

**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of ) Detailed Development Plan for  
The application of ) Master Planned Development  
JCNW Family, LLC/ Bill Martinak, Applicant ) Phillips Estate III  
 ) Land Use File # 11-07/24

**ORDER OF CONDITIONAL APPROVAL**

**I. NATURE OF APPLICATION**

The applicant is requesting detailed development plan approval to subdivide a 7.11-acre parcel into a 22-lots with open space area subdivision to be called Phillips Estates III. Under the provisions of Section Stayton Municipal Code Section 17.24.090, the Planning Commission approved the conceptual plan in September 26, 2025. This application has been submitted as outlined in subsection 17.24.090.6-8.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Stayton Planning Commission on May 26, 2026. At the public hearing, the Planning Commission reviewed Land Use File #11-07/24, an application for detailed development plan approval, and it was made part of the record.

Following the public hearing, the Planning Commission began deliberations on the application.

**III. FINDINGS OF FACT**

**A. GENERAL FACTS**

1. The owner of the property is JCNM Family, LLC/ Bill Martinak.
2. The applicant is the owner.
3. The property can be described as taxlot 091W04DB03300.
4. The property is zoned Low Density Residential (LD).
5. The property is located at 1601 Oriole Street.
6. The properties to the east and south are zoned Low Density (LD) Residential and are developed with single-family dwellings. The properties to the north and west are outside the city limits, zoned Marion County Urban Transition.
7. The conceptual plan was approved by the Planning Commission on September 26, 2025.

**B. EXISTING CONDITIONS**

The subject property is located at 1601 Oriole Street and consists of approximately 7.11 acres. The property is currently vacant of buildings and contains a stormwater facility.

### C. PROPOSED DETAILED DEVELOPMENT PLAN

applicant proposes to develop the subject property into a 22-lot Master Planned Development, with lot sizes ranging from approximately 6,000 square feet to 8,000 square feet. The proposal also includes the dedication of approximately 2.49 acres of open space to the City.

### D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Wave Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Marion County Public Works, Santiam Water Control District, North Santiam School District, Santiam Hospital, and Stayton Police Department. The following comments were received:

Stayton Cooperative Telephone Company commented that they are not affected by the development.

City of Stayton Public Works, through the City Engineer, submitted a memorandum. Their comments are incorporated into the findings below.

### E. PUBLIC COMMENTS

The Community and Economic Development Department received no comments from the public on this application before the public hearing.

### F. ANALYSIS – MASTER PLANNED DEVELOPMENT

The application for detailed development plan approval for a master plan development is required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.24.090.8. Section 17.24.100 contains design standards which must be met by master planned developments.

### G. APPROVAL CRITERIA

Pursuant to the Stayton Municipal Code, the following criteria must be demonstrated as being satisfied by the application:

#### **Section 17.24.050 DESIGN STANDARDS FOR SUBDIVISION PRELIMINARY PLANS**

##### *1. STREETS*

- a. Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and width as*

- indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.*
- b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*
  - c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*
  - d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Transportation System Plan.*
  - e. Concrete curbs and concrete sidewalks shall be installed on all streets, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards. In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.*

**Finding:** The transportation elements shown in the submitted plan set are consistent with these requirements. Oriole Street and Quail Run Avenue are designated as Local streets in the Transportation System Plan (TSP), which require a 34-foot-wide street improvement with curbs, 5-foot-wide property-line sidewalks, and 7.5-foot-wide planter strips within a 60-foot-wide right-of-way. Oriole Street currently exists as a 34-foot-wide street improvement without sidewalks within a 60-foot-wide right-of-way and terminates at the east property line of the subject property. Quail Run Avenue currently exists as a 40-foot-wide full street improvement within a 60-foot-wide right-of-way and terminates at the south property line of the subject property. Junco Street is designated as a Neighborhood Collector street in the TSP, requiring a 34- to 36-foot-wide street improvement with curbs, 5-foot-wide property-line sidewalks, and 7.5-foot-wide planter strips within a 60-foot-wide right-of-way. Junco Street currently exists as an 18-foot-wide half-street improvement with curbs and sidewalks along the south side within a 30-foot-wide right-of-way and terminates at the east property line of the subject property. The proposed development extends and improves the surrounding street network consistent with the Transportation System Plan and Public Works Design Standards.

