

BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of	) Preliminary Partition Plan
The application of	) File # 03-03/26
James Baxter & Michael Flanigan, Applicants	)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is to divide an existing 0.43-acre lot into two parcels: Parcel 1, consisting of approximately 9,351 square feet, and Parcel 2, consisting of approximately 9,345 square feet. The property is located at 395 N Noble Avenue and is zoned Medium Density (MD) Residential.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owners and applicants are James Baxter and Michael Flanigan.
2. The property can be described on Marion County Assessors Map as 395 N. Noble Ave, Stayton, OR, 97383 (tax lot 091W09DC03100).
3. The property has a frontage of approximately 150 feet along N Noble Ave. The property is approximately 0.43 acres in area.
4. The property is zoned Medium Density Residential. (MD)
5. The neighboring properties to the north and northwest are Commercial General (CG) zone, and the properties to the south, east and southwest are zoned Medium Density (MD) Residential.

B. EXISTING CONDITIONS

The subject property is currently vacant and undeveloped, with several existing trees on the site.

C. PROPOSAL

The proposal is to divide the existing parcel into two parcels: Parcel 1, consisting of approximately 9,351 square feet, and Parcel 2, consisting of approximately 9,345 square feet.

D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works and Building Inspection, WAVE Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District, Stayton Police Department, Salem Development Services, and Santiam Hospital.

The Stayton Fire District indicated that it had no comments, and SCTC stated that it is not affected by the proposal. Comments were received from the City's transportation consultant and Public Works engineering consultant and are reflected in the findings below.

E. PUBLIC COMMENTS

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

F. APPROVAL CRITERIA

Partitioning applications are required to satisfy approval criteria contained within the Stayton Municipal Code (SMC) 17. 24.040.6 Preliminary Plan Approval Criteria and 17.24.050 Design Standards for Subdivisions and Partitions.

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

- a. *(Repealed).*
- b. *Adequate urban services are available to the property.*

Finding: Water: A looped 6-inch City asbestos cement water main is located along the east side of N Noble Street. City records indicate that the property may have an existing service connection to this main near the north property line, although the exact location has not been verified. In addition, a fire hydrant is located on the east side of N Noble Street, nearly directly across from the north property line, providing adequate fire protection coverage for the site. The City's Water Master Plan does not identify any significant deficiencies in the water system in this area that would be impacted by or could be improved through the proposed development.

Sanitary Sewer: An 8-inch City concrete sanitary sewer main is located along N Noble Street, beginning at a manhole approximately 82 feet south of the north property line and conveying flows to the north. City GIS records indicate that the property is served by two existing concrete service laterals connecting to this main, located approximately 4 feet and 65 feet from the southern manhole. The Wastewater Facilities Planning Study (Master Plan) does not identify any significant sanitary sewer system deficiencies in N Noble Street or the surrounding area that would be affected by the proposed development.

Stormwater: A 10-inch City stormwater main is located along the east side of N Noble Street, extending from the north side of W Washington Street and connecting to the City storm system in S Ida Street. This system conveys stormwater runoff from north to south. There are no known existing connections from the subject property to this stormwater main. According to the Stormwater Master Plan, runoff from the property and surrounding area ultimately drains to the Power Canal. The Stormwater Master Plan does not identify any significant deficiencies in the stormwater system in this vicinity that would be impacted by or improved through the proposed development.

Conditions: It will be the responsibility of the Applicant to locate any existing water services that serve the subject property and provide evidence that these are available for reuse or that they will be abandoned in accordance with City requirements. The Applicant shall design and construct a domestic water service line and water meter for each proposed dwelling unit in the development with construction conforming to the Public Works Design Standards (PWDS) and sized in accordance with the Oregon Plumbing Specialty Code (OPSC). The Applicant shall also locate any existing sanitary sewer services that serve the subject property and provide evidence that these are available for reuse or that they will be abandoned in accordance with City requirements, and shall design and construct a single sanitary sewer service to each of the proposed parcels in the development in conformance with the PWDS and sized in accordance with the OPSC.

The Applicant shall provide an engineered stormwater analysis, report, and supporting documentation in accordance with the PWDS for the proposed development, taking into account existing site topography and off-site contributing areas, and shall be responsible for mitigating any impacts of existing and proposed runoff from the subject property. The Applicant shall construct the stormwater system in accordance with the approved analysis and the PWDS to collect all runoff from the proposed development and provide flow control, water quality treatment, and conveyance to a point of disposal approved by the City. An operation and maintenance plan and agreement shall be required for privately owned and maintained stormwater quality and quantity control facilities, with the plan included as an attachment to the stormwater analysis report, incorporated into any declaration of covenants for the project, and recorded as part of the O&M Agreement.

