



March 18, 2026

**VIA ELECTRONIC MAIL: [jsiciliano@ staytonoregon.gov](mailto:jsiciliano@staytonoregon.gov)**  
Original to follow via first class mail

City of Stayton  
Community Development  
Attn: Jennifer Siciliano  
362 N. Third Avenue  
Stayton, OR 97388

RE: Response to Incompleteness Letter  
Our File No: 45763-00001

Dear Ms. Siciliano:

As you know, I represent JCNW Family, LLC. This letter is in response to the City's letter dated February 5, 2026 (the "**Incompleteness Letter**") regarding JCNW Family, LLC's application for a Detailed Master Planned Development Plan of 1601 Oriole Street tax lot 091W04DB03300, Land Use File #11-07/24 (the "**Application**"). Attached you will find five (attachments) that are intended to replace corresponding document for which they update and supplemental exhibits. They are as follows:

- Phillips Estates Phase III Existing Conditions and Site Plan – Sheet 103
- Phillips Estates Phase III Detailed Subdivision Site Plan – 1 /1
- Phillips Estates Phase III – Draft Plat Sheets 1 and 2
- Building Example (File 7409b-3)
- Building Example (File 7409b-3)
- Grading Plan - 406
- Draft Covenants, Conditions, and Restrictions

SALEM  
Park Place, Suite 200  
250 Church Street SE  
Salem, Oregon 97301  
  
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Salem, Oregon 97308  
  
tel 503.399.1070  
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BEND  
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- Soil Resource Report
- Draft Form of Development Agreement

These documents, together with the original application, satisfy all criteria and standards. No further information will be provided solely for completeness review purposes. Pursuant to ORS 227.180(2)(b), the Applicant shall be deemed complete the effective the date of delivery of this letter. Pursuant to ORS 197A.402(2), the City must approve the application; however, if the City were to conclude that the proposal does not satisfy the applicable criteria or standards, the City must notify the Applicant prior to any such denial and further provide the Applicant an opportunity to either satisfy the issue through a condition of approval or site plan or design modification. ORS 197A.402(3).

Below are excerpts from your notice of incompleteness (in bold and italics) along with detailed responses to each item.

- ***SMC 17.24.090.7.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:  
The submittal does not adequately address the following specific requirement 17.24.040.3.***

**Applicant's Response:** This section, together with all of the below subsections, are not a mandatory approval criterion or development standards. It is a list of evidence the SDC states is needed for complete review. The City must evaluate the mandatory approval criteria and development based on the evidence in the record. The lack of information 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; *Citizens for Responsible Development v. City of The Dalles*, 59 Or LUBA 369, 378 21 (2009).

- ***17.24.040.3.g. The location and size of any existing sanitary sewer systems, water supply systems, culverts, drainage ways, and other storm drainage systems, and any other underground utilities or structures within and immediately adjacent the tract being divided. The sizes of the existing franchise utilities are not included.***

**Applicant's Response:** Updated Phillips Estates Phase III Existing Conditions and Site Plan – Sheet 103 identifies the diameter of underground gas and other pipes. Final plats only need to substantially conform to the tentative plat. Any additional edits may be completed during the final plat approval process.

- ***17.24.040.3.m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters. The preliminary construction drawings for the Development number the future parcels from 1 through 22 with a remainder tract for "OPEN SPACE." The preliminary Final PUD Plan for the Development numbers the parcels from 105 through 126 (in apparently random order) with a remainder tract for "STORM WATER FACILITY." The square footage of a few of the parcels do not match between the two application documents.***

**Applicant's Response:** Phillips Estates Phase III Detailed Subdivision Site Plan – 1 /1 and Phillips Estates Phase III – Draft Plat Sheets 1 and 2 have been updated. Final plats only need to substantially conform to the tentative plat. Any additional edits may be completed during the final plat approval process.

- **17.24.040.3.q. An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150. The preliminary construction plans show remaining and removed trees, including size and species. The number of each has not been provided. The Applicant should provide a detailed number of existing trees, trees to remain, and trees to be removed as part of a complete application.**

**Applicant's Response:** An updated table has been provided on Phillips Estates Phase III Existing Conditions and Site Plan – Sheet 103.

