the Open Space and Landscape Plans.
- v. Above a statement has been provided addressing installation timing.
- w. The applicant is not requesting a Modification.
- x. The development is for the entire property. A future development plan is not required.

Section 17.24.040.4- All required plans have been submitted as required in Section 17.24.040.4(a-f).

- b. *A narrative documenting compliance with the all applicable approval criteria contained in Section 17.24.100.***

Proposed Finding: This is a completeness standard, and not an approval criterion. Applicant has

provided proposed findings demonstrating compliance with all applicable standards and criterion.

- c. *Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential geologic, noise, environmental, natural resource, and other impacts and required mitigation.***

Proposed Finding: This is a completeness standard, and not an approval criterion. Applicant has provided all evidence needed to demonstrate compliance with all adopted standards and criterion. The City may not require additional evidence for uncodified standards.

- d. *Detailed site plan, including:***

Proposed Finding: The City must evaluate the mandatory criteria based on the evidence in the record. The lack of information that the City could have requested, but previously waived during completeness review, is not a basis for denial of an application. *See Montgomery, v. City of Dunes City*, 60 Or LUBA 274, 289–90, 2010 WL 381374, at *12.

Applicant has provided three copies of the detailed site plan, landscaping plan, and open space plan (collectively the “**Plans**”) at a scale of 1 inch equals 40 feet. Applicant has also provided 10 copies of the Plans reduced to fit on an 11 X 17 page. This is not an approval criterion, but it still has been satisfied.

1) *Lot configuration and identification of proposed uses*

Proposed Finding: Sheet 104 shows the proposed lot configuration and lots size. The proposed use is detached single family dwellings.

2) *Residential density (by phase, if a phased project) expressed in dwelling units per acre of land for each type of residential development and for the entire development.*

Proposed Finding: The applicant is proposing a 22 lot PUD with 2.49 acres of open space on property zoned LD and about 7.11 acres in size (4.62 acres developable). The site will be developed with about 4.5 units per acre. The subdivision is not a phased subdivision.

3) *Circulation plan including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities and their connections to existing or proposed off-site facilities.*

Proposed Finding: Sheet 104 shows the proposed and existing streets which identified the circulation plan for vehicles and bikes.

4) *Open space plan including:*

- a) *Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, trails, public parks, recreational areas, and similar public, semipublic areas and uses.***
- b) *Design of trails or open space areas including proposed landscaping.***
- c) *Design of any structures such as playgrounds, sports facilities, and park***

shelters.

Proposed Finding: Sheets 407 and 408 show the open space area and landscape area within the proposed open space.

5) Location of all potential fences including proposed materials and transparency.

Proposed Finding: There are no fences proposed at this time.

6) Lighting plan meeting the requirements of Section 17.20.170

Proposed Finding: Sheet 408 shows how lighting will be provided within the open space area.

7) Landscaping plan meeting the requirements of Section 17.20.090

Proposed Finding: Sheet 408 shows how the open space area will be landscaped and meet code requirements.

8) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)

Proposed Finding: A grading plan, Sheet 406, has been provided to show the lot grading plan for the subdivision.

9) Architectural plan including:

a) Narrative description of proposed building styles for all residential, commercial or other structures.

b) Building footprints

c) Proposed Codes, Covenants & Restrictions for all residential lots that meet the applicable requirements of Sections 17.20.190, 17.20.200 and 17.24.100.

d) Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.

Proposed Finding: At this time, the applicant has not determined the building style for detached single family dwellings. The design standards under Sections 17.20.190 and 17.20.200, with the exception of lot coverage standards, apply only to multifamily and commercial developments, which are not applicable to this proposal. Prior to building permit approval, the building style, building footprints will be reviewed to determine compliance with the city code and the adopted CC&R's. A copy of the CC&R's for Philips Phase II are provided herein. Applicant will record concurrent with the final plat similar CC&R's updated for Philips Phase III.

10) Sign plan that includes size, style, and location of any proposed signs.

Proposed Finding: A sign for the PUD is not proposed at this time. However, the applicant's are aware that the proposal of a sign will require staff review and approval.

- 8. DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA.** *The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and the conditions of its approval. Minor changes to the approved concept plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below.*

- a.** *The detailed development plan shall meet all applicable approval criteria of Sections 17.12.220, 17.24.050, 17.24.100, and Chapter 17.26.*

Proposed Findings:

Section 17.12.220 (Site Plan Review)- is not applicable.

Section 17.24.050 (Design Standards for Subdivision and Partition Preliminary Plans)-

Section 17.24.100 (Master Planned Development Design Standards)-

Section 17.24.100.1 identify the development standards that may be modified, including minimum lot area. As approved in the Conceptual Development Plan, the minimum lot standard for the proposal has been reduced to 6,000 square feet. No further deviations from the standards has been requested, and the Plans (see Sheet 104) demonstrate compliance with all other standards.

Section 17.24.100.2 provides design standards for single family residential homes.

- Section 17.24.100.20.2.a. provide standards for CC&Rs. The proposal does not include privately owned common property, and therefore, CC&R's are not required under state law. However, a copy of the CC&R's for Philips Phase II are provided herein. Applicant will record concurrent with the final plat similar CC&R's updated for Philips Phase III.
- The standards in Section 17.24.100.20.2.b. are generally applicable design standards for single family dwellings. Compliance with these requirements may be applied at the time of building permit review.
- The standards in Section 17.24.100.20.2.c. are generally applicable design standards for fences. No fences are proposed at this time.
- The standards in Section 17.24.100.20.2.d. are generally applicable design standards for the open space. The proposal is for the City of Stayton to accept a donation of the open space. The design of the open space (see Sheet 407), complies with the standards identified in Section 17.24.100.20.2.d. T
- he standards in Section 17.24.100.20.2.e. are generally applicable design standards for streets. The proposal is for the City of Stayton to accept a dedication of the right of way. The design of the streets (see Sheets 401-406), complies with the standards identified in Section 17.24.100.20.2.e.
- The standards in Section 17.24.100.20.2.f. are generally applicable design standards for the common parking areas. No such common parking areas are proposed. This section is not applicable.
- The standards in Section 17.24.100.20.2.g. are the density standards for single family dwellings. The applicant is proposing a 22 lot PUD with 2.49 acres of open space on

property zoned LD and about 7.11 acres in size (4.62 acres developable). The site will be developed with about 4.5 units per acre, which is a lower density than required under the applicable zoning. While a density bonus could have been requested and granted under the criteria under Section 17.24.100.20.2.g.2., no such request has been made.

Section 17.26 (Transportation)- The subject property is 7.11 acres in size, with 4.62 acres (2.49-acre open space area) of the site being subdivided into 22-lots. The size of development does not warrant the need for a TIA or a mitigation measures.

The proposed PUD will provide new improved streets that will provide circulation through the neighborhood and connections for future development. The development will not have an impact on any intersection that is currently operating at its limits. Per staff, the surrounding streets have the capacity to accommodate 22 additional lots.

The impact of 22 additional lots does not warrant the need for a Traffic Study.

b. If a phased development, each phase shall be:

- 1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.***
- 2) Arranged to avoid conflicts between higher and lower density development.***
- 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.***
- 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.***

Proposed Findings: The Philips Estates Phase III PUD is not a phased development. It will be developed within one phase.

CONCLUSION

Based on the findings contained in this supplemental written statement, Applicant has satisfactorily addressed the applicable criteria for approval of its Master Planned Detailed Development Plan. Applicant respectfully requests that the Application be approved.

Applicant respectfully requests an opportunity to review all proposed conditions of approval. It is the City's obligation to ensure such conditions of approval are roughly proportionate to the impact of the proposed development. Additionally, they may not individually or cumulatively create an unreasonable impact on the development.