**Condition to Remain Consistent:** Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required transportation infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application and with the PWDS, SMC 17.24.050, and SMC 17.26.020. The proposed streets shall be constructed in accordance with current PWDS. No variance to the street standards is requested or granted with this Master Planned Development.

Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing the public street infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

2. *DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Finding: The rights-of-way shown in the submitted plan set are consistent with these requirements.

Condition to Remain Consistent: Prior to City approval of the Final Plat for the proposed Development, the Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that the rights-of-way dedicated are in accordance with PWDS requirements and substantially conform to the layout in the Detailed Master Planned Development Application. The Final Plat shall also demonstrate that all existing and proposed easements are documented in conformance with the layout in the Detailed Master Planned Development Application, PWDS, and SMC.

3. *DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Finding: The proposed Junco Street right-of-way shown in the submitted plan set is consistent with these requirements.

Condition to Remain Consistent: Prior to City approval of the Final Plat for the proposed Development, the Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that the streets are dedicated or platted to the boundary of the proposed Development in accordance with PWDS requirements and substantially conform to the layout in the Detailed Master Planned Development Application.

4. *RESERVE BLOCK.*
  - a. *Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.*
  - b. *In no case shall a reserve block be platted along a street that is dedicated to the required full width.*

Finding: The proposed Junco Street right-of-way is an extension of a previous partial street. Public Works does not recommend the implementation of a Reserve Block along this portion of the Development.

5. *STREET WIDTHS.*

- a. *The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*
- b. *In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.*
- c. *When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.*
- d. *The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.*

*Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right of way and pavement width that will conform to the development pattern when extended.*

e. *Additional Right-of-Way Widths.*

- 1) *Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.*
- 2) *Where bikeways necessitate, additional right-of-way width may be required.*

Finding: The transportation elements shown in the submitted plan set are consistent with these requirements.

Condition to Remain Consistent: Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required transportation infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application and with the PWDS, SMC 17.24.050, and SMC 17.26.020. The proposed streets shall be constructed in

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accordance with current PWDS. No variance to the street standards is requested or granted with this Master Planned Development.

Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public street infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

Prior to City approval of the Final Plat for the proposed Development, the Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that the rights-of-way dedicated are in accordance with PWDS requirements and substantially conform to the layout in the Detailed Master Planned Development Application.

6. *SUBDIVISION BLOCKS.*

- a. *Block lengths and widths shall be determined by giving consideration to the following factors:*
  - 1) *The distance and alignment of existing blocks and streets.*
  - 2) *Topography.*
  - 3) *Lot size.*
  - 4) *Need for and direction of the flow of through and local traffic.*
- b. *Block length and perimeter standards are specified in Section 17.26.020.5.c.*
- c. *Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Finding: The proposed subdivision block layout is consistent with these requirements. Quail Run Avenue and Oriole Street are continuations of street improvements from previously approved subdivisions and provide connectivity to the surrounding neighborhood. The proposed extension of Goldfinch Avenue creates a subdivision block of approximately 370 feet in length, which complies with the minimum 100-foot and maximum 600-foot block length standards established in Section 17.26.020.5.c.

7. *MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.*

Finding: The applicant has not proposed a mid-block walks.

8. *LOT SIZE, LOT LINES.*

- a. *Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*

- b. *If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.*
- c. *In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.*
- d. *Side lot lines shall be as close to right angles to the front street as practicable.*
- e. *Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.*
- f. *The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.*

Finding: Section 17.24.100.1.a allows the minimum lot area, lot width, frontage, setbacks, and height requirements to be modified within a Master Planned Development. The proposed lots are generally rectangular in shape, with lot lines substantially perpendicular to the adjoining streets and rear lot lines generally similar in width to the front lot lines. The proposed development complies with the overall density requirements of the Low Density Residential (LD) zone, which permits a maximum density of 6 dwelling units per acre. Approximately 2.49 acres of the 7.11-acre site are proposed as open space and will remain undeveloped. Based on the remaining developable acreage and the proposed 22 single-family dwelling lots, the resulting residential density is approximately 4.76 dwelling units per acre.