- **17.24.040.3.s. Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. Five copies of the traffic impact analysis shall be submitted. No Transportation Impact Analysis (TIA) or Transportation Assessment Letter was submitted. If the proposal does not meet the applicable traffic thresholds, a waiver of the Transportation Assessment Letter may be approved by the Public Works Director; however, no waiver request has been submitted. See SMC 17.26.050.2.**

**Applicant's Response:** Applicant has previously requested a TIA waiver. Such a waiver, along with the City's approval, is on file with the City in its master plan approval for Philips Estates III. Applicant requests the City provide copies of both the prior request and approval in the above identified files.

- **17.24.040.3.t. A plan showing soils information and any proposed cuts or fills of more than 24 inches. No soil information was provided.**

**Applicant's Response:** Applicant has provided a grading plan (sheet 406), which identifies proposed cut and fill locations. A Soil Resource Report is also provided for the record.

- **17.24.040.3.u. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998. The Applicant submitted a 2009 delineation and a wetland mitigation permit that expired in 2013. The Applicant needs to submit confirmation that all wetland areas have been delineated correctly and such delineations are current.**

**Applicant's Response:** SDC does not require a new wetland delineation. The completeness standard references the historical inventory of the City. Moreover, Applicant has provided a wetland delineation and completed the necessary remediation. The City's prior approval of the concept plan identified the boundary of the wetlands. Applicant has provided all information necessary to satisfy the applicable criteria and standards.

- **17.24.040.3.v. A statement indicating the proposed timing of installation of all proposed improvements. The applicant states that a statement addressing installation timing was provided; however, no construction schedule was included.**

**Applicant's Response:** Applicant will commence construction of the development as soon as practical following all approvals and appeal periods.

- **SMC 17.24.090.7.d. Detailed site plan, including:**

**Applicant's Response:** This section, together with all of the below subsections, are not a mandatory approval criterion or development standards. It is a list of evidence the SDC states is needed for complete review. The City must evaluate the mandatory approval criteria and development based on the evidence in the record. The lack of information 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; *Citizens for Responsible Development v. City of The Dalles*, 59 Or LUBA 369, 378 21 (2009).

- **17.24.090.7.d.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. This information does not appear to be included in the construction drawings.**

**Applicant's Response:** See Sheet Detailed Site Plan – 1/1.

- **17.24.090.7.d.9) Architectural plan including:**
  - a) **Narrative description of proposed building styles for all residential, commercial or other structures. This was not included and should be. The applicant states that there are no design standards, yet the city does have single-family design standards in SMC 17.16.070.4 Additional Regulations for Single Family Detached Dwellings and Manufactured Homes on Individual Lots.**

**Applicant's Response:** Applicant has provided examples of the proposed building styles that are examples of Northwest Contemporary style homes. Applicant has further provided a copy of the proposed CC&Rs, which include the following requirements: "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.

- (1) Dormers or gables
- (2) Cupolas
- (3) Bay or bow windows
- (4) Exterior shutters
- (5) Recessed entries
- (6) Covered porch entries or porticos
- (7) Front porch of at least 100 square feet
- (8) Covered or uncovered balconies
- (9) Pillars or posts
- (10) Eaves with a minimum 18 inch projection
- (11) Exterior brick work or masonry on a minimum of 15% of the façade, not including the area of doors and windows;"

As stated above, this is not an approval criterion or standard; however, Applicants comments satisfy this request.

- **b) Building footprints**  
**Building footprints are not shown on the submitted materials and must be included as part of the application. Building footprints are explicitly required by the submittal criteria and are necessary for a complete review.**

**Applicant's Response:** As provided in the CC&Rs, the dwelling units shall contain at least 1,400 square feet in a single story or 1,800 square feet in two stories of covered, heated living space, exclusive of the garage.

- ***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.***  
***The applicant has not provided a draft articles of incorporation, draft conditions, covenants and restrictions for the development, including mandatory membership in a homeowners' association setting forth the owners' rights, interest, and privileges in the association and any common property and facilities.***

**Applicant's Response:** Applicant has provided draft CC&Rs. No bylaws will be provided, as no homeowner's association is proposed.