The Applicant shall enter into a Development Agreement with the City prior to approval of construction plans to guarantee the required public improvements as well as all private stormwater systems, with a stipulation that the City will not support certificates of occupancy for the proposed structures until the required public improvements are complete and accepted by the City. All franchise utility improvements to serve the proposed development shall be installed underground in accordance with the standards of the utility provider and in compliance with the SMC and PWDS. A 10-foot-wide public utility easement shall be dedicated along the N Noble Avenue frontage adjacent to the required right-of-way. All conditions of approval shall be completed prior to City support of occupancy or other finalization for any building permit application on the subject property for the proposed development.

- c. *The proposed parcels or lots meet the minimum dimensional requirements of Section 17.16.070.2.*

Finding: Parcel 1 has an area of approximately 9,351 square feet, and Parcel 2 has an area of approximately 9,345 square feet. Both parcels have approximately 74.86 feet of frontage and a lot depth of 125 feet. However, the proposed plan does not provide the required 60-foot right-of-way for a local street. An additional 5 feet of right-of-way is required, reducing the depth of each parcel to approximately 120 feet and the area of each parcel by approximately 374.3 square feet. Following the required dedication, both parcels will continue to exceed the MD zone's minimum lot area of 7,000 square feet.

- d. *All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan. Street spacing and location and block dimensions shall meet the standards of Section 17.26.020.5.c.*

Finding: N Noble Avenue is identified as a Local street in the TSP. N Noble is not currently developed to Local Street standards as defined in the TSP and PWDS. To reach the required 30 foot half-street right-of-way for this road, the final plan should include a dedication of an additional 5 feet ROW along the frontage of N Noble Avenue.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards. The Applicant shall design and construct a 17-foot-wide half-street improvement along the Development side of N Noble Avenue, including curbs, sidewalks, street lighting, and street trees, to Local Street standards in conformance with the PWDS. The street improvements alongside the Subject Property shall be constructed as a single construction project, rather than split by parcel.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Finding: This is a two-lot partition creating two vacant lots. When the lot is developed, it will be required to follow the access management standards. The applicant has not provided sufficient information to determine whether the proposed driveway approaches will comply with the access management standards of Section 17.26.020.

The applicant did not submit a Transportation Assessment Letter or Transportation Impact Analysis and did not request a waiver from this requirement. Therefore, there is insufficient information to determine whether the proposed development will comply with the applicable transportation and access requirements.

Condition: The applicant shall design and construct a driveway approach from N Noble Avenue onto each proposed parcel. The construction shall conform to the requirements of the SMC and the Public Works Design Standards. Construction of the driveway approaches shall be included in the boundary street improvement project.

The applicant shall submit a Transportation Assessment Letter prepared by a traffic engineer in accordance with SMC 17.26.050 or request a waiver from the Director of Public Works. A waiver may be approved if the proposed development will generate fewer than 25 peak-hour trips and fewer than 250 daily trips, and the existing or proposed driveways comply with the City's sight-distance and access-spacing standards.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Finding: The Comprehensive Plan map shows the proposed partition area as residential use. It will continue to be residential use. The parcels will conform to current zoning.

- g. *The subdivision or partitioning preliminary plan provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels.*

Finding: No future land divisions are possible after this development, and no remainder parcels are being proposed with the current development plan.

- h. *Multiple Access Roads: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units shall be provided with not less than two approved means of access. Exceptions may be allowed when the proposed CC&Rs for the development will require an automatic sprinkler system approved in accordance with the provisions of ORS 455.610(6).*

Finding: The dwelling units will not exceed 30 since this is not allowed in Medium Density (MD) Residential for this size partition. The maximum density for this zone is 12 units per acre. The parcel to be partitioned is an approximate total of 0.43 Acres.

- i. *All applicable standards of Chapter 17.20 are satisfied.*

Finding: There are no standards of Chapter 17.20 applicable to this partitioning.

- j. *All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Finding: There are no identified wetlands on this property.

- k. *The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a partitioning.*

Finding: A name is not required for a partition. The submitted preliminary drawing is labeled "Partition Application Site Plan"; however, the drawing is a preliminary partition plan and should be labeled accordingly.

Condition: The partition drawing submitted for final approval shall be correctly labeled as a partition plat and shall not be identified as a site plan.

- l. *The land division complies with the provisions of ORS 92.090 as amended.*

Finding: The applicable provisions of ORS 92.090 are that a tentative plan for a proposed partition shall not be approved unless the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects; streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon; and the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044. There are no streets proposed as part of the partitioning. The MD zone establishes a 7,000 square foot minimum lot size with a minimum of 70 feet of frontage. The proposal is to create two lots with more than 7,000 square feet of lot area and more than 70 feet of frontage.

- m. *When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the land division and site development shall comply with the requirements of Sections 17.16.090.3, 17.16.090.4, and 17.20.080.2. Conditions, Covenants and Restrictions for the parcels shall assure that the vegetation maintenance standards of Section 17.20.080.2.d will be met.*

Finding: The subject property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

Section 17.24.050 Design Standards for Subdivision and Partition Preliminary Plans.

Pursuant to SMC 17.24.050 the following criteria and objectives must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

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 roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map 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.

Findings: No new streets are proposed. There is currently no sidewalk or curb improvements along the west side of N Noble.

Condition: The Applicant shall design and construct a 17-foot-wide half-street improvement along the Development side of N Noble Avenue, including curbs, sidewalks, street lighting, and street trees, to Local Street standards in conformance with the PWDS. The street improvements alongside the Subject Property shall be constructed as a single construction project, rather than split by parcel.

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.

Findings: The preliminary plan is required to show an additional right-of-way of 5' along the frontage of N Noble on both lots in order to meet the required 30-foot-wide half-street right-of-way required for local roads.

Condition: The final plat shall include dedication of a 30-foot-wide half-street right-of-way (from centerline), along the development side of the street frontage along N Noble Avenue.

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.

Findings: No dead-end or cul-de-sacs are proposed.

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.

Findings: No reserve blocks are proposed.

5. STREET WIDTHS.

a. The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan. 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 the Public Works Design Standards.

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.

Findings: N Noble Avenue is identified as a local street in the Transportation System Plan but is not currently developed to the local street standards established by the TSP and Public Works Design Standards. The applicant's narrative and site plan identify proposed curb and sidewalk improvements

along the property frontage. Additional right-of-way is required to provide the standard 60-foot-wide right-of-way.

Condition: The applicant shall dedicate a 30-foot-wide half-street right-of-way, measured from the centerline of N Noble Avenue, along the frontage of the proposed development.

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.

Findings: The application is for partitioning. No blocks will be created.

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 20 feet in width, which shall consist of at least 8 feet of hard surfacing 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.

Findings: The application is for partitioning. No blocks will be created.

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.

Findings: The proposed lots meet the required size and dimensional standards for the medium density zone as established in section C of approval criteria. There is no development on this property.

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.

Findings: There are no public survey monuments on the parcel.

10. SEWAGE DISPOSAL.

a. All extensions of the existing City sewage facilities shall be in accordance with the Public Works Design Standards and the City's 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.

Findings: The properties south of the Development have access to a city sanitary sewer main in W Ida Street. It is not necessary to extend the city sanitary sewer main in N Noble Avenue to the south line of the Subject Property to serve the Development.

Conditions: It will be the responsibility of the Applicant to locate any existing sanitary sewer services that serve the Subject Property and provide evidence that these are available for reuse or that they will be abandoned in accordance with City requirements. The Applicant shall design and construct a single sanitary sewer service to each of the proposed parcels in the Development. The construction shall be in conformance with the PWDS and sized in accordance with the OPSC.

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.

Findings: There are no proposed public use areas with this partition and no parks planned for the area in the Parks Master Plan.

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 Health Authority and Oregon Water Resources Department.

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 and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing.

Findings: The existing City water main in N Noble Avenue is sufficient to serve the proposed Development. Proposed lots can both be serviced by the 6" water line on N Noble Ave.

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.

Findings: This application is for partitioning. The Applicant notes in their Narrative that the existing power and communication utilities along N Noble Avenue are located on existing utility poles. Service to the Development shall be required to be through underground services. The Application will need to coordinate and provide underground power and communication services to the parcels in the proposed Development.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements of Sections 17.24.040.6, 17.24.050, and 17.26.020, except for Sections 17.24.040.6.b, 17.24.040.6.d, 17.24.040.6.e, 17.24.040.6.k, 17.24.050.1, 17.24.050.2, 17.24.050.5, and 17.24.050.10. These sections can be met following the conditions in their respective criteria findings.

IV. ORDER AND CONDITIONS OF APPROVAL

Based on the conclusions above, the Planning Commission approves the preliminary plan application to divide 395 N Noble Avenue into two parcels, as described in the revised Application for a Tentative Partition Plat, consisting of seven pages and prepared by Willamette Valley Planning and Northstar Surveying, Inc., dated May 15, 2026, and the accompanying three-page Web Soil Survey printout dated May 1, 2026. Approval is subject to the attached standard conditions of approval and the following specific conditions of approval.

The following specific conditions of approval must be satisfied prior to City acceptance of the final plat map for review:

1. The Applicant shall locate any existing water services serving the Subject Property and provide evidence that the services are available for reuse or will be abandoned in accordance with City requirements.

2. The Applicant shall design and construct a domestic water service line and water meter for each proposed dwelling unit within the Development, for a total of four meters connected through a single tap into the City water main. The improvements shall conform to the Public Works Design Standards (PWDS) and be sized in accordance with the Oregon Plumbing Specialty Code (OPSC).
3. The Applicant shall locate any existing sanitary sewer services serving the Subject Property and provide evidence that the services are available for reuse or will be abandoned in accordance with City requirements.
4. The Applicant shall design and construct one sanitary sewer service to each proposed parcel. The improvements shall conform to the PWDS and be sized in accordance with the OPSC.
5. The Applicant shall submit a Transportation Assessment Letter or Transportation Impact Analysis for City review in accordance with SMC 17.26.050. Alternatively, the Applicant may request a waiver of the Transportation Assessment Letter requirement from the Public Works Director in accordance with SMC 17.26.050. The Applicant shall be responsible for addressing and mitigating any transportation impacts associated with the full build-out of the proposed Development.
6. The Applicant shall design and construct a 17-foot-wide half-street improvement along the Development side of N Noble Avenue, including curbs, sidewalks, street lighting, and street trees, in accordance with the Local street standards of the PWDS. The improvements along the entire frontage of the Subject Property shall be completed as a single construction project and shall not be divided by parcel.
7. The Applicant shall design and construct a driveway approach from N Noble Avenue to each proposed parcel. The driveway approaches shall conform to the SMC and PWDS and shall be included in the boundary street improvement project.
8. The Applicant shall submit an engineered stormwater analysis, report, and supporting documentation in accordance with the PWDS. The analysis shall consider existing site topography and off-site contributing areas. The Applicant shall be responsible for addressing and mitigating the effects of existing and proposed runoff from the Subject Property.
9. The Applicant shall construct a stormwater system designed in accordance with the approved stormwater analysis and the PWDS. The system shall collect runoff from the proposed Development and provide flow control, water-quality treatment, and conveyance to a point of disposal approved by the City.
10. The Applicant shall submit an operation and maintenance plan and agreement for all privately owned and maintained stormwater quality and quantity control facilities. The plan shall be included as an attachment to the stormwater analysis report and any declaration of covenants for the Development and shall be incorporated into the recorded operation and maintenance agreement.

11. Before construction plans are approved, the Applicant shall enter into a Development Agreement with the City guaranteeing the required public improvements and private stormwater systems. The agreement shall stipulate that the City will not support issuance of certificates of occupancy for the proposed structures until the required public improvements are completed and accepted by the City.
12. The Applicant shall obtain all required construction permits for work within a public street, right-of-way, or City easement; public infrastructure located on private property; and erosion-control and stormwater-management activities on public or private property.
13. A preconstruction conference shall be held before beginning any work authorized by City-issued construction permits.
14. The Applicant shall coordinate the location of individual mailboxes or cluster box units with the United States Postal Service.
15. All franchise utility improvements serving the proposed Development shall be installed underground in accordance with the current standards of the utility provider, the SMC, and the PWDS.

Conditions to be addressed on the final plat:

16. The partition drawing submitted for final approval shall be correctly labeled as a "Partition Plat" and shall not be identified as a site plan.
17. The final plat shall dedicate a 30-foot-wide half-street right-of-way, measured from the centerline of N Noble Avenue, along the Development's frontage.
18. The final plat shall dedicate a 10-foot-wide public utility easement along the N Noble Avenue frontage adjacent to the right-of-way.

Conditions to be completed before City support of occupancy or other finalization of a building permit:

19. Any existing septic tanks or drainfields on the Subject Property shall be abandoned in accordance with Marion County requirements. Evidence of compliance shall be submitted to the City before issuance of any building permit for the Subject Property.
20. Existing trees on the Subject Property shall be maintained to the greatest extent practicable throughout the Development, as indicated in the application materials.
21. Cuts or fills exceeding 24 inches in depth shall not be permitted on the Subject Property, as indicated in the application materials.

V. OTHER PERMITS AND RESTRICTIONS

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, state or federal agencies.

The City of Stayton land use review and approval process does not take the place of, relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions

there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

VI. EFFECTIVE DATE

This decision regarding this application is final, but shall not become effective until the 15th day after the mailing of the Notice of Decision in this case, and then only if no appeal to the Stayton City Council is timely filed. In the event of a timely appeal to the City Council, this decision shall not become effective until the appeal is finally resolved, including any appeals from the decision of the City Council to the Oregon Land Use Board of Appeals.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. Section 17.12.120.7.c requires submittal and acceptance of a draft partition final plat. In case such right has not been exercised or extension obtained, this approval shall be void. A written request for an extension of time may be filed with the Director of Community and Economic Development at least 30 days prior to the expiration date of the approval.

VII. 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 within 14 days of the notice of decision.

Planning Commission Chairperson

Date

Jennifer Siciliano,
Director of Community and Economic Development

Date

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. **Permit 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, Standard Specifications, Design Standards & 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.