- 9. *PUBLIC SURVEY MONUMENTS. Any donation land claim corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.*

Finding: The proposed monument configuration in the submitted preliminary plat is consistent with these requirements.

Condition to Remain Consistent: Prior to City approval of the Final Plat for the proposed Development, the Applicant’s surveyor shall submit a copy of the Final Plat to Public Works demonstrating that any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision is accurately referenced to at least two monuments.

10. *SEWAGE DISPOSAL.*

- a. *All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*
- b. *If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil*

*conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.*

Finding: The sanitary sewer infrastructure elements shown in the submitted plan set are consistent with these requirements. An existing 8-inch PVC City sanitary sewer main is located within Oriole Street east of the subject property and terminates at a structure approximately 20 feet west of the east property line. An additional 8-inch PVC City sanitary sewer main is located within Quail Run Avenue south of the subject property and terminates at a mainline cleanout approximately 66 feet south of the south property line. Another 8-inch PVC City sanitary sewer main is located within Pheasant Avenue east of the subject property, running north to south and terminating at a manhole approximately 130 feet east and 90 feet south of the east property line. The proposed development will connect to and extend the existing public sanitary sewer system consistent with the Public Works Design Standards and Wastewater Master Plan.

Condition to Remain Consistent: Condition to Remain Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required sanitary sewer infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.

The Applicant's engineer shall verify that the proposed sanitary sewer main extended within Oriole Street is at a sufficient depth to be able to serve proposed Lots 9 and 10 of the planned Development.

Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public sanitary sewer infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

#### *11. PUBLIC USE AREAS.*

- a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.*
- b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.*
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the*

*developer shall pay to the City a fee, earmarked for recreational use and development.*

Finding: The requirements of this section are superseded by Section 17.24.100.2.d. See the findings for Section 17.24.100.2.d below.

## 12. WATER SUPPLY.

- a. *All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.*
- b. *In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.*

Finding: The water system infrastructure elements shown in the submitted plan set are consistent with these requirements. No “oversize” water mains are required, and no reimbursement will be due to the Applicant. An existing 8-inch ductile iron City water main is located along the south side of Oriole Street east of the subject property and extends west through the subject property, where it interties with an existing 8-inch ductile iron City water main located along the west side of Quail Run Avenue south of the subject property. An additional 10-inch ductile iron City water main is located near the center of the Junco Street improvements east of the subject property and terminates approximately 45 feet east of the east property line. The proposed development will connect to and extend the existing public water system consistent with the Public Works Design Standards.

Condition to Remain Consistent: Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant’s engineer shall submit final construction drawings to Public Works for the proposed and required water system infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.

The Applicant’s engineer shall provide engineered calculations per PWDS and Fire Marshal requirements to prove the adequacy of the new water system to provide domestic service and fire flows to each lot within the proposed Development.

Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public water system infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

## 13. UNDERGROUND UTILITIES.

- a. *All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be*

*permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*

- b. The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

**Finding:** The franchise utility infrastructure elements shown in the submitted plan set are consistent with these requirements.

**Condition to Remain Consistent:** Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.

Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public street infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

#### **Section 17.24.090.8 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.*

**Finding:** See the findings for Section 17.24.050 above and 17.24.100 below.

- 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.*

Finding: The applicant has not proposed to phase development of the subdivision.

**Section 17.24.100 MASTER PLANNED DEVELOPMENT DESIGN STANDARDS**

2. *DESIGN STANDARDS. In addition to the applicable design standards of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230, the following design standards shall be met by Master Planned Developments.*

a. *Design Consistency: All structures, commercial, multi-family dwellings, single family dwellings, open space facilities shall have consistency in design through the use of similar design features such as but not limited to architectural details, lighting fixtures, and exterior finishes.*

- 1) *This criterion does not require the development to conform to one specific architectural “style” such as Arts & Crafts, or Colonial, but it shall require continuity of design for all structures in the development.*

- 2) *The design chosen by the developer shall be specified in the approval documents and the Codes, Covenants & Restrictions (CCRs) of the development and/or a specific set of standards approved as part of the detailed master plan. The design standards shall be enforced by the City throughout the development and permitting process and shall be enforceable by any homeowners owners association and individual lot owners through the CCRs.*

b. *Design for Detached Single Family Dwellings. The detailed design plan for any portion of the master planned development that includes detached single family dwellings shall meet the following standards:*

- 1) *A minimum of fifteen percent of each lot shall be landscaped.*

- 2) *Recreational vehicle storage in the front yard shall be prohibited.*

- 3) *Graveled/paved parking areas in the front yard outside of the driveway shall be prohibited.*

- 4) *At least four of the following design features shall be included on the sides of a building facing a street, public right of way or open space.*

- a) *Dormers or gables*

- b) *Cupolas*

- c) *Bay or bow windows*

- d) *Exterior shutters*

- e) *Recessed entries*

- f) *Covered porch entries or porticos*

- g) *Front porch of at least 100 square feet*
  - h) *Covered or uncovered balconies*
  - i) *Pillars or posts*
  - j) *Eaves with a minimum 18 inch projection*
  - k) *Exterior brick work or masonry on a minimum of 15% of the façade, not including the area of doors and windows.*
- 5) *All buildings sides facing a street, public right of way or open space shall have a minimum of 15% in windows or doors with glazing.*
  - 6) *A break in wall plane of at least 16 inches every 30 feet.*
  - 7) *Offsets or breaks in roof elevation of at least 2 feet every 30 feet.*

Finding: The detailed development plan included a draft set of protective covenants, conditions and restrictions with an architecture review committee and architectural design standards that require the same design standard for single family dwellings. .

c. *Fences.*

- 1) *There shall be no fences in the front yard of residential structures*
- 2) *If a lot adjoins an open space, trail or water way, any fence not located in the front yard or between two structures must be 50% open and no more than 4 feet in height. Alternately, a solid fence of not more than 6 feet in height may be allowed in rear yards for privacy if an additional 10 feet of public open space is added between any trails, waterways or common open space and the fence and that area is landscaped to buffer and conceal the fence.*

Finding: The submitted plan set do not identify any of the fencing on the proposed lots or along the proposed Open Space.

Condition: Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit construction drawings showing the proposed fencing layout and configuration for Proposed Lots 1 through 9, along the Open Space frontage along the extension of Oriole Street, and the end of proposed Junco Street where it abuts the Open Space, to ensure that these requirements are met.

- d. *Open Space: Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. Open space includes all areas not in a street right-of-way that are publicly dedicated or under common ownership.*
- 1) *If the development is adjacent to the shorelines of the North Santiam River, Mill Creek, the Stayton Ditch, or the Salem Ditch a useable portion of the shoreline and reasonable public access to it shall be part of the open space and the open space requirement shall be reduced to 20%.*

- 2) *The decision authority may waive or reduce the requirement for open space when the master planned development is adjacent to and provides access to a public park or other off-site open spaces.*
- 3) *The open space area shall be shown on the detailed plan and recorded with the final plat.*
- 4) *The open space shall be conveyed in accordance with one of the following methods:*
  - a) *At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.*
  - b) *By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.*
- 5) *Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities.*
- 6) *Areas identified as open space shall preserve important natural features such as wetlands, hillsides or historical features and integrate them into the development design. If the development abuts wetlands, the wetlands and an area around their perimeter shall be included in the open space.*
- 7) *Pedestrian trails shall provide connectivity within the development and to the adjacent area and meet the requirements of the adopted Trails Master Plan.*
  - a) *Any pedestrian paths shall be public.*
  - b) *Paths with hard surface shall be a minimum of 10 feet in width centered within a 20-foot wide right of way or easement.*
  - c) *Paths with soft surface shall be a minimum of 6 feet in width generally centered within a 16-foot wide right of way or easement.*
  - d) *Paths shall have a minimum average illumination level of 1.0 foot candles.*
    - i. *If the path is a sidewalk or adjacent to an open space with lighting such as a park or playground, this standard may be met if the surrounding lighting can meet the standard.*

ii. *If there is no surrounding lighting, the path shall be provided with continuous pedestrian scale lighting that meets this standard.*

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

Finding: The proposed Master Planned Development includes approximately 2.49 acres of open space within the 7.11-acre development site, representing approximately 35 percent of the total site area. The subject property is not adjacent to the shorelines of the North Santiam River, Mill Creek, the Stayton Ditch, or the Salem Ditch; therefore, the reduced open space standard does not apply. The open space area is identified on the detailed development plan and is proposed to be dedicated to the City as publicly owned and maintained open space.

The proposed open space includes amenities such as a pedestrian walking path, benches, and picnic tables. Pursuant to Section 17.24.100.2.d.8, a minimum of 10 percent of the open space area, or approximately 0.25 acres, is required to contain amenities. While the plans identify the location of the proposed amenities, the application materials do not specify the total square footage or acreage devoted to the amenity areas. A condition of approval is recommended requiring the applicant to demonstrate that the minimum amenity area requirement is satisfied prior to final plan approval.

Condition: Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant's engineer shall submit construction drawings showing the proposed percent of open space amenities area, to ensure that these requirements are met.

e. *Streets.*

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

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

Finding: The street rights of way are proposed to be standard widths for conventional subdivision.

*f. Parking.*

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

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

Finding: No common parking areas are proposed.

*g. Density.*

- 1) When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of attached or detached single family, duplex, triplex, or multifamily dwellings.*

Finding: The subject property consists of approximately 7.11 acres. After subtracting the 2.49 acres proposed as open space, approximately 4.62 acres remain for residential development. The applicant proposes 22 single-family dwelling lots, resulting in a residential density of approximately 4.8 dwelling units per acre. The proposed density is below the maximum permitted density of 6 dwelling units per acre in the Low Density Residential (LD) zone.

- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 50% increase in density.*
  - a) Where the percentage of open space increases. The bonus shall permit a 5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.d.*
  - b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, such as locating garages behind the primary building line*

*of the house, side loaded garages, or alley-access garages, a density bonus of up to 20% may be granted. (Amended Ord. 949, April 17, 2013)*

- c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8.*
- d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.*

Finding: No density bonuses are needed as the applicant is proposing less than the maximum allowed density.

#### **IV. CONCLUSION**

Based on the conclusion above, the Planning Commission approves the application for Detailed Development Plan approval for a Master Planned Development, as supported by the following materials: Construction Drawings for Phillips Estates Phase III (26 sheets), prepared by Multi/Tech Engineering Services, Inc., signed and dated August 20, 2025, January 7, 2026, and February 16, 2026; Phillips Phase 3 Stormwater Analysis, prepared by Multi/Tech Engineering Services, Inc., dated October 31, 2025; Department of the Army Permit, dated February 19, 2009, signed by Lawrence C. Evans, Regulatory Branch Chief; Marion County Subdivision/Condominium Name Request for Phillips Estates Phase III, dated December 10, 2024, signed by the Marion County Surveyor; Custom Soil Resource Report; Marion County Deed Record Reel 2655, Page 155, recorded May 31, 2006; draft Declarations of Covenants, Conditions and Restrictions for Phillips Estates Subdivision Phase III, prepared by Alan Sorem; Marion County Tax Map 09 1W 04DB, dated October 17, 2020; Oregon Secretary of State Business Entity Data for JCNW Family, LLC, dated January 6, 2026; draft Development and Reimbursement Agreement; modified and redlined copy of the July 28, 2025 City Public Works Memorandum; and Response to Incompleteness Letter, Our File No. 45763-00001, dated March 18, 2026, signed by Alan Sorem, together with all materials comprising the complete application, subject to the attached standard conditions of approval and the following specific conditions of approval.

1. Section 17.24.100.2.d.8) requires that a minimum of 10 percent of the open space area include amenities. The application proposes approximately 2.49 acres of open space; therefore, approximately 0.25 acres of amenity area is required. While the plans and narrative identify amenities such as walking paths, benches, and picnic tables, the application materials do not specify the total acreage or square footage dedicated to these amenities.
2. There are multiple conditions to remain consistent with requirements.

#### **V. ORDER**

Based on the findings and conclusions above, the Planning Commission approves the application for detailed development plan subject to the attached Standard Conditions of Approval and with the following conditions of approval which are necessary, appropriate and feasible to assure the application is in compliance the standards and criteria for

approval and to address the concerns of the Public Works Department and Marion County.

The following conditions of approval shall be completed prior to City approval of any site development permits, onsite construction, or building permit application(s) for the Subject Property:

1. The Applicant shall submit revised detailed development plans to the City Planner demonstrating compliance with SMC 17.24.100.2.d.8), which requires that a minimum of 10 percent of the open space area include amenities. The revised plans shall identify and quantify the total acreage or square footage dedicated to amenities, including but not limited to walking paths, benches, and picnic tables. The plans shall demonstrate that a minimum of approximately 0.25 acres of amenity area is provided within the proposed 2.49 acres of open space.
2. The Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required transportation infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application and with the PWDS, SMC 17.24.050, and SMC 17.26.020. The proposed streets shall be constructed in accordance with current PWDS. No variance to the street standards is requested or granted with this Master Planned Development.
3. The Applicant shall enter into a Development Agreement with the City, guaranteeing the public transportation infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.
4. The Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required sanitary sewer infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.
5. The Applicant's engineer shall verify that the proposed sanitary sewer main extended within Oriole Street is at a sufficient depth to be able to serve proposed Lots 9 and 10 of the planned Development.
6. Prior to City approval of any onsite construction or building permit application(s) for the Subject Property, the Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public sanitary sewer infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

7. The Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required water system infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.
8. The Applicant's engineer shall provide engineered calculations per PWDS and Fire Marshal requirements to prove the adequacy of the new water system to provide domestic service and fire flows to each lot within the proposed Development.
9. The Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public water system infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.
10. The Applicant and/or Applicant's engineer shall submit final construction drawings to Public Works for the proposed and required franchise utility infrastructure, in accordance with PWDS requirements, for final review and approval. The construction drawings shall substantially conform to the layout in the Detailed Master Planned Development Application.
11. The Applicant's engineer shall design and construct engineered stormwater facilities, pursuant to the PWDS and SMC 17.24.040, to accommodate all new and replaced impervious surfaces in the proposed and existing rights-of-way as well as the future impervious surfaces on all proposed lots, including the proposed walkways within the proposed "OPEN SPACE" parcel.
12. The Applicant shall coordinate with the Oregon Department of State Lands (DSL) to verify what permits are required for construction of the proposed subdivision infrastructure, including but not limited to the construction and enhancement of the proposed City storm drainage facility across the proposed "OPEN SPACE" parcel. Evidence of DSL permit issuance or waiver shall be provided to the City.
13. The Applicant shall design and construct all proposed ground disturbance and improvements in or near existing wetland areas in accordance with the requirements of the Oregon DSL, PWDS, and SMC 17.20.180.
14. The Applicant shall enter into a Development Agreement with the City, guaranteeing construction and completion of the proposed and required public and private stormwater infrastructure improvements. A stipulation of the Agreement shall be that the City will not support approval of the final plat until the required public infrastructure is complete and accepted by the City.

15. The Applicant's engineer shall submit construction drawings showing the proposed fencing layout and configuration for Proposed Lots 1 through 9, along the Open Space frontage along the extension of Oriole Street, and the end of proposed Junco Street where it abuts the Open Space, to ensure that the yard fencing requirements of 17.24.100.2.c are met. In addition, the Planning Commission wants to make sure that you are aware of the requirement of Section 17.12.060.1.a that the construction plans be submitted within one year of this approval, unless a request is submitted to the City Planner prior to the expiration of the one-year period.

The following conditions of approval shall be completed prior to City approval of the Final Plat for the proposed Development:

16. The Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that the rights-of-way dedicated are in accordance with PWDS requirements and substantially conform to the layout in the Detailed Master Planned Development Application. The Final Plat shall also demonstrate that all existing and proposed easements are documented in conformance with the layout in the Detailed Master Planned Development Application, PWDS, and SMC.
17. The Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that the streets are dedicated or platted to the boundary of the proposed Development in accordance with PWDS requirements and substantially conform to the layout in the Detailed Master Planned Development Application.
18. The Applicant's surveyor shall submit a copy of the Final Plat to Public Works demonstrating that any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision is accurately referenced to at least two monuments.

**VI. APPEAL DATES**

The Planning Commission’s action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.

APPROVED BY THE STAYTON PLANNING COMMISSION ON THIS 26th DAY OF MAY 2026.

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

DRAFT

## Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton Public Works Design Standards, Public Works Standard Construction Specifications, and Public Works Standard Specification Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must

meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.