- ***d) Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.***  
***Typical elevations of each type of proposed structure are not shown on the submitted materials and must be included as part of the application. Typical elevations are explicitly required by the submittal criteria and are necessary for a complete review.***

**Applicant's Response:** Applicant has provided building examples showing building heights and architectural style.

- ***The application for Detailed Development Plan Approval of a Master Planning Development includes the request for required attachments.***  
***Transportation Assessment Letter or Transportation Impact Analysis***  
  
***The applicant has not included this item, which was identified and discussed earlier in this letter.***

**Applicant's Response:** Applicant has addressed this above. Applicant requests the City incorporate the prior request and approval into this Application.

- ***Architectural Concept Plan***  
***The Applicant has not provided an architectural concept plan for the proposed Development.***

**Applicant's Response:** Applicant has provided example building home designs with elevations.

- ***Draft Conditions, Covenants and Restrictions for the Development, Including Mandatory Membership in a Homeowners Association Setting Forth the Owners Rights, Interest, and Privileges in the Association and Any Common Property and Facilities***  
***The Applicant has not provided draft CC&Rs for the proposed Development.***

**Applicant's Response:** Applicant has provided example CC&Rs.

- ***Draft Articles of Incorporation of the Proposed Homeowners Association as a Not-For-Profit Corporation;***  
***The Applicant has not provided draft articles of incorporation for the proposed Development.***

**Applicant's Response:** Applicant has provided example CC&Rs. Under ORS 94.550(5), the proposed land division provides for the City to own the right-of-way and open space tract. The lot owners will not be responsible for maintaining common property. Therefore, the proposal is for a Class III Planned Community and a homeowner's association is not required under state law. No homeowner association will therefore be created, and there will be no articles of incorporation.

- ***Draft By-Laws of the Proposed Homeowners Association Specifying the Responsibilities and Authority of the Association, The Operating Procedures of The Association and Providing for Proper Capitalization of the Association to Cover the Costs of Major Repairs, Maintenance and Replacement of Common Facilities***  
***The Applicant has not provided draft by-laws for the for the proposed HOA.***

**Applicant's Response:** Applicant has provided example CC&Rs. Under ORS 94.550(5), the proposed land division provides for the City to own the right-of-way and open space tract. The lot owners will not be responsible for maintaining common property. Therefore, the proposal is for a Class III Planned Community and a homeowner's association is not required under state law. No homeowner association will therefore be created, and there will be no bylaws.

- ***Draft Development Agreement for Any Improvements that Involve City Financing***  
***The Applicant has not provided a draft development agreement for the proposed Development.***

**Applicant's Response:** Applicant is working with legal counsel and staff concurrent with land use review. A development agreement form is not necessary evidence to satisfy any mandatory approval criterion. However, Applicant has provided a form development agreement for the record. The Applicant and the City will need to agree to material terms and conditions, such as the conditions of approval of the Application and the reimbursement of qualified public improvements. Such improvements are expected to include, but not be limited to, the land value of the dedication of public right of way, onsite improvements that have been oversized to accommodate offsite impacts, and offsite improvements and easement acquisition costs.

### **Conclusion**

Applicant has demonstrated compliance with all applicable criteria through this response and all exhibits attached hereto, in addition to the original application and all exhibits thereto. Applicant respectfully requests that the applications are deemed complete upon receipt of this letter pursuant to ORS 215.427 Subsection 2. However, Applicant still desires to work cooperatively with the City and welcomes feedback from staff at any time. Applicant is always willing to consider staff comments, concerns, and proposed conditions of approval and requests an opportunity to comment on any draft staff reports, conditions, or comments from other departments or jurisdictions before submittal so that all parties can reach a mutually acceptable result. The Applicant deems this Application complete upon submittal.

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March 18, 2026  
Jennifer Siciliano, Community Development  
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Sincerely,

A handwritten signature in blue ink that reads "Alan Sores". The signature is written in a cursive, flowing style.

ALAN M. SOREM  
asorem@sglaw.com  
Voice Message #303

AMS:arf  
Enclosures: Packet of Supplemental Exhibits  
